

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

**DEPARTMENT OF INSURANCE**

RULE TITLES:	RULE NOS.:
Scope and Applicability	4-149.002
Definitions	4-149.0025
Rate Filing Procedures	4-149.003
Experience Records	4-149.004
Reasonableness of Benefits in Relation to Premiums	4-149.005
Actuarial Memorandum	4-149.006
Annual Rate Certification Filing Procedures	4-149.007
Form Filing Procedures	4-149.021
Forms Adopted	4-149.022
Review	4-149.023
Calculation of Premium Rates	4-149.037
Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirements	4-149.038
Small Employer Health Reinsurance Program	4-149.043
Forms	4-149.044
Purpose	4-149.051
Establishing a Self-Funded Health Benefit Plan	4-149.052
Ongoing Review of the Self-Funded Health Benefit Plan	4-149.053

**PURPOSE AND EFFECT:** The rules are being amended to update the filing standards for life and health filings and to update the standards applicable to health rate schedules.

**SUBJECT AREA TO BE ADDRESSED:** Filing standards for life and health filings and standards applicable to health rate schedules.

**SPECIFIC AUTHORITY:** 624.308, 624.308(1), 626.9611, 627.410(6)(b), (e), 627.6699(5)(i)3.a., 4.a., 627.6699(16), 627.805 FS.

**LAW IMPLEMENTED:** 112.08, 112.08(2), 119.07(1)(b), 624.307, 624.307(1), 624.424(6), 625.121, 626.9541, 626.9541(1), 626.99, 627.402, 627.410, 627.410(1), (2), (6), (6)(d), (e), (7), 627.411, 627.411(1)(a), (e), (2), 627.474, 627.476, 627.6515(2)(a), 627.6699, 627.6699(5)(i)3.a., 4.a., (6), (11), (12)(e), (13), (13)(i), 627.807, 627.9175 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:** 1:30 p.m., November 5, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, at Dinof@dfs.state.fl.us.

Pursuant to the provisions of the Americans 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 the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON BY E-MAIL REQUEST.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Entomology – Pest Control Regulations	5E-14
RULE TITLES:	RULE NOS.:
Definitions	5E-14.102
Licensee Identification – Vehicles, Equipment	5E-14.103
Responsibilities and Duties – Records	
Reports, Advertising, Applications	5E-14.142

**PURPOSE AND EFFECT:** The purpose of the rule amendment is to implement Section 482.051(2), F.S., that provides authority to allow temporary signage for pest control vehicles used exclusively for sales and solicitation. It also defines wood destroying fungi to exclude surface molds that do not cause damage to wood and allow a disclaimer to be added to the wood destroying organism inspection report regarding opinions about health effects from mold infestation.

**SUBJECT AREA TO BE ADDRESSED:** During the last legislative session, Section 482.051(2), F.S., was amended to provide authority to adopt a rule that would allow temporary signage for pest control vehicles used exclusively for sales and solicitation. This rule amendment implements that authority. A rule amendment is also being proposed that defines wood destroying fungi to exclude surface molds and allow a disclaimer to be added to wood destroying organism inspection reports regarding opinions about health effects from mold infestation.

**SPECIFIC AUTHORITY:** 482.051, 482.226 FS.

**LAW IMPLEMENTED:** 482.051, 482.226 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:** 1:00 p.m., November 19, 2003

**PLACE:** Conference Room # 3, Hurston North Tower, 400 South Robinson St., Orlando, FL 32810

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.102 Definitions.

(1) through (16) No change.

(17) “Wood decaying fungi” – Fungi, such as those that produce white rot, brown rot, and cubical rot, that contain the enzymes necessary to degrade cellulose and lignin in wood and that can cause damage to wood, not including surface molds that do not cause damage to sound wood.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.102, Amended 8-11-93, 6-12-02, 4-17-03, \_\_\_\_\_.

5E-14.103 Licensee Identification – Vehicles, Equipment.

To assist the Department in enforcement of Chapter 482, F.S., and all regulations thereunder, the licensee shall identify all units or equipment used by him or in his behalf for pest control as follows:

(1) All motor vehicles and all trailers used in behalf of or by any licensee or licensee’s employees in the conduct of pest control shall be permanently marked for easy identification with the licensee’s name or trade name, as registered with the Department. The term “permanently marked” shall mean paint or decals applied to the vehicle body itself. Magnetic signs are prohibited except as provided below. This requirement may be waived by the Department for a period of time not to exceed fifteen (15) working days in authentic and verifiable emergencies when the licensee has given written notice to the ~~Department Entomologist Inspector in the area~~ describing the cause of the emergency, the vehicle being replaced, the substituting vehicle, and the anticipated termination date of the emergency. Vehicles used exclusively for the purpose of sales and soliciting of business may be temporarily marked, including the use of magnetic signs, provided that no pesticides or pesticide application equipment are carried in the vehicle. All vehicles that carry or contain pesticides or pesticide application equipment shall be permanently marked as provided above.

Specific Authority 482.051(1) FS. Law Implemented 482.051(1), 482.161, 482.191 FS., Section 1, Chapter 92-203, Laws of Florida. History–New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn – See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, Formerly 10D-55.103, Amended \_\_\_\_\_.

5E-14.142 Responsibilities and Duties – Records Reports, Advertising, Applications.

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

(c) Termite or other wood-destroying organism inspection report:

Pursuant to Sections 482.226(1),(2),(4) and (5), F.S., each licensee having a certified operator in the category of termite or other wood-destroying organism control and who makes and reports the findings of a wood-destroying organism inspection in writing shall provide the party requesting the inspection with the inspection findings in the Wood-Destroying Organisms Inspection Report prescribed by the Department and furnished by the licensee, DACS 13645, rev. 3/02, which is incorporated by reference. The licensee shall not place any disclaimers or additional language on the Wood Destroying Organisms Inspection Report except “This property was not inspected for any fungi other than wood decaying fungi, and no opinion on health related effects or indoor air quality is provided or rendered by this report. Individuals licensed under Chapter 482, F.S., are not required, authorized or licensed to inspect or report for any fungi other than wood decaying fungi, nor to report or comment on health or indoor air quality issues related to any fungi. Persons concerned about these issues should consult with a certified industrial hygienist.” The licensee shall inspect for all wood-destroying organisms as defined in Section 482.021(28), F.S., and subsection 5E-14.102(17), F.A.C., in accordance with the following inspection standards:

1. through 2. No change.

3. Visible damage to wood will be reported whether caused by insects, fungi, or any other organism.

Specific Authority 482.051 FS. Law Implemented 482.061, 482.071, 482.091, 482.111(5), (9), 482.161(1)(g), (h), 482.226(1), (6) FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Agricultural Water Policy**

RULE CHAPTER TITLE: Interim Measures and Best Management

RULE CHAPTER NO.:

Practices for the Florida Equine Industry 5M-6

PURPOSE AND EFFECT: The purpose of this notice is to initiate the process of rule development related to voluntary and incentive based programs for the Florida Equine industry, to effect pollution reduction through the implementation of practices that have positive impacts on water quality.

Multiple rule development workshops will be planned and noticed separately in the Florida Administrative Weekly as those dates are established. A preliminary draft rule will be made available two weeks prior to each workshop and may be obtained by contacting the Department at the address below.

SUBJECT MATTER TO BE ADDRESSED: The subjects to be addressed at the workshops are the development of practices, the procedures for filing a Notice of Intent, and the appropriate record keeping requirements necessary for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067 FS.

LAW IMPLEMENTED: 403.067(7)(d)1. FS.

RULE DEVELOPMENT WORKSHOPS WILL BE SCHEDULED AND NOTICED IN THE FLORIDA ADMINISTRATIVE WEEKLY AS THOSE DATES ARE ESTABLISHED:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Clegg Hooks, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301, Telephone (850)488-6249, Fax (850)921-2153

THE PRELIMINARY PROPOSED RULE TEXT WILL BE AVAILABLE TWO WEEKS PRIOR TO EACH WORKSHOP FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Agricultural Water Policy**

RULE CHAPTER TITLE: Water Quality Best Management Practices

RULE CHAPTER NO.: 5M-7

(BMPs) for Florida Cow/Calf Operations

PURPOSE AND EFFECT: The purpose of this notice is to initiate the process of rule development related to voluntary and incentive based programs for Florida Cow/Calf operations, to effect pollution reduction through the implementation of practices that have positive impacts on water quality.

Multiple rule development workshops will be planned and noticed separately in the Florida Administrative Weekly as those dates are established. A preliminary draft rule will be made available two weeks prior to each workshop and may be obtained by contacting the Department at the address below.

SUBJECT MATTER TO BE ADDRESSED: The subjects to be addressed at the workshops are the development of practices, the procedures for filing a Notice of Intent, and the appropriate record keeping requirements necessary for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067 FS.

LAW IMPLEMENTED: 403.067(7)(d)1. FS.

RULE DEVELOPMENT WORKSHOPS WILL BE SCHEDULED AND NOTICED IN THE FLORIDA ADMINISTRATIVE WEEKLY AS THOSE DATES ARE ESTABLISHED:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Clegg Hooks, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301, Telephone (850)488-6249, Fax (850)921-2153

THE PRELIMINARY PROPOSED RULE TEXT WILL BE AVAILABLE TWO WEEKS PRIOR TO EACH WORKSHOP FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification

RULE CHAPTER NO.: 14-10

RULE TITLES: Licenses

RULE NOS.: 14-10.003

Permits

14-10.004

Outdoor Advertising License and Permit Fees

14-10.0043

PURPOSE AND EFFECT: Rule 14-10.003, F.A.C., is being amended to delete language relating to submission of an application for initial license. Rule 14-10.004, F.A.C., is being amended to delete the fee references. The application fees are being increased from \$41.00 to \$44.00 (200 square feet or less) and from \$61.00 to \$64.00 (more than 200 square feet), but the fee structure itself is being adopted in more detail in a new rule. Rule 14-10.0043, F.A.C., is being adopted as a new rule to cover Outdoor Advertising License and Permit Fees. Form 575-070-04, Application for Outdoor Advertising Permit, also is being revised to reflect the revised application fees.

SUBJECT AREA TO BE ADDRESSED: Outdoor Advertising permit fees are being raised.

SPECIFIC AUTHORITY: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 334.044(28), 339.05, 479.01(14), 479.02, 479.07, 479.106(5), 479.24 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-10.003 Licenses.

(1) Outdoor Advertising License Required. A person is considered to be in the business of outdoor advertising and is required to have an outdoor advertising license if that person receives compensation from constructing, erecting, operating, using, maintaining, leasing, or selling outdoor advertising structures, outdoor advertising signs, or outdoor advertisements. Persons solely advertising their own businesses and general contractors who construct signs under contract to outdoor advertising licensees or permittees, are exempt from the licensing requirement.

(2) Application Form. An application for a license to engage in the business of outdoor advertising shall be made on an Outdoor Advertising License Application, Form 575-070-02, Rev. 07/01, incorporated herein by reference. Form 575-070-02 may be obtained from the State Outdoor

Advertising License and Permit Office, Florida Department of Transportation, 605 Suwannee Street, Mail Station 22, Tallahassee, Florida 32399-0450.

~~(a) Submission of Application for Initial License. The completed application for a license shall be forwarded to the State Outdoor Advertising License and Permit Office, at the address in (2), above.~~

~~(b) Payment of the license fee may be made by cash, postal money order, bank draft, cashier's check, or a personal or business check. In the event a payment document is not honored for any reason by the bank on which it is drawn, a service fee of \$15.00, or 5% of the amount payable, whichever is greater, will be assessed. If an individual or company issues two checks to the Department which are not honored, no further personal or business checks will be accepted regardless of whether restitution has been made on previous checks.~~

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 120.60, 215.34(2), 334.044(28), 339.05, 479.02, 479.04, 479.05, 479.07 FS. History—(Formerly part of Rule 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 1-1-86, Formerly 14-10.03, Amended 6-28-98, 8-19-01,\_\_\_\_\_.

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~08/03~~ ~~07/01~~, incorporated herein by reference, to the address listed in subsection 14-10.003(2), F.A.C. Applications may be obtained from the State Outdoor Advertising License and Permit Office.

~~(a) Payment of the permit fee shall be made in the same manner provided for license fees in paragraph 14-10.003(2)(b), F.A.C. The annual permit fee for each sign facing is \$41.00 for 200 square feet or less and \$61.00 for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a permitted conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.~~

~~(a)(b) The applicant shall submit separate instruments of payment for each application for a new permit, in order to avoid denial of multiple applications for one application being denied.~~

~~(b)(e) Prior to issuing any permit, the Department will inspect the proposed sign site to assure compliance with Chapter 479, Florida Statutes, and this rule chapter. To ensure that the site inspected is the same specified in the application, the applicant shall mark the proposed sign site in such a manner that the markings are visible from the main-traveled way. The markings shall be displayed from the time of submission of the application, and shall be maintained by the applicant until the Department has approved or denied the application.~~

~~(c)(d) The Department will act on permit applications in order of the date of receipt of complete applications.~~

1. An application will be considered complete when all items on the application form have been filled in, all required attachments have been received, and the correct permit fee has been submitted. All information provided on the application by the applicant must be certified as being true and correct.

2. Applications containing incorrect information will be denied.

3. Incomplete permit applications will be returned to the applicant along with any permit fees which were submitted with the application.

4. Completion of, or corrections to, the original submitted document must be initialed by the applicant on the original application.

5. The written statement from the landowner required by Section 479.07(3)(b), Florida Statutes, must have been issued to the applicant, or on behalf of the applicant. If a lease document is submitted as the statement from the landowner, the applicant must be the named lessee or the document must be accompanied by a properly executed transfer of the leasehold rights to the applicant. The written statement must:

a. Identify the property on which the sign is to be located;

b. Indicate that the person authorizing placement of the sign on the property is the owner or the person in lawful control of the property. If the person authorizing placement of the sign is not the owner of the property, the legal status which gives him or her lawful control of the property must be indicated;

c. Grant the permission to or on behalf of the applicant; and

d. Authorize placement of the sign on the subject property.

~~(d)(e) Complete applications will be either approved or denied within 30 calendar days of receipt by the Department, unless an earlier application for that site or a competing site is under review, or the application falls within paragraph (h) or (i), below. If denied, the application will remain in a pending status until the time to request an administrative hearing has elapsed. If a hearing is requested, the application shall remain in a pending status until time to request an appeal of a final order has elapsed. If an appeal is taken, the application will remain in a pending status until mandate is issued by the appellate court. Subsequent applications for competing sites shall be held without action until the pending status of the earlier application is resolved.~~

~~(e)(f) If an application is approved, all subsequently received applications for competing sites shall be denied.~~

~~(f)(g) For purposes of paragraph (c)(d), above, when a valid permit is being conditionally canceled pursuant to subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 07/01, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~08/03~~ ~~07/01~~, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in~~

subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.

(h) When a permit application is received for a new sign site requiring vegetation management pursuant to Section 479.106, Florida Statutes, the permit application will not be considered complete until the applicant has been issued a vegetation management permit by the Department and has removed two nonconforming signs, which the Department has approved as meeting the requirements of Section 479.106(5), Florida Statutes.

(i) Applications for permits for locations which conflict with the location of an expired or canceled permit will not be processed until the sign for which the expired or canceled permit was issued is removed, unless a permit is being canceled as a condition for issuance of a new permit.

(j) A permit shall not be issued to an applicant for a location at which unpermitted cutting, removal, or trimming of vegetation has occurred until such time as payment of the administrative penalty and mitigation required by Rule 14-40.030, F.A.C., and Section 479.106(7), Florida Statutes, have been accomplished and the applicant has identified two nonconforming signs for surrender in accordance with Section 479.106(5), Florida Statutes.

(2) A permit shall be granted for an automatic changeable facing provided:

(a) The static display time for each message is a minimum of six seconds;

(b) The time to completely change from one message to the next is a maximum of two seconds;

(c) The change of message occurs simultaneously for the entire sign face; and

(d) The application meets all other permitting requirements. Any such sign shall contain a default design that will hold the face of the sign in one position if a malfunction occurs.

(3) Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting requirements of this chapter, but which has become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:

(a) The Department shall conduct an inventory of outdoor advertising signs on the highway section subject to jurisdictional change and, within 60 calendar days of the effective date of the proposed change, advise all affected sign owners and local governments that the change is being considered, the regulatory effect of the change, and when the change may become effective.

(b) Upon approval of the jurisdictional change, the Department will provide a second notice to sign owners and local governments advising that the change in jurisdiction has

become effective and that sign owners have 30 calendar days from receipt of the second notice to submit an application for a sign permit.

(c) When the Department is unable to provide the advance notice referenced in (a), above, the Department will advise the affected sign owners that they have 90 calendar days from receipt of the notice that the change in jurisdiction has become effective to submit an application for a sign permit.

(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~08/03~~ ~~07/01~~, together with all items required by Section 479.07(3)(b), Florida Statutes. For existing signs, the written statement required by Section 479.07(3)(b), Florida Statutes, shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(4) When a change in the designation of a highway removes that highway from the Department's regulatory jurisdiction, a notice will be provided to all owners of outdoor advertising permits on the affected roadway. The notice will advise permit holders of the Department's intent to revoke the permits, and will include a statement of the recipient's right to appeal the Department's action.

(5) When a controlled road or any portion of a controlled road is designated as a scenic highway or scenic byway pursuant to Section 335.093, Florida Statutes, new permits will not be issued for outdoor advertising signs visible from the portion of the highway designated as a scenic highway or byway.

(6) Posting of Tags. The permanent metal permit tag issued by the Department must be posted by the permittee at the sign site within 30 calendar days of issuance, and must remain in place at all times, whether or not a sign has been erected. If a permit tag is lost, stolen, or destroyed, the permittee must apply to the Department for a replacement tag on Outdoor Advertising Permit Tag Replacement Request, Form 575-070-01, Rev. 07/01, incorporated herein by reference, and shall include a replacement fee of \$3.00 per tag. Form 575-070-01 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

(7) Transfer of Permits. Authorization to transfer a permit shall be submitted on Outdoor Advertising Permit Transfer Request, Form 575-070-25, Rev. 07/01, incorporated herein by reference, to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C. The request shall be made in accordance with Section 479.07(6), Florida Statutes. Form 575-070-25 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

(a) The transferee shall certify that written permission of the landowner, or other person in lawful control of the sign site, to maintain the sign on the site in accordance with Section 479.07(2), Florida Statutes, has been secured.

(b) Transfer requests will not be processed without payment of permit fees in the amount necessary to prevent permit expiration, if the transferee and transferor are on different billing cycles.

(c) If a transfer of permit is made when the permit is in violation of Chapter 479, Florida Statutes, or in violation of this rule chapter, or if a revocation proceeding is pending, the permit is subject to conditions existing at the time of transfer. The Department's approval of a permit transfer shall not constitute waiver of rights on the part of the Department, nor shall permit transfer in any way prohibit issuance of notices of violation or preclude the Department from revoking the transferee's permit in accordance with Section 479.08, Florida Statutes.

(d) If a transfer of permit is made during the initial 270 days from the date of permit issuance, the permit transferee receives the permit subject to all conditions which were applicable to the original applicant.

(8) Cancellation of Permits. Permit cancellation notification must be submitted to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C., on Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 07/01, incorporated herein by reference. All canceled tags must be returned to the Department with the certification, or otherwise be accounted for in writing. Pursuant to Section 479.07(8)(b), Florida Statutes, if the sign has not been removed by the former permittee, it shall be removed by the Department and the cost assessed against the former permittee.

(9) Conditional Permit Cancellation. In instances where an applicant requests cancellation of one permit in order to obtain a new permit, the existing permit shall be canceled simultaneously with the issuance of the new permit. If a new permit does not meet current permitting requirements and cannot be issued, the existing permit will not be canceled.

(10) Permits Canceled, or Not Renewed, in Error – Petition for Reinstatement. Pursuant to Section 479.07(8)(b), Florida Statutes, a petition for reinstatement of permits canceled, or not renewed, in error by the permittee shall be submitted to the State Outdoor Advertising License and Permit

Office at the address listed in subsection 14-10.003(2), F.A.C. The petition must be in writing, must list the affected permit(s), and must certify that:

(a) The permit was canceled, or not renewed, in error by the permittee;

(b) The permit tag for the canceled or expired permit was returned to the Department or otherwise accounted for;

(c) The sign has not been disassembled; and

(d) The local government has not declared the sign illegal or taken any other action to have it removed.

If the Reinstatement Petition is denied by the Department, a new permit may be issued for a sign only if the sign meets all current permitting requirements. The reinstatement fee is \$200.00 for a sign facing of 200 square feet or less, and \$300.00 for a sign facing greater than 200 square feet.

(11) Pursuant to the criteria set forth in Section 479.105(1)(e), Florida Statutes, the Department may issue a permit for an unpermitted sign, which has been structurally unchanged and continuously maintained for a period of seven or more years.

(12) Where the expansion or relocation of a transportation facility causes a sign to be located in the right of way, or within fifteen feet of the right of way, and the permit holder desires to relocate the sign to a conforming location perpendicular to the roadway from the site of the existing sign, the Department shall allow the relocation of the permitted sign in conformance with the following:

(a) The permit holder must submit a completed application for the relocated sign site in accordance with Section 479.07(3), Florida Statutes.

(b) The Department must determine that the relocated sign site is in conformance with all requirements for permitting.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 334.044(28), 339.05, 479.01(14), 479.02, 479.07, 479.106(5), 479.24 FS. History—(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01.

#### 14-10.0043 Outdoor Advertising License and Permit Fees.

(1) The annual fee for an Outdoor Advertising License is \$300.00. Licenses expire on January 15 of each year.

(2) The annual permit fee for each sign facing is \$44.00 for 200 square feet or less, and \$64.00 for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.

(3) Permit fees for the year in which application is made may be prorated by paying one-fourth of the annual fee for each whole or partial quarter remaining in that year. Applications received after September 30 must include fees for

the last quarter plus fees for the following year. The fee schedule is based on the date the application is received by the Department as follows:

(a) January 16 through April 15: \$44.00 for each sign facing of 200 square feet or less; \$64.00 for each facing greater than 200 square feet;

(b) April 16 through July 15: \$33.00 for each sign facing of 200 square feet or less; \$48.00 for each facing greater than 200 square feet;

(c) July 16 through September 30: \$22.00 for each sign facing of 200 square feet or less; \$32.00 for each facing greater than 200 square feet;

(d) October 1 through January 15: \$55.00 for each sign facing of 200 square feet or less; \$80.00 for each facing greater than 200 square feet.

(4) All payment instruments must be made out to the Department of Transportation. Payment of fees may be made by cash, postal money order, bank draft, cashier's check, or a personal or business check. In the event a payment document is not honored for any reason by the bank on which it is drawn, a service fee of \$15.00 or five percent of the amount payable, whichever is greater will be assessed. If an individual or company issues two checks to the Department which are not honored, no further personal or business checks will be accepted regardless of whether restitution has been made on previous checks.

Specific Authority 334.044(2), 479.07(2) FS. Law Implemented 479.07 FS. History—New\_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Incorporation by Reference	14-15
RULE TITLE:	RULE NO.:
Toll Facilities Description and Toll Rate Schedule	14-15.0081

PURPOSE AND EFFECT: The purpose of this notice of rule development is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of the Kissimmee Park Road/Florida's Turnpike interchange. Section 338.155(1), Florida Statutes, does not permit the use of the State's toll facilities without paying a toll.

SUBJECT AREA TO BE ADDRESSED: The proposed workshop is being held in conjunction with a public information meeting to allow the public an opportunity to comment on the proposed toll rate schedule for the Florida Department of Transportation's construction of a SunPass-Only partial interchange at Kissimmee Park Road and Florida's Turnpike interchange. The project is located in Osceola County. Tolls are proposed to be collected from vehicles entering and exiting the Turnpike northbound. This

new interchange is approximately nine miles north of Three Lakes Toll Plaza and approximately five miles south of the existing Kissimmee/St. Cloud interchange.

SPECIFIC AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

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

DATE AND TIME: 6:00 p.m. – 8:00 p.m., November 13, 2003

PLACE: City of St. Cloud Parks and Recreation Department, Building A, 3001 17th Street, St. Cloud, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, and October 1, 2003, and \_\_\_\_\_, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03,\_\_\_\_\_.

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

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

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

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

PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan Application form, and to change the effective date of the form.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and the Florida College Investment Plan New Account Application and the Master Covenant for the Florida Prepaid College Program.

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

LAW IMPLEMENTED: 1009.98 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: 2:00 p.m., November 3, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB ~~2003-1~~ ~~2002-1~~, is hereby incorporated by reference and may be obtained by calling 1(800)552-GRAD (4723) (prompt 1). The effective date of the form is November 3, 2003 ~~October 21, 2002~~. The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB ~~2003-2~~ ~~2002-2~~ is hereby incorporated by reference with an effective date of November 3, 2003 ~~October 21, 2002~~.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-7-01, 10-9-01, 11-27-02, 10-1-03,\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Contract Prices  
 RULE NO.: 19B-4.002

PURPOSE AND EFFECT: To revise the actuarial assumptions for pricing of contracts for the Florida Prepaid College Plan.

SUBJECT AREA TO BE ADDRESSED: The actuarial assumptions used to determine the prices for advance payment contracts in the Florida Prepaid College Plan.

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

LAW IMPLEMENTED: 1009.98(2) 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: 2:00 p.m., November 3, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.002 Contract Prices.

The Board will evaluate prices for revision annually. All contract prices will be published annually in the Florida Administrative Weekly. Contract prices are based on the actuarial assumption that university tuition will rise at an average of 8.5 percent per annum for three years, then 6.8 percent per annum, community college tuition will rise at an average of 6 percent per annum, and dormitory fees will rise at an average of 6 percent per annum. Local fee contract prices are based on the actuarial assumption that university local fees will rise at an average of 6 percent per annum and community college local fees will rise at an average of 6 ~~4~~ percent per annum.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00,\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLES: Payment Options  
 RULE NO.: 19B-4.003

PURPOSE AND EFFECT: To revise the forms of payment that may be used to make payments for advance payment contracts under the Florida Prepaid College Plan.

SUBJECT AREA TO BE ADDRESSED: The forms of payment that will be accepted for advance payment contracts for the Florida Prepaid College Plan.

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

LAW IMPLEMENTED: 1009.975, 1009.98(4) 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: 2:00 p.m., November 3, 2003

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



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.003 Payment Options.

Purchasers may make payments through a variety of means. ~~Payments may be made by checks, Checks, money orders, electronic funds transfers, automatic contribution plan, or automated clearinghouse checks; employer payroll deductions or payments via coupon books will be acceptable. State employees may elect payroll deduction from the commencement of the contract application period. Other organizations and entities may apply to the Board to establish payroll deduction plans. Payments~~ Payments may not be made by credit cards or other means of credit, ~~electronic funds transfers,~~ rollover distributions, third party checks of \$10,000.00 or more, ~~or traveler's checks or cashier's checks.~~

(1) through (4) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.975, 1009.98(4) FS. History--New 3- 29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.003, Amended 6-20-96, 6-6-99, 11-27-02, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Maximum Account Balance Limit  
 RULE NO.: 19B-4.005  
 PURPOSE AND EFFECT: To increase the maximum account balance limit applicable to advance payment contracts under the Florida Prepaid College Plan and accounts in the Florida College Investment Plan, for individual beneficiaries.  
 SUBJECT AREA TO BE ADDRESSED: The maximum account balance limit for advance payment contracts in the Florida Prepaid College Plan and accounts in the Florida College Investment Plan, for individual beneficiaries.  
 SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.  
 LAW IMPLEMENTED: 1009.98, 1009.981 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: 2:00 p.m., November 3, 2003  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook ~~2004 2003~~, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The redemption value of an advance payment contract plus the account balance of an account in the Florida College Investment Plan, for the same beneficiary shall not exceed the maximum account balance limit.

(2) through (3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History--New 11-27-02, Amended

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Qualified Individuals  
 RULE NO.: 19B-8.001  
 PURPOSE AND EFFECT: To revise the persons that can be substitute qualified beneficiaries under the Florida Prepaid College Plan.  
 SUBJECT AREA TO BE ADDRESSED: The types of persons that may be substituted as qualified beneficiaries in the Florida Prepaid College Plan.  
 SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.  
 LAW IMPLEMENTED: 1009.98(4) 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: 2:00 p.m., November 3, 2003  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-8.001 Qualified Individuals.

Except when an advance purchase contract is established by a purchaser functioning in a custodial capacity, a purchaser may change the qualified beneficiary to any member of the family of the then-current qualified beneficiary, at any time, by submitting a written, notarized request signed by the purchaser directing the Board to change the qualified beneficiary for the contract. "Member of the family" means the same as that term is defined in s. 529 of the Internal Revenue Code. A purchaser may request transfer of a contract to an eligible substitute beneficiary who is the brother, sister, half brother, half sister, step brother, step sister, or first cousin of the qualified beneficiary. A purchaser who is the grandparent of the qualified beneficiary may request the transfer of a contract to an eligible substitute beneficiary who is a grandchild of the purchaser. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. ~~Documentation must also be submitted with the transfer request evidencing the relationship of the transferee.~~ The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract. The substitution must be made prior to the qualified beneficiary using benefits at a postsecondary institution.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History—New 3-29-89, Formerly 4G-8.001, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, 2-8-00, 10-9-01,\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Application for Participation in the Program  
 RULE NO.: 19B-16.002  
 PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan Application form and to change the effective date of the form.  
 SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and Florida College Investment Plan New Account Application form.  
 SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.  
 LAW IMPLEMENTED: 1009.981 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: 2:00 p.m., November 3, 2003  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.002 Application for Participation in the Program.

- (1) No change.
- (2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2003 ~~2002~~-1, is hereby incorporated by reference. The effective date of the form is November 3, 2003 ~~October 21, 2002~~. The form may be obtained from the Board.
- (3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Payment and Minimum Contributions  
 RULE NO.: 19B-16.004  
 PURPOSE AND EFFECT: To revise the forms of payment that may be used to make payments on accounts in the Florida College Investment Plan.  
 SUBJECT AREA TO BE ADDRESSED: The forms of payment that will be accepted for accounts in the Florida College Investment Plan.  
 SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.  
 LAW IMPLEMENTED: 1009.981 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: 2:00 p.m., November 3, 2003  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 19B-16.004 Payment and Minimum Contributions.
- (1) Contributions to an account may be made by checks, money orders, rollover distributions, electronic funds transfers, automatic contribution plan or employer payroll deductions. Contributions may not be made by credit cards or other means of credit, third party checks of \$10,000.00 or more, or traveler's checks ~~or cashier's checks~~.
- (2) through (6) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 5-30-02, Amended 11-27-02,\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Maximum Account Balance Limit  
 RULE NO.: 19B-16.005

PURPOSE AND EFFECT: To increase the maximum account balance limit applicable to advance payment contracts under the Florida Prepaid College Plan and accounts in the Florida College Investment Plan, for individual beneficiaries.

SUBJECT AREA TO BE ADDRESSED: The maximum account balance limit for advance payment contracts in the Florida Prepaid College Plan and accounts in the Florida College Investment Plan, for individual beneficiaries.

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

LAW IMPLEMENTED: 1009.98, 1009.981 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: 2:00 p.m., November 3, 2003

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

THE PERSON TO CONTACT REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook ~~2004~~ ~~2003~~, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The account balance for a designated beneficiary plus the redemption value of an advance payment contract under the Florida Prepaid College Plan for the same beneficiary shall not exceed the account balance limit. However, accounts for a designated beneficiary that have reached the maximum account balance limit may continue to accrue investment earnings. The redemption value of an advance payment contact shall be as provided in subsection 19B-4.005(2), F.A.C.

(2) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History--New 5-30-02, Amended 11-27-02,\_\_\_\_\_.

**PUBLIC SERVICE COMMISSION**

UNDOCKETED

RULE TITLE: Interim Rate Relief  
 RULE NO.: 25-6.0435

PURPOSE AND EFFECT: To revise the rule to reflect changes concurrently being made to Rule 25-6.043, F.A.C., Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee; to clarify a provision, and to eliminate an unnecessary provision.

SUBJECT AREA TO BE ADDRESSED: Unnecessary provisions of Rule 25-6.0435, F.A.C.

SPECIFIC AUTHORITY: 366.05(1), 366.071 FS.

LAW IMPLEMENTED: 366.04(2)(f), 366.06, 366.071 FS.

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

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO CHRISTIANA T. MOORE, OFFICE OF THE GENERAL COUNSEL, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.0435 Interim Rate Relief.

(1) Each electric utility petitioning for interim rate relief pursuant to Section 366.071, F.S., shall file the data required by ~~in Schedules 2 through 14, 17, and 23, in~~ paragraph 25-6.043(1)(a), F.A.C. ~~In addition, a schedule shall be submitted calculating the interim relief in accordance with s. 366.07, F.S., and allocation factors by functional group approved in the company's last rate case.~~

(2)(a) The requested interim increase in base rate revenues shall be divided by interim test year base rate revenues to derive a percentage increase factor. The percentage increase factor shall be applied uniformly to all existing base rates and charges to derive the interim base rates and charges. Interim rates shall apply across the board based on base rate revenues

for the test period less embedded fuel revenue by rate schedule. The resulting dollar amount shall be divided by base rate revenues per rate schedule to determine the percent increase applied to each rate schedule.

(b) In determining the interim increase, the following data shall be provided: KWH sales; base rate revenue less base fuel revenue; base fuel revenues; total base rate revenue; fuel adjustment revenue; total revenue. The interim increase shall be shown by dollar amount and percentage by rate schedule in the following manner:

- I. ~~Requested Interim Amount Across the board~~  
~~base rate revenue less = percentage constant~~  
~~base fuel revenue~~
- II. ~~Percentage X base rate revenue less = Dollar~~  
~~increase~~  
~~Constant base fuel revenue to rate schedule~~
- III. ~~Dollar Increase = Percent increase applied~~  
~~total base rate revenue to rate schedule~~

(3) Interim rate relief collected is subject to refund pending final order in the permanent rate relief request. Such increase shall be subject to a corporate undertaking or under bond as authorized by the Commission and any refund shall be made with an interest factor determined by using the 30-day commercial paper rate for highgrade, unsecured notes, sold through dealers by major corporations in multiples of \$1,000 as regularly published in the Wall Street Journal. The annual rate as published on the first day of the current business month would be added to the rate as published on the first day of the subsequent business month and halved to obtain the simple average rate to be applied in that month. This rate of interest would be applied to the refund amount for that month. The amount of interest calculated would be added to the beginning balance of the following month so as to accomplish the compounding of the interest feature of the refund provision.

Specific Authority 366.05(1), 366.071 FS. Law Implemented 366.04(2)(f), 366.06, 366.071 FS. History—New 5-27-81, Formerly 25-6.435, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Employee Grooming, Uniform and Clothing Requirements  
 RULE NO.: 33-208.101  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to permit staff to wear neatly trimmed 1/4 inch beards.  
 SUBJECT AREA TO BE ADDRESSED: Employee grooming requirements.  
 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:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

- (1) No change.
- (2) In addition to the standards set forth in subsection (1), all male employees shall comply with the following grooming standards:

(a) Hair will not completely cover any part of the ear or go below the ear or extend below 1/2 inch of the top of the collar.

(b) Staff shall be permitted to wear a neatly trimmed 1/4 inch beard. ~~Sideburns shall not extend below the bottom of the ear, shall not be flared, and shall not connect with a mustache.~~

(c) ~~A neatly trimmed mustache may be worn, but shall not extend below or in excess of 1/4 inch beyond the corners of the mouth or extend below the upper lip.~~

(d) ~~The face will be clean shaven other than the wearing of an acceptable mustache or sideburns. Beards and goatees are prohibited.~~

(e) ~~The only exception to the shaving policy shall be based on medical need. Any employee who cannot adhere to the shaving policy based on a medical diagnosis must provide a statement from a physician stating the medical condition, describing proposed treatment, and stating whether it is a temporary or permanent condition. If the physician indicates that it is a temporary condition and facial hair growth is prescribed, the physician's statement shall be forwarded through the chain of command for review, comment and recommendation to the appropriate director, Chief of Staff or Deputy Secretary. The Deputy Secretary, Chief of Staff or director may grant a temporary exemption to the shaving policy for medical reasons for a three to six month period. At the end of a period of temporary exemption, the employee shall be re-evaluated by his physician or a physician chosen by the department. Further temporary exemption periods of up to 12 months each may be granted under the foregoing criteria and procedures. If the physician states that the medical condition is permanent with no likelihood of improvement, a permanent exemption will be approved by the regional director, director of institutions, or deputy secretary. Facial hair in cases of exemption shall be neatly trimmed to 1/4 inch.~~

- (3) through (10) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, 6-26-03.

**DEPARTMENT OF CORRECTIONS**

RULE TITLES: ADMINISTRATIVE CONFINEMENT  
 Administrative Confinement 33-602.220  
 Protective Management 33-602.221  
 Disciplinary Confinement 33-602.222

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to clarify definitions of terms related to confinement statuses, incorporate new forms and correct citations to existing forms, correct staff titles, clarify provisions related to conditions and privileges in confinement statuses, clarify responsibilities of staff working in confinement units, and delete obsolete language.

SUBJECT AREA TO BE ADDRESSED: Conditions of confinement.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 945.04 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:

33-602.220 Administrative Confinement.

(1) Definitions.

(a) through (n) No change.

(o) Major rule violation – for the purposes of this rule only, means any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting or 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.

(2) Procedures for Placement in Administrative Confinement.

(a) No change.

(b) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter. The inmate shall also be allowed to submit a written statement. Prior to placing the inmate in administrative confinement, the inmate shall be given a pre-confinement health assessment to include a physical and mental health evaluation that shall be

documented in the health care record. Inmates shall be weighed upon admission to administrative confinement, at least once a week while in administrative confinement, and upon leaving administrative confinement. The weight of the inmate shall be recorded on Form DC6-229, Daily Record of Segregation. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C. subsection (11) of this rule. When an official places an inmate in administrative confinement, this action shall be documented in the electronic classification contact log in OBIS. This entry shall fully state the circumstances surrounding and reasons for placing the inmate in administrative confinement and a summary of the inmate's comments. The reason must correspond with one of the criteria for placement provided in subsection (3) of this rule. This electronic entry shall be completed the same day the inmate is placed into confinement, and will establish the ICT 72-hour review appointment. Any written statements provided by the inmate shall be forwarded to the ICT for their consideration during the forthcoming 72-hour review.

(c) through (3) No change.

(4) Administrative Confinement Facilities.

(a) The number of inmates housed in an administrative confinement cell shall not exceed the number of bunks in the cell. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. The regional director of institutions and the emergency action center in central office shall be advised of the emergency. If the emergency situation exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director of institutions to continue to house inmates beyond the 24-hour period. Prior to placing inmates in the same cell, the inmates will be interviewed by the housing supervisor to ensure that none of the inmates constitute a threat to any of the others.

(b) through (d) No change.

(5) Conditions and Privileges.

(a) Clothing – Inmates in administrative confinement 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 DC6-229 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 DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) Bedding and linen – Bedding and linen for those in administrative confinement 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 officer in charge or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC6-229 and the Chief of Security shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(c) through (e) No change.

(f) Diet and Meals – All inmates in administrative confinement shall receive normal institutional meals as are available to the general inmate population except that if any item on the normal menu might create a security problem in the confinement area, then another item of comparable quality shall be substituted. Utilization of the special management meal is authorized for any inmate in administrative confinement who uses food or food service equipment in a manner that is hazardous to him or herself, staff, or other inmates. The issuance of a special management meal shall be in accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service or substitutions shall be documented on the Daily Record of Segregation, Form DC6-229.

(g) through (o) No change.

(p) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. Such exercise periods shall be documented on Form DC6-229. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. ~~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. If the inmate requests a physical fitness program handout, the wellness specialist or the confinement officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Segregation, Form DC6-229. Medical restrictions can also place limitations on the exercise periods. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Recreational equipment may be

available for the exercise period provided such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on the Daily Record of Segregation, Form DC6-229.

(q) No change.

(6) Restraint and Escort Requirements.

(a) through (e) No change.

(f) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C. Form DC4-650 is incorporated by reference in subsection (11) of this rule.

(g) No change.

(7) Visits to Administrative Confinement. The following staff members shall be required to officially inspect and tour the administrative confinement 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 (11) of this rule. The staff member shall also document his or her visit on the Daily Record of Segregation, Form DC6-229, if any discussion of significance, action or behavior of the inmate occurs or any important information is obtained which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

(a) No change.

(b) Daily by the ~~area~~ housing supervisor.

(c) Daily by the shift supervisor officer in charge on duty for all shifts except in case of riot or other institutional emergency.

(d) through (8) No change.

(9) Administrative Confinement Records.

(a) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as the inmate is in administrative confinement. The DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, recreation, haircuts and shaves and also unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in administrative confinement are not prohibited from possessing are denied or removed from the inmate, the shift supervisor officer in charge or the confinement lieutenant 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 DC6-229 and the Chief of Security shall make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The housing supervisor supervising 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. The DC6-229 shall be maintained in the housing unit area for 30 days, at which time the form 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.

(b) A Daily Record of Segregation – Supplemental, Form DC6-229B, shall be completed and attached to the current Daily Record of Segregation, Form DC6-229, whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is incorporated by reference in subsection (11) of this rule.

(c)(b) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each administrative confinement unit area. Each staff person shall sign such record when entering and leaving the confinement unit area. Prior to leaving the confinement unit area, each staff member shall indicate any specific problems including any inmate who requires special attention. No other unit activities shall be recorded on Form DC6-228. Upon completion, the DC6-228 shall be maintained in the housing unit area and forwarded to the Chief of Security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule. Form DC6-228 is incorporated by reference in subsection (11) of this rule.

(d) A Housing Unit Log, Form DC6-209, shall be maintained in each confinement 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. Form DC6-209 is incorporated by reference in subsection (11) of this rule.

(10) Staffing Issues.

(a) No change.

(b) The Inspector General shall notify the warden and regional director of institutions of any officer involved in eight or more use of force incidents in an 18-month period. The regional director of institutions shall review the circumstances for possible reassignment.

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

(a) through (c) No change.

~~(d) Form DC6-229, Daily Record of Segregation, effective date February 12, 2001.~~

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

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

(h) Form DC6-209, Housing Unit Log, effective \_\_\_\_\_.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, \_\_\_\_\_.

33-602.221 Protective Management.

(1) Definitions.

(a) through (p) No change.

(q) Major Rule Violation, for the purposes of this rule only, means 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.

(2) No change.

(3) Protective Management Facilities.

(a) The number of inmates housed in protective management housing units shall not exceed the number of beds in the cell. Exceptions may be made during an emergency situation as approved by the warden or duty warden, but such exceptions shall not continue for more than 24 hours without the specific written authorization of the regional director of institutions. Prior to placing inmates in the same cell, a determination shall be made by the housing supervisor that none of the inmates constitute a threat to any of the others and document such on Form DC6-235, Record of Protective Management.

(b) through (d) No change.

(4) Conditions and Privileges.

(a) Clothing – Inmates may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall be required for work assignments. Otherwise the clothing for inmates in protective management shall be the same as that issued and exchanged to the general inmate population except when there is an indication of a security or health problem or when additional clothing is required for a work assignment. In such cases the exceptions shall be documented on Form DC6-235, Record of Protective Management, and approved by the chief of security. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or

herself or others, 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. 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 noted on Form DC6-235, Record of Protective Management, stating the reasons for such denial. Under no circumstances will an inmate be left without a means to cover himself or herself.

(b) Bedding and linen – Bedding and linen shall be issued and exchanged for protective management inmates the same as for 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~~ ~~officer in charge~~ or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC6-235 Record of Protective Management, and the chief of security shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(c) through (e) No change.

(f) Diet and Meals – Inmates in protective management shall be fed in the dining room unless individual circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for the inmate. If particular security reasons as determined by institution staff prevent dining room feeding, the inmate's meal shall be served in the day room or the inmate's cell. Inmates in protective management shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu might create a security problem for a particular inmate, then another item of comparable quality shall be substituted. Any deviation from established meal service or sSubstitutions shall be documented on the Record of Protective Management, Form DC6-235.

(g) through (o) No change.

(p) Exercise – an exercise schedule shall be implemented to ensure a minimum opportunity of three hours per week of exercise out of doors. The ICT is authorized to restrict exercise for an individual inmate when the inmate is found guilty of a major rule violation. ~~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. If the inmate requests a physical fitness program handout, the wellness specialist or the housing officer shall provide the

inmate with an in-cell exercise guide and document such on the Record of Protective Management, Form DC6-235. Form DC6-235 is incorporated by reference in subsection (10) of this rule. Medical restrictions may also place limitations on exercise periods. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Similar recreational equipment shall be available as is available for general population inmates for the exercise period provided that such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on the Report of Protective Management, Form DC6-235.

(r) Self-improvement programs – Self-improvement programs shall be available in their housing ~~unit area~~, or in separate locations within the institution that conform with the need for security. Self-improvement programs include academic education, vocational training, correspondence courses or self-directed study activities, religious activities, quiet activities or letter writing.

(q) No change.

(s) through (6) No change.

(7) Contact by Staff.

(a) The following staff members shall be required to officially inspect and tour the protective management unit. All visits by staff shall be documented on Form DC6-228, Inspection of Special Housing Record. The staff member shall also document his or her visit on the Record of Protective Management, Form DC6-235, if, during the visit by staff, any discussion of significance, action or behavior of the inmate occurs or any information is obtained which may have an effect on the status of protective management. These visits shall be conducted at a minimum of:

1. No change.

2. Daily by the ~~area~~ housing supervisor.

3. Daily by the ~~shift supervisor~~ ~~officer in charge~~ on duty for all shifts except in case of riot or other institutional emergency.

4. through 9. No change.

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented



on Form DC6-229, Daily Record of Segregation, and followed with an Incident Report, Form DC6-210. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C. Forms DC4-650 is incorporated by reference in subsection 33-602.220(11), F.A.C.

(8) No change.

(9) Protective Management Records.

(a) No change.

(b) An Inspection of Special Housing Record, Form DC6-228 shall be maintained in each protective management ~~unit area~~. Form DC6-228 is incorporated by reference in subsection (11) of Rule 33-602.220, F.A.C. Each staff person shall sign the record when entering and leaving the protective management ~~unit area~~. Prior to leaving the protective management ~~unit area~~, each staff member will indicate any specific problems including any inmate who requires medical attention. No other unit activities shall be recorded on Form DC6-228.

(c) A Record of Protective Management, Form DC6-235 shall be maintained for each inmate as long as the inmate is in protective management. Once the inmate is released from protective management, Form DC6-235 will be forwarded to classification to be filed in the institutional inmate record. This form shall be used to record any action, remarks or disposition made on a specific inmate. Notations shall be made on Form DC6-235 by medical staff, the ICT, the SCO or other staff dealing directly with the inmate. If items are denied or removed from the inmate, the senior correctional officer on duty must approve the action. The central office ADA coordinator will be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate of equal opportunity as a non-disabled inmate. The items denied or removed will be documented on the Form DC6-235 and the chief of security will make the final decision in regard to the appropriateness of that action no later than the next working day following this action. The housing supervisor supervising officer will document any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action will also be documented.

(d) A Housing Unit Log, Form DC6-209, shall be maintained in each protective 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. Form DC6-209 is incorporated by reference in Rule 33-602.220, F.A.C.

(10) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 6-23-83, Formerly 33-3.082, Amended 3-12-84, 7-10-90, 12-4-90, 4-26-98, Formerly 33-3.0082, Amended 2-12-01, 1-19-03, \_\_\_\_\_.

33-602.222 Disciplinary Confinement.

(1) Definitions.

(a) through (k) No change.

(l) State Classification Office (SCO) refers to a staff member at the central office level responsible for the review of inmate classification decisions including approving, modifying or rejecting ICT recommendations.

(m) Major rule violation – for the purposes of this rule only, means 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) Housing supervisor – the correctional officer sergeant, or above, who is in charge of the disciplinary confinement unit for a particular shift.

(2) Lacement in Confinement.

(a) No change.

(b) ~~Inmates placed in~~ Disciplinary confinement cells shall be physically placed in cells separate from other confinement statuses whenever possible and the cell doors will feature remotely controlled locking devices. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in other housing statuses. The disciplinary confinement cells shall be approximately the same square footage as utilized for general population. Disciplinary confinement units shall be built to permit verbal communication and unobstructed observation by staff. Visual inspections shall be conducted of each cell, to include at a minimum, observations for clothes lines, pictures attached to the walls and lockers, windows or light fixtures covered with paper, clothes or towels, and air and heater vents that have been obstructed. When sufficient natural light is unavailable, interior cell lights shall be left on during day and evening hours.

(3) Disciplinary Confinement Cells.

(a) Inmates shall not be housed in disciplinary confinement cells in greater number than there are beds in the cells. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. Any emergency situation shall be communicated to the regional director of institutions and to the Emergency Action Center in the central office. If this exception exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director of institutions to continue to house inmates beyond the 24-hour period in such conditions. Prior to placing inmates in the same cell, the inmates shall be interviewed by the housing supervisor to ensure that none of the inmates constitute a threat to any of the others.

(b) All disciplinary confinement cells shall be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off by correctional staff due to an inmate's inappropriate behavior that causes an interruption in the water system or the intentional misuse of water for an unauthorized purpose. In such event, the inmate occupant will be furnished an adequate supply of drinking water by other means to prevent dehydration. These actions shall be documented on Form DC6-229, Daily Record of Segregation. Form DC6-229 has been incorporated by reference in Rule 33-601.800, F.A.C. 33-602.220(10).

(c) Prior to the inmate's placement into, and after the inmate's removal from, a disciplinary confinement cell, the cell shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell will then be held responsible for the condition of the cell. The correctional officer conducting the inspection shall complete and sign Form DC6-221, Cell Inspection, attesting to the condition of the cell. Form DC6-221 is incorporated by reference in subsection 33-602.220(10), F.A.C. Routine searches of each cell are authorized at any time, but shall be conducted, at a minimum, each time an inmate is removed from the cell for a shower. All searches shall be documented on Form DC6-229, Daily Record of Segregation. All inmates shall be searched prior to entering the confinement unit and upon departure. All items entering the confinement unit shall be thoroughly searched, to include at a minimum, food carts and trays, laundry and linens, and inmate property.

~~(d) Each confinement cell shall provide for a minimum of twenty foot candles of light, including natural lighting.~~

~~(e) The officers assigned shall exercise care shall be exercised to maintain noise levels in confinement units at a reasonable level so as not to interfere with normal operating activities.~~

#### (4) Conditions and Privileges.

(a) Clothing. Inmates in disciplinary confinement shall be provided the same clothing and clothing exchange as the general inmate population. Exceptions shall be made on an individual basis when evidence suggests it would be in the best interest of the inmate or security of the institution. In such cases, the exceptions shall be noted on the Daily Record of Segregation, Form DC6-229, 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 to 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 DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) through (e) No change.

(f) Diet and Meals. Inmates in disciplinary confinement shall receive meals representative of the food served to the general population, but not necessarily a choice of every item. Any food item that might create a security problem in the confinement ~~unit area~~ shall be replaced with another item of comparable quality and quantity. Utilization of the special management meal is authorized for any inmate in disciplinary confinement who uses food or food service equipment in a manner that is hazardous to him or herself, staff, or other inmates. The issuance of a special management meal shall be in accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service or substitutions shall be documented on the Daily Record of Segregation, Form DC6-229.

(g) Canteen Items. Inmates shall be prohibited from purchasing canteen items while in disciplinary confinement. However, non-indigent inmates shall be allowed to purchase stamps, envelopes, security pens and paper for preparation of legal documents and for mail to notify visitors of his or her confinement status.

(h) through (j) No change.

(k) Legal Access.

1. No change.

2. Indigent inmates shall be provided paper, envelopes, and security pens writing utensils in order to prepare legal papers or notify visitors of confinement status. Typewriters or typing services are not required items and shall not be permitted in disciplinary confinement. However, an inmate 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 certified law clerk for the purpose of preparing legal documents, legal mail or filing a grievance.

(l) through (m) No change.

(n) Writing utensils. Inmates in disciplinary confinement shall possess only one security pen. Inmates who are in possession of working pens or pencils when placed in disciplinary confinement shall be issued a security pen. Inmates who are not indigent must purchase additional security pens when needed from the canteen. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement housing officer. All care shall be taken to ensure that an indigent inmate who requests a pen has access to a pen for a time period sufficient to prepare legal documents or legal mail, to file a grievance, or to notify family of confinement status. An inmate who has been provided a "writer/reader" shall be allowed access to such for the purpose of reading or preparing correspondence.

~~(o) Reading Material. Reading materials, including~~ Scriptural and devotional reading materials and books that are in compliance with admissibility requirements in rule

33-501.401, F.A.C., shall be permitted for those inmates in disciplinary confinement 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 shall be documented on Form DC6-229 in accordance with paragraph (9)(b) (8)(e) of this rule. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have their tape players and devotional and scriptural materials that are in compliance with this rule.

(p) Exercise.

1. through 2. No change.

3. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. ~~In this instance, a major rule violation is defined as: any assault, battery, 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 no more than 15 days per incident and for no longer than 30 days cumulative length and shall be documented on Form DC6-229, Daily Record of Segregation. Exceptions to this restriction may be made only when documented facts show that such exercise periods should not be granted. Restrictions may also be placed on the exercise periods by professional medical staff. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. The reasons for any exercise restrictions shall be documented on the Daily Record of Segregation, Form DC6-229.

(q) No change.

(r) If items of clothing, bedding or property are removed in order to prevent the inmate from inflicting injury to himself or herself or others, ~~or~~ to prevent 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.

(5) Restrictions.

(a) No change.

(b) When any privilege is restricted or any item is removed from an inmate's cell, the action taken must be approved by the shift supervisor or confinement lieutenant. The action taken and the reason for it shall be documented on the Daily Record

of Segregation, Form DC6-229. A copy of the Inmate Impounded Personal Property List, Form DC6-220, shall be issued to the inmate as a receipt for any property taken. This action must be reviewed and approved by the chief of security no later than the next working day following the action.

(6) Restraint and Escort Requirements.

(a) Prior to opening a cell door for any reason, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, waist chains will be used in addition to the handcuffs and the escort officers shall be particularly vigilant.

(b) through (e) No change.

(7) Visits to Disciplinary Confinement.

(a) The following staff members shall be required to officially inspect and tour the disciplinary confinement unit. All visits by staff shall be documented on the Inspection of Special Housing Record DC6-228. Form DC6-228 is incorporated in subsection 33-602.220(10), F.A.C. The staff member shall also document his or her visit on the Daily Record of Segregation DC6-229, if any discussion of significance, action or behavior of the inmate, or any other important information is obtained which may have an influence or effect on the status of confinement. These visits shall be conducted a minimum of:

1. No change.

2. Daily by the housing ~~area~~ supervisor.

3. through 10. No change.

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted by correctional staff to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or medical staff can provide observation. Visual checks shall be made in accordance with medical protocols or the Inmate Suicide Precautions procedure at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in subsection 33-602.220(10), F.A.C. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an incident report, Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(8) Review and Release from Disciplinary Confinement.

(a) through (d) No change.

(e) The ~~confinement~~ housing supervisor is authorized to have an inmate released from disciplinary confinement upon completion of his disciplinary confinement time, unless the ICT has determined that a need exists to modify the inmate's status to administrative confinement.

(9) Daily Record of Segregation.

(a) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as the inmate is in disciplinary confinement in the housing area for 30 days, then forwarded to the ICT for review, and then forwarded to classification for filing in the institutional inmate record.

(b) The DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, weighing of inmates, recreation, haircuts and shaves and also unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in disciplinary confinement are not prohibited from possessing are denied or removed from the inmate, the shift supervisor officer-in-charge or the confinement lieutenant 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 DC6-229 and the chief of security shall make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The housing supervisor supervising 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 DC6-229 shall be maintained in the housing unit for 30 days. After each 30-day review by a member of the ICT, Form DC6-229 shall be forwarded to classification to be filed in the institutional inmate record.

(10) A Daily Record of Segregation – Supplemental, Form DC6-229B, shall be completed and attached to the current Daily Record of Segregation, Form DC6-229, whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is incorporated by reference in Rule 33-602.220, F.A.C.

~~(11)~~(10) Inspection of Special Housing Record.

(a) Form DC6-228, Inspection of Special Housing Record, shall be maintained in each disciplinary confinement unit area.

(b) Each staff person shall sign the form when entering and leaving the disciplinary confinement unit area. Prior to leaving the disciplinary confinement unit area, each staff member shall indicate any specific problems, including identification of any inmate who requires special attention. No other unit activities shall be recorded on Form DC6-228.

(c) Upon completion, the DC6-228 shall be maintained in the housing unit area and shall be forwarded to the chief of security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule.

(12) A Housing Unit Log, Form DC6-209, shall be maintained in each confinement 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. Form DC6-209 is incorporated by reference in Rule 33-602.220, F.A.C.

~~(13)~~(14) Staffing issues.

(a) Officers assigned to a disciplinary confinement unit shall be reviewed at least every 18 months ~~by the chief of security to determine whether a rotation is necessary. The shift supervisor or confinement lieutenant shall initiate the review by having the officer complete section I of the Special Housing Unit Rotation Review, Form DC6-295. Form DC6-295 is incorporated by reference in subsection (14) of this rule. The 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, use of force reports, and any other documentation relevant to the officer's assignment and job performance; and interview the officer and the officer's supervisors for the period of review when necessary; 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 VI of Form DC6-295 and returned to the chief of security for action. The chief of security shall maintain the completed Form DC6-295. Any officer assigned to a 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) The Inspector General shall notify the warden and regional director of institutions of any officer involved in eight or more use of force incidents in an 18-month period. The ~~r~~Regional ~~d~~Director of institutions shall review the circumstances for possible reassignment.

(14) Forms, Form DC6-295, Special Housing Unit Rotation Review, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC6-295 is \_\_\_\_\_.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, Amended 2-12-01, 2-5-02, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE TITLE: Filing and Examination of a Prospectus  
 RULE NO.: 61B-30.002

PURPOSE AND EFFECT: The rule amendment deletes the requirement that an approved version of the prospectus be delivered to the division. This rule amendment promotes efficiency, reduces paperwork and decreases costs to the state and private sector, pursuant to Section 120.74, Florida Statutes. SUBJECT AREA TO BE ADDRESSED: The rule pertains to a "prospectus" document that contains important disclosures that must be provided to mobile home park residents by the mobile home park owner. The prospectus must be reviewed and approved by the Division before the park owner can rent mobile home lots and disseminate the prospectus to prospective park residents. The Division's review, deficiency, and approval process generates a chronological set of documents, including submitted documents and corrected pages. These records are open to inspection by the public and the park owner. The park owner or his counsel generates the approved version of the prospectus during the course of the Division's approval process. The submission of additional documents to the state is not statutorily required and serves no benefit to the public.

SPECIFIC AUTHORITY: 723.006(7) FS.

LAW IMPLEMENTED: 723.011(1), 723.012, 723.006(8) FS.

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

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

PLACE: Conference Room 440, Fuller-Warren Building, 201 W. Bloxham Street, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. A copy of the rule amendment is available on line at <http://www.myflorida.com/portal>, <Find an Agency, <DBPR, <Land Sales, <Mobile Homes.

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**

**Board of Acupuncture**

RULE TITLES: Acupuncture Program Requirements  
 RULE NOS.: 64B1-4.001  
 English Proficiency Requirement for Licensure 64B1-4.0012

PURPOSE AND EFFECT: The Board proposes to consider the repeal of subsection (2) in Rule 64B1-4.001, F.A.C. The Board has also determined to review the existing text in subsection (4) in Rule 64B1-4.001 and 64B1-4.0012, F.A.C., to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: In Rule 64B1-4.001, F.A.C., applicants who enroll on or after August 1, 1997 and applicants who apply for licensure on or after October 1, 2003, and in Rule 64B1-4.0012, F.A.C., english proficiency requirement for licensure.

SPECIFIC AUTHORITY: 456.033, 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE CHAPTER TITLE: Discipline  
 RULE CHAPTER NO.: 64B1-9

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule chapter to determine if amendments and/or the promulgation of new rules are necessary.

SUBJECT AREA TO BE ADDRESSED: Discipline.

SPECIFIC AUTHORITY: 120.695, 456.073(3), (4), 456.077, 456.079(1), 457.104, 457.116(1)(b) FS.

LAW IMPLEMENTED: 120.695, 456.073(3), (4), 456.072, 456.077, 456.079, 457.109, 457.116(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Examination Grading System and Examination Requirements for Dental Examination  
 RULE NO.: 64B5-2.013

PURPOSE AND EFFECT: The Board proposes the amendment to provide dental examination candidates flexibility to assess suitable board patients in order to rule out any significant health problems that might pose a potential risk during the clinical board examination.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would allow dental examination candidates under direct supervision to assess suitable patients as board patients.

SPECIFIC AUTHORITY: 456.017(1)(b), 466.004(4), 466.006(4) FS.

LAW IMPLEMENTED: 456.017(1)(b), (2), 466.006(4), 466.009 FS.

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

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

64B5-2.013 Examination Grading System and Examination Requirements for Dental Examination.

- (1) No change.
- (2) (a) through (f) No change.

(g) Candidates for the dental state clinical boards may assess patients for suitability as board patients at any dental office under the direct supervision of a dentist, or at any accredited dental school under direct supervision of a school faculty member.

(3) through (7) No change.

Specific Authority 456.017(1)(b), 466.004(4), 466.006(4) FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.009 FS. History--New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLES: Continuing Education Requirements  
 RULE NOS.: 64B5-12.013  
 Subject Area Requirements 64B5-12.016

PURPOSE AND EFFECT: The Board proposes the amendments to add certain experience and course work as credit hours towards continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments allow a maximum of 11 hours continuing education credit per biennium for participating as an expert witness in the review of disciplinary cases, and a maximum of two hours for completing HIPAA related courses in the biennium ending February 28, 2004.

SPECIFIC AUTHORITY: 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS.

LAW IMPLEMENTED: 456.013(8), 456.031, 466.0135, 466.014, 466.017(3), (5), 466.028(1)(i), (bb) FS.

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

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:

64B5-12.013 Continuing Education Requirements.

(1) through (2) No change.

(3) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry and only if received through the following methods:

(a) through (e) No change.

(f) By participating as an expert witness in the review of disciplinary cases, a licensee may receive a maximum of 11 hours of continuing education credit for completing five disciplinary cases in each biennium. By participating as an expert witness in the review of disciplinary cases, a licensee may receive a maximum of 4 hours of continuing education credit for completing two disciplinary cases in each biennium. A maximum of 11 hours in any one biennium may be earned toward license renewal.

(4) through (6) No change.

Specific Authority 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS. Law Implemented 456.013(8), 456.031, 466.0135, 466.014, 466.017(3), (5), 466.028(1)(i), (bb) FS. History–New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, 5-20-01,\_\_\_\_\_.

64B5-12.016 Subject Area Requirements.

(1) through (3) No change.

(4) For the biennium ending February 28, 2004, a licensee may receive a maximum of two hours of continuing education credit for completing Health Insurance Portability and Accountability Act (HIPAA) related courses.

Specific Authority 466.004(4), 466.0135, 466.014 FS. Law Implemented 456.031, 466.0135, 466.014 FS. History–New 4-2-86, Amended 1-18-89, 7-9-90, 2-1-93, Formerly 21G-12.016, 61F5-12.016, Amended 9-27-95, Formerly 59Q-12.016, Amended 10-29-00, 5-20-01,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Office Safety Requirement

RULE NO.: 64B5-17.015

PURPOSE AND EFFECT: The Board proposes a new rule to update the minimum standard of dentistry practice care to include recent advances in life-saving equipment as a part of every dental office location by February 28, 2006.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule requires an automatic external defibrillator on site by February 28, 2006 as part of the minimum standard of care of dentistry practice.

SPECIFIC AUTHORITY: 466.004(4), 466.017(3)(c) FS.

LAW IMPLEMENTED: 466.017(4), 466.028(1)(x) FS.

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

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

64B5-17.015 Office Safety Requirement.

As part of the minimum standard of care, every dental office location shall be required to have an automatic external defibrillator by February 28, 2006. Any dentist practicing after February 28, 2006 without an automatic external defibrillator on site shall be considered to be practicing below the minimum standard of care.

Specific Authority 466.004(4), 466.017(3)(c) FS. Law Implemented 466.017(4), 466.028(1)(x) FS. History–New\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Licensure of Massage Establishments

RULE NO.: 64B7-26.002

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: Licensure of massage establishments.

SPECIFIC AUTHORITY: 480.035(7), 480.043(2) FS.

LAW IMPLEMENTED: 480.043(1), (2), 483.043(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: List of Approved Forms; Incorporation

RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate two new forms into the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments incorporate two new forms to be utilized by the Board for licensure purposes.

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

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.348, 458.351, 465.0276 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

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

(1) through (20) No change.

(21) DH-MQA 1076, entitled "Application for 1-Year Extension Temporary Physician Assistant License," (7/03).

(22) DH-MQA 1079, entitled "Temporary Certificate to Practice Medicine for Educational Purposes," (10/02).

(21) through (25) renumbered (23) through (27) No change.

Specific Authority 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(4), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.348, 458.351, 465.0276 FS. History--New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Application, Certification, Registration, and Licensure Fees  
RULE NO.: 64B8-3.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the fee for licensure pursuant to Section 458.3137, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment sets forth an application fee in the amount of \$300 for those seeking a temporary certificate pursuant to Section 458.3137, F.S.

SPECIFIC AUTHORITY: 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-3.002 Application, Certification, Registration, and Licensure Fees.

The following fees are prescribed by the Board:

(1) No change.

(2) An application fee in the amount of \$300.00 for a person desiring to obtain a temporary certificate to practice in areas of critical need, as provided in Section 458.315, F.S., and a temporary certificate to practice in an approved cancer center, as provided in Section 458.3135, F.S., and a temporary certificate to obtain medical privileges for instructional purposes in conjunction with certain plastic surgery training programs and plastic surgery educational symposiums, as provided in Section 458.3137, F.S.

(3) through (9) No change.

Specific Authority 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. Law Implemented 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. History--New 12-5-79, Amended 11-10-82, 8-11-85, 10-24-85, Formerly 21M-19.02, Amended 12-4-86, 11-3-87, 7-4-88, 10-23-89, 11-12-89, 11-11-90, 1-16-91, 1-9-92, 2-10-92, 9-7-92, Formerly 21M-19.002, Amended 9-21-93, Formerly 61F6-19.002, Amended 2-13-95, 2-20-96, 6-24-96, Formerly 59R-3.002, Amended 6-7-98, 8-11-98, 11-22-98, 12-14-99, 1-31-01, 11-20-01, 10-19-03,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Standards for Office Based Opioid Addiction Treatment  
RULE NO.: 64B8-9.015

PURPOSE AND EFFECT: The Board proposes the development of a rule to address the appropriate standards for treatment of opioid addiction.

SUBJECT AREA TO BE ADDRESSED: Appropriate standards for office based opioid addiction treatment.

SPECIFIC AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(v) FS.

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



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #03, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE TITLES:	RULE NOS.:
Cancellation of Workers' Compensation Insurance by an Insurer	69L-6.008
Policy Information Electronic Filing Requirements for Insurers	69L-6.014

PURPOSE AND EFFECT: These proposed rule changes amend the filing timeframes for electronic reporting of workers' compensation policy information, and address the new requirement for cancellation of a workers' compensation insurance policy for non-payment of premium.

SUBJECT AREA TO BE ADDRESSED: Cancellation of workers' compensation insurance policies, and electronic filing requirements for notifications to the Division of Workers' Compensation regarding workers' compensation insurance policies.

SPECIFIC AUTHORITY: 440.185(7), (9), 440.42(3), 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.185(7), (9), 440.42(3), 440.593 FS.

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

TIME AND DATE: 9:00 a.m., November 6, 2003  
 PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Yon, Insurance Administrator, Office of Data Quality and Collection, Division of Worker's Compensation, Department of Financial Services, 200 East Gaines Street Tallahassee, FL 32399-4226; phone number (850)413-1702; e-mail: yonl@dfs.state.fl.us.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.008 Cancellation of Workers' Compensation Insurance by an Insurer.

(1) Except as hereinafter provided, an insurer shall not cancel a workers' compensation insurance policy or contract of insurance for any reason other than non-payment of premium shall not be cancelled by an insurer until and unless 30 days have elapsed after the insurer has electronically filed directly with the Division or through a third party vendor a Notice of Cancellation. When an insurer files an electronic Notice of Cancellation directly with the Division for any reason other than non-payment of premium, the 30-day deadline shall be calculated from the first day following the date the Division received the electronic Notice of Cancellation cancellation. The electronic Notice of Cancellation cancellation must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 69L-56, F.A.C. If the insurer files an electronic Notice of Cancellation electronically through a third party vendor for any reason other than non-payment of premium, the 30-day deadline shall be calculated from the first day following the "Jurisdiction Designee Received Date," and the electronic Notice of Cancellation must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 69L-56, F.A.C.

(2) For any workers' compensation insurance policy, contract of insurance, or renewal with a policy effective date prior to October 1, 2003, an insurer shall not cancel the policy for non-payment of premium until and unless 30 days have elapsed after the insurer has electronically filed with the Division or through a third party vendor a Notice of Cancellation. When an insurer files an electronic Notice of Cancellation directly with the Division, the 30-day deadline shall be calculated from the first day following the date the Division received the electronic Notice of Cancellation. The electronic Notice of Cancellation must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 69L-56, F.A.C. If the insurer files an electronic Notice of Cancellation through a third party vendor, the 30-day deadline shall be calculated from the first day following the "Jurisdiction Designee Received Date", and must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 69L-56, F.A.C. A workers' compensation insurance policy may be cancelled by the insurer the same day it became effective if the insurer electronically files a Notice of Cancellation directly with the Division or through a third party vendor and serves a copy of a notice of cancellation upon the employer in person or by mail, stating therein the reason for such cancellation, if the policy has been rewritten by the same insurer, with the same effective date.

~~(3) When duplicate or dual coverage exists because two different insurers each issued policies to the same employer, and both policies have the same effective date, secure the same liability, and proof of coverage for both policies was duly filed by the insurers as required by this rule chapter, then, one of those policies may be cancelled by one of the insurers as of the date a Notice of Cancellation is electronically filed by that insurer.~~

(3)(4) When duplicate or dual coverage exists because two different insurers each issued policies with different effective dates to the same employer, and both of those policies secure the same liability, the insurer which was first on the risk (the canceling insurer) may cancel its policy by electronically filing a Notice of Cancellation reflecting a reason of "Duplicate Coverage" with the Division in accordance with the provisions of Rule Chapter 69L-6.014 and 69L-56, F.A.C. Prior to filing the electronic Notice of Cancellation, the new policy must have been electronically filed with the Division, in accordance with Rule Chapter 69L-6.014 and 69L-56, F.A.C. Once such notice is filed the cancellation date of the policy being cancelled shall become the same as the effective date of the policy not being cancelled, unless a later cancellation date is specified by the canceling insurer.

Specific Authority 440.185(7), 440.42(3), 440.591, 440.593(5), FS. Law Implemented 440.185(7), 440.42(3), 440.593 FS. History--New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.08, Amended 12-28-97, 2-2-00, 3-5-02, Formerly 38F-6.008, Formerly 4L-6.008, Amended \_\_\_\_\_.

69L-6.014 Policy Information Electronic Filing Requirements for Insurers.

Every insurer, other than an individual self-insurer approved under Section 440.38, F.S., shall file directly with the Division, or through a third party vendor the following electronic information in accordance with the provisions of Rule Chapter 69L-56, F.A.C. form equivalents and shall have received a "Transaction Accepted" (TA) Acknowledgement Code by the Division within the time frames noted:

(1) Within ~~twenty-one~~ ~~thirty~~ days of the effective date of each policy or contract for workers' compensation insurance issued, every insurer shall transmit the electronic Certificate of Insurance form equivalent of the Proof of Coverage.

(2) Within ~~twenty-one~~ thirty days of the effective date of each endorsement to a policy or contract for workers' compensation insurance issued, every insurer shall transmit the electronic ~~form equivalent of a~~ Notice of Endorsement.

(3) Within ~~twenty-one~~ ~~thirty~~ days of the effective date of each reinstatement to a cancelled policy or contract for workers' compensation insurance issued, every insurer shall transmit the electronic ~~form equivalent of a~~ Notice of Reinstatement.

(4) Within thirty days prior to the cancellation of a policy or contract for workers' compensation insurance coverage other than a cancellation for non-payment of premium, every insurer shall transmit the electronic ~~form equivalent of a~~ Notice of Cancellation.

(5) Within thirty days prior to the cancellation of any policy, renewal, or contract for workers' compensation insurance with a policy effective date prior to October 1, 2003, that is being cancelled for non-payment of premium, every insurer shall transmit the electronic Notice of Cancellation (Triplicate Code 00-41-59).

(6) Within ten days prior to the cancellation of any policy, renewal, or contract for workers' compensation insurance with a policy effective date on or after October 1, 2003, that is being cancelled for non-payment of premium, every insurer shall transmit the electronic Notice of Cancellation (Triplicate Code 00-41-59).

Specific Authority 440.185(7), (9), 440.42(3), 440.591, 440.593(5), FS. Law Implemented 440.185(7), (9), 440.42(3), 440.593 FS. History--New 2-2-00, Amended 3-5-02, Formerly 38F-6.014, 4L-6.014, Amended \_\_\_\_\_.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLES:	RULE NOS.:
Florida Workers' Compensation Health Care Provider Reimbursement Manual	
Florida Workers' Compensation Reimbursement Manual for Hospitals	69L-7.020
	69L-7.501

PURPOSE AND EFFECT: To amend Rule 69L-7.020, F.A.C., to adopt the new version of the Florida Workers' Compensation Health Care Provider Reimbursement Manual 2004 Edition, and Rule 69L-7.501, F.A.C., to adopt the Florida Workers' Compensation Reimbursement Manual for Hospitals 2004 Edition, to comply with Chapter Law 2003-412 (SB-50A), and implement the reimbursement rates adopted by the Three-member Panel pursuant to Section 440.13(12), F.S. at its meeting on October 2, 2003. The amendment to Rule 69L-7.501, F.A.C., also incorporates the Workers' Compensation Health Care Provider Reimbursement Manual 2004 Edition for use in billing for specified outpatient services. SUBJECT AREA TO BE ADDRESSED: The 2004 Edition of the Florida Workers' Compensation Health Care Provider Reimbursement Manual.

SPECIFIC AUTHORITY: 440.591 FS.

LAW IMPLEMENTED: 440.13 (11), (12), (14) FS.

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

TIME AND DATE: 9:00 a.m., November 3, 2003  
 PLACE: 104J Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1711

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, ~~2004~~ ~~2003~~ Edition, is incorporated ~~adopted~~ by reference as part of this rule. The manual contains reimbursement policies, guidelines, codes and maximum reimbursement allowances for medical services and supplies provided by health care providers. The manual provides reimbursement policies and payment methodologies for pharmacists and medical suppliers. The Florida Workers' Compensation Health Care Provider Reimbursement Manual, incorporated above 2003 Edition, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com>.

(2) The Physicians' Current Procedural Terminology (CPT®), 2003 Professional Edition, Copyright 2002, American Medical Association; the Current Dental Terminology (CDT-4), Fourth Edition, Copyright 2002, American Dental Association; ~~and for D codes;~~ ~~and for injectable J codes;~~ and the other medical services and supply codes, the American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2003", Fifteenth Edition, Copyright 2002, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service, which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, incorporated in subsection (1) above 2003 Edition, the provider must use a code contained in the CPT®, CDT-4 or HCPCS section as specified.

Specific Authority 440.13(7), (8), (11)-(14); 440.591 FS. Law Implemented: 440.13(11), (12), and (14), ~~(6)-(8),(11)-(14)~~ FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, ~~4L-7.020~~, Amended \_\_\_\_\_.

69L-7.501 Florida Workers' Compensation Reimbursement Manual for Hospitals.

(1) The Florida Workers' Compensation Reimbursement Manual for Hospitals, ~~2004~~ ~~1999~~ Edition, is incorporated and replacement pages 4, 9, and 22 are adopted by reference as part of this rule. The manual contains reimbursement policies and per diem rates for hospital services and supplies, ~~as well as basic instructions and information for all hospitals and carriers in the preparation and reimbursement of bills for hospital services.~~

(2) The Florida Workers' Compensation Health Care Provider Reimbursement Manual 2004 Edition is incorporated by reference as part of this rule also. The reimbursement policies, billing codes and maximum reimbursement allowances for physical therapy, radiology, occupational therapy, speech therapy, radiology and clinical laboratory services contained in the manual shall be applied to hospital services provided on an outpatient basis only. Form DWC 90, also known as the UB 92, or HCFA 1450, is hereby incorporated by reference as part of this rule.

(3) The Florida Workers' Compensation Reimbursement Manual for Hospitals, incorporated in Subsection (1) above, is 1999 Edition, and Form DWC 90, are available for inspection during normal business hours, at the State of Florida Department of Financial Services, Division of Workers' Compensation, Document Processing Section Center, 200 East Gaines Street, Tallahassee, Florida 32399-0311 ~~4230~~, or via the Department's ~~Division's~~ website ~~home page~~ at <http://www.fldfs.com>, ~~<http://www.t.myflorida.com/les/we/>~~

Specific Authority 440.13(4)(b), (6), (11), (12), (14) FS. Law Implemented 440.13(4)(b), (6), (11), (12), (14) FS. History—New 6-9-87, Amended 6-1-92, 10-27-99, 7-3-01, Formerly 38F-7.501, ~~4L-7.501~~, Amended \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Elections

RULE TITLE:	RULE NO.:
Polling Place Procedures Manual	1S-2.034
PURPOSE AND EFFECT: Amend the Polling Place Procedures Manual to include new Federal Help America Vote Act provisions.	
SUMMARY: The proposed rule generally updates the manual to include new HAVA provisions.	
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.	

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

SPECIFIC AUTHORITY: 102.014(5) FS.

LAW IMPLEMENTED: 102.014(5) FS.

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

TIME AND DATE: 2:00 p.m., October 31, 2003

PLACE: The Collins Building, Room 102, 107 West Gaines Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Jane Bradshaw, 107 West Gaines Street, Suite 100, Tallahassee, Florida 32399-0250, (850)245-6200

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing should advise the Department at least 5 calendar days before the hearing by contacting Sarah Jane Bradshaw or Marielba Torres at (850)245-6200.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.034 Polling Place Procedures Manual.

The Department of State, Division of Elections, is required to establish a polling place procedures manual, Form DS-DE 11 (~~11/03~~) (~~4/02~~), which is hereby incorporated by reference and available from the Division of Elections, Room 100, The Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 102.014(5) FS. Law Implemented 102.014(5) FS. History--New 2-11-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Jane Bradshaw, Assistant Division Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edward C. Kast, Director, Division of Elections, Department of State

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

**DEPARTMENT OF LEGAL AFFAIRS**

RULE TITLES:	RULE NOS.:
Court Reporting Fees – Purpose	2-39.010
Standard Fee Schedule	2-39.020
Standard Fee Schedule Exception – Procedure	2-39.030

PURPOSE AND EFFECT: The Department intends to repeal the rules relating to court reporters as these rules are outdated.

SUMMARY: The fees relating to court reporters and fees are being repealed.

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: 287.059(14) FS.

LAW IMPLEMENTED: 287.059(14) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Daugherty, Government Analyst, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULES IS:

2-39.010 Court Reporting Fees – Purpose.

Specific Authority 287.059(14) FS. Law Implemented 287.059(14) FS. History--New 1-24-94, Repealed \_\_\_\_\_.

2-39.020 Standard Fee Schedule.

Specific Authority 287.059(14) FS. Law Implemented 287.059(14) FS. History--New 1-24-94, Repealed \_\_\_\_\_.

2-39.030 Standard Fee Schedule Exception – Procedure.

Specific Authority 287.059(14) FS. Law Implemented 287.059(14) FS. History--New 1-24-94, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Daugherty, Government Analyst

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry McDaniel, Director of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2003

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

RULE TITLES:	RULE NOS.:
Scope	2A-8.001
Definitions	2A-8.002
Ability to Pay Benefits	2A-8.003
Designation of Beneficiary or Beneficiaries	2A-8.004
Adjustments to Reflect Consumer Price Index	2A-8.005

PURPOSE AND EFFECT: The proposed rules are intended to set forth criteria for adjustments in the death benefits for law enforcement, correctional, and correctional probation officers.

SUMMARY: The proposed new rules set forth the criteria for adjustments of death benefits by clarifying scope and definitions; the designation of beneficiaries; and clarifying the manner in which said benefits are adjusted.

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: 112.19 FS.

LAW IMPLEMENTED: 112.19 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: Rick Nuss, Chief, Criminal Justice Programs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULES IS:

2A-8.001 Scope.

These rules apply to each employer as defined in Section 112.19(1)(a), Florida Statutes, and each law enforcement, correctional and correctional probation officer as defined in Section 112.19(1)(b), Florida Statutes.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History–New \_\_\_\_\_.

2A-8.002 Definitions.

For purposes of this rule chapter, the following words or terms have the following definitions:

- (1) “Department” means the Department of Legal Affairs.
- (2) “Bureau” means the Bureau of Criminal Justice Programs.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History–New \_\_\_\_\_.

2A-8.003 Ability to Pay Benefits.

(1) Each employer shall maintain an ability to pay benefits provided under Section 112.19, Florida Statutes.

(2) Each employer at the request of the Bureau, shall provide the Bureau with evidence of such ability to pay benefits.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History–New \_\_\_\_\_.

2A-8.004 Designation of Beneficiary or Beneficiaries.

(1) Each law enforcement, correctional, and correctional probation officer who has a beneficiary or beneficiaries who may become eligible for payments under Section 112.19, Florida Statutes, shall file with his or her employer a designation of beneficiary or beneficiaries.

(2) Each employer shall maintain in its possession such designation of beneficiary or beneficiaries until the subject law enforcement, correctional, and correctional probation officer is no longer employed in any capacity with such employer.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History–New \_\_\_\_\_.

2A-8.005 Adjustments to Reflect Consumer Price Index.  
Section 112.19(2)(j), Florida Statutes, requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(1) The statutory amount for the period July 1, 2002, through June 30, 2003, was:

- (a) For those benefits paid or to be paid under paragraph (a) of subsection (2); \$50,000.
- (b) For those benefits paid or to be paid under paragraph (b) of subsection (2); \$50,000.
- (c) For those benefits paid or to be paid under paragraph (c) of subsection (2); \$150,000.

(2) The Consumer Price Index amount in March 2003 was 3.0 percent. Therefore, the statutory amount for the period July 1, 2003, through June 30, 2004, is:

- (a) For those benefits paid or to be paid under paragraph (a) of subsection (2); \$51,500.
- (b) For those benefits paid or to be paid under paragraph (b) of subsection (2); \$51,500.
- (c) For those benefits paid or to be paid under paragraph (c) of subsection (2); \$154,500.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Rick Nuss, Chief, Criminal Justice Programs  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Doss, Division Director  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

**DEPARTMENT OF LEGAL AFFAIRS**

**Florida Elections Commission**

RULE TITLE: Complaints  
 RULE NO.: 2B-1.0025  
 PURPOSE AND EFFECT: This rule amendment limits the complaints that a Complainant may file with the Commission. The Complainant would be barred from filing subsequent complaints based upon alleged facts that were raised in a

previous complaint or that should have been raised based on the facts alleged on the face of the previous complaint. The rule will take effect immediately and applies to all complaints pending before the Commission. The doctrines of res judicata and collateral estoppel will apply to all complaints filed with the Florida Elections Commission. This rule amendment also amends the Commission's complaint form. The only substantive change in the form is that the person making the complaint is to specify whether the person against whom the complaint is filed is an individual, corporation, political committee, political party, committee of continuous existence, or other entity.

SUMMARY: On May 16, 2003, the Florida Elections Commission received a Petition to Initiate Rulemaking to amend Rule 2B-1.0025, F.A.C., to require that all complaints filed with the Commission must raise all violations of the Florida Election Code that arise from the facts alleged on the face of the complaint at the time the complaint is filed. The Petition was presented to the Commission at its meeting on May 21 and 22, 2003. A rule development workshop was held on July 11, 2003. The Commission adopted this proposed amendment at the Commission's August 13, 2003 meeting.

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: 106.26(1) FS.

LAW IMPLEMENTED: 105.071, 106.25 FS.

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

TIME AND DATE: 1:00 p.m., Monday, November 10, 2003

PLACE: Florida Elections Commission Conference Room, 107 West Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phyllis Hampton, General Counsel, Florida Elections Commission, 107 W. Gaines St., 243 Collins Bldg., Tallahassee, FL 32399-1050, (850)922-4539

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 2B-1.0025 Complaints.

(1) Any complaint of alleged violations of the Florida Election Code over which the Florida Elections Commission has jurisdiction shall be filed with the Commission. A complaint form, Complaint Form, FEC 001, effective \_\_\_\_\_ 1-2-02, which is hereby adopted and incorporated by reference may be obtained by calling the Commission office

during normal business hours or by writing to the Commission. The complaint form may also be obtained from the Commission's website [www.fec.state.fl.us](http://www.fec.state.fl.us).

(2) Within five working days of receipt of a sworn complaint, the executive director shall send a copy of the complaint to the person against whom the complaint was made, the respondent.

(3) Upon receipt of a complaint, the executive director shall determine whether the complaint is legally sufficient, unless the executive director determines that the identity of the parties or witnesses or other factual or legal basis would prevent his or her determination due to an appearance of impropriety or a conflict as defined by Section 112.312(8), Florida Statutes. Upon the executive director's determination that he or she has a conflict or that action on the complaint would present an appearance of impropriety, the executive director shall refer the complaint to the Commission for a determination of legal sufficiency.

(4) A complaint is legally sufficient if it meets the following criteria.

(a) The complaint alleges a violation of Chapter 104 or 106 or Section 105.071, Florida Statutes;

(b) The complaint was made under oath in the presence of a notary public or other person authorized by law to administer oaths;

(c) The complaint contains specific facts upon which the complainant bases the allegation of a violation of law; and

(d) The complaint alleges a violation that occurred within two years of the date the complaint is filed with the Commission.

(5) A complaint is not required to list every section of the Election Code that a respondent could have violated or to specify facts that support every element of the violations alleged.

(6) Notwithstanding the provisions of subsections (4) and (5), if any complainant fails to raise all violations of the Election Code that arise from the facts alleged on the face of the complaint at the time of filing the complaint, the complainant shall be barred from filing any subsequent complaint or complaints based upon the allegations of violations of the Election Code that should have been raised based on the facts alleged on the face of the first complaint. The Complainant shall also be barred from filing any subsequent complaint or complaints based upon allegations that were raised at the time of filing the first complaint or that should have been raised based on the facts alleged on the face of the first complaint. This rule shall take effect immediately and applies to all complaints pending before the Commission. The doctrines of res judicata and collateral estoppel apply to all complaints filed with the Florida Elections Commission.

(7)(6) In determining the legal sufficiency of a complaint, the executive director shall consider any document referred to in the complaint and any material Commission staff has

obtained in prior Commission investigations. In determining the legal sufficiency of a complaint alleging a violation of the campaign finance laws, the executive director shall also consider documents campaign treasurer's reports on file with the filing officer.

~~(8)(7)~~ When the executive director or the Commission determines that a complaint is legally insufficient, ~~the complaint shall be dismissed.~~

~~(8)~~ the The complainant and the respondent shall be notified of the dismissal of the complaint. The notice shall include the reason the complaint is legally insufficient and notify the complainant of the right to seek the Commission's review of the executive director's finding that the complaint is legally insufficient dismissal.

(9) A complainant seeking the Commission's review of the executive director's finding that the complaint is legally insufficient, dismissal of a complaint shall file a written request for review with the Commission clerk stating with specificity the reasons the complainant believes that the complaint is legally sufficient within 21 days of receipt of the notice of ~~dismissal~~. If a written request for review is not filed with the Commission clerk within 21 days of receipt of the notice, the complaint will be dismissed.

(10) If the Commission finds the complaint legally sufficient, it shall direct the executive director to further investigate the complaint. If the Commission finds the complaint legally insufficient, it shall dismiss the complaint.

Specific Authority 106.26(1) FS. Law Implemented 105.071, 106.25 FS. History--New 2-17-91, Amended 11-14-93, 3-19-96, 8-19-96, Formerly 1D-1.0025, Amended 1-11-98, 1-2-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Elections Commission  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Elections Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE: Pesticides  
RULE CHAPTER NO.: 5E-2  
RULE TITLE: Performance Standards and Acceptable Test Conditions for Preventive Termite Treatments for New Construction  
RULE NO.: 5E-2.0311

PURPOSE AND EFFECT: This rule amendment would provide that any soil applied treatment for preventative treatment for new construction that allowed perimeter and limited area treatments would have to conduct building tests and meet a performance standard of no termite infestation in

90% of test buildings for five years. This rule would apply to registered pesticide products labeled for preventative treatment for new construction.

SUMMARY: This amendment addresses soil applied residual treatments meeting performance standards based on field tests that simulate a full coverage treatment under the foundation of a structure.

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

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

SPECIFIC AUTHORITY: 487.041(4)(e) FS.

LAW IMPLEMENTED: 487.041(e) FS.

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

DATE AND TIME: 10:00 a.m., November 12, 2003

PLACE: George Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Steven Dwinell, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.0311 Performance Standards and Acceptable Test Conditions for Preventive Termite Treatments for New Construction.

(1) PERFORMANCE STANDARDS FOR PREVENTIVE TERMITE TREATMENTS FOR NEW CONSTRUCTION. The registrant of any pesticide product containing a label statement that includes directions for use as a preventive treatment for subterranean termites for new construction shall provide data to the Department demonstrating that the product meets the performance standard specified for the type of pesticide product listed below. For products registered prior to the effective date of the rule, the registrant shall have one year from the effective date of the rule to provide the data required to meet the performance standards or the period of time specified to meet the test conditions herein, whichever is greater. When data generation requires more than one (1) year, the registrant shall provide annual reports to the Department. In the event that a performance standard is not met during the test period, the provisions of Section 487.041(4)(e), F.S., shall apply.

- (a) For soil applied residual treatments:
  - 1. through 2. No change.





to satisfy requirements of the country to which the food is being exported. The Export Certification Report shall bear the original signature of a designee of the Department, confirmed by a Notary Public, and may certify the Department's findings that:

(a) The food establishment is permitted, regulated and regularly inspected by the Department of Agriculture and Consumer Services, of the State of Florida, of the United States of America.

(b) The sanitation conditions at the food establishment are satisfactory according to the most recent sanitation inspection report issued by the Department.

(c) The food establishment's good manufacturing practices were evaluated by the Department and found to be satisfactory according to the most recent sanitation inspection report issued by the Department.

(d) The food product identified in the Export Certification Report may be freely offered for sale for human consumption, in the State of Florida, of the United States of America.

(e) The food product identified in the Export Certification Report is not at this time the subject of any food safety enforcement action by the Department in the State of Florida.

(f) The Department does not object to the sale of the identified food products in the State of Florida, other states or U.S. Territories, nor its shipment to any other country.

(3) Applications for Export Certification Reports.

Any food establishment applying for an Export Certification Report must use Department Form No. DACS-14219, which is incorporated by reference herein, and titled "Application for Export Certification Report;" effective date of said form being October 7, 2003. These applications may be obtained from the Export Certification Coordinator, Florida Department of Agriculture and Consumer Services, Division of Food Safety, 3125 Conner Boulevard, Suite "H", Tallahassee, Florida 32399-1650, or by e-mailing a request for an application to the Export Certification Coordinator at: [foodexport@doacs.state.fl.us](mailto:foodexport@doacs.state.fl.us). The application shall include or be accompanied by the list of food products to be exported by the food establishment. Submission of applications by electronic means will be accepted, and is preferred. Any application that is illegible, incomplete, or contains incorrect information will be denied and returned to the firm owner for correction.

(4) Issuance of Export Certification Report.

(a) The Department will issue an Export Certification Report for a food establishment if the firm:

1. Is regulated and inspected by the Department; and
2. Has a current, valid Food Permit from the Department; and
3. Has received a satisfactory sanitation inspection report on the most recent inspection performed by the Department; and

4. Has submitted an application listing only food products which may be freely offered for sale for human consumption, in the State of Florida, of the United States of America.

(b) Firm information provided in the application must be consistent with the Department's Food Permit records. The Department will bill the firm owner. Billing invoices for Export Certification Reports will be sent to the firm owner's mailing address on record with the Department. Denial of any application for an Export Certification Report shall be sent to the firm owner.

(5) Cost and payment for Export Certification Report.

The Department will assess a charge of \$15.00 per Export Certification Report in the English language. This charge includes the cost of processing the application, research, and preparation of the export certification report. An additional charge, billed at a rate of \$20.00 per half-hour, may be required if expedited preparation, customized wording or foreign language is requested and provided. Owner must remit payment to the Florida Department of Agriculture, Bureau of Finance and Accounting, P. O. Box 6720, Tallahassee, FL 32314-6720. All payments must be remitted to the Department within 10 working days after billing. All such payments shall be deposited into the General Inspection Trust Fund.

(6) An Export Certification Report issued by the Department pursuant to this rule shall not be construed or represented to be an express or implied warranty of any of the products named in the export certification report or the firm's good manufacturing practices nor shall the Export Certification Report be used for advertising or promotional purposes.

Specific Authority 500.09, 500.148(3), 570.07(23) FS. Law Implemented 500.09, 500.148 (2), (3) FS. History-New \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dana H. Plummer, Esq., Division of Food Safety, 3125 Conner Blvd., Suite C, Tallahassee, Florida 32399-1650, (850)488-8306

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J.D. Warren, Assistant Director, Division of Food Safety, 3125 Conner Blvd., Suite C, Tallahassee, Florida 32399-1650, (850)488-3951

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2003

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Florida Comprehensive Assessment Test Requirements  
RULE NO.: 6A-1.09422

PURPOSE AND EFFECT: The purpose of this rule amendment is to add the FCAT developmental scores for each grade and subject, to change the effective date for

implementing new achievement level scores, to add the FCAT developmental scores required for graduation, and to update the date for subsequent review of existing passing scores. The effect of this rule amendment is that achievement levels using the new FCAT developmental scores will be codified and the implementation of achievement level standards will be delayed.

SUMMARY: This rule is amended to amend Florida Comprehensive Assessment Test scores as required in this rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1008.22, 1001.11, 1001.02, 1000.03 FS.

LAW IMPLEMENTED: 1001.02, 1001.11, 1008.33, 1008.22, 1008.25 FS.

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

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

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Cornelia Orr, Director of Assessment and School Performance, Accountability, Research, and Measurement, Department of Education, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399; (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09422 Florida Comprehensive Assessment Test Requirements.

(1) The statewide program of educational assessment required by Section 1008.22(3)(c) ~~229.57(3)(e)~~, Florida Statutes, shall be developed under the direction and supervision of the Commissioner of Education and shall be titled the Florida Comprehensive Assessment Test (FCAT). It shall be:

- (a) Kept secured at all times.
- (b) Provided to all school districts in the quantity needed for the students in the district.
- (c) Administered in accordance with standard written instructions appropriate for the examination. The written instructions will be issued by the Commissioner in the form of ~~the~~ test administration manuals and other written communications, as required, and provided to school districts in sufficient time prior to each test.
- (d) Revised and updated as needed.

(2) The test shall be developed in consultation with teachers and other appropriate professionals and shall be approved by the Commissioner prior to being administered to students. The FCAT shall:

(a) Consist of four (4) ~~three (3)~~ sections: one (1) measuring reading skills, one (1) measuring mathematics skills, ~~and one (1) measuring writing skills, and one (1) measuring science skills.~~

(b) Be derived from the skills adopted in Rule 6A-1.09401, F.A.C.

(3) The FCAT shall be administered as follows:

(a) All eligible students in grades three through ten shall take the reading and mathematics tests. All eligible students in grades four, eight, and ten shall take the writing test. All eligible students in grades five, eight, and ten shall take the science test.

(b) Provisions shall be made by school districts to administer the test to students who are absent on the designated testing dates according to directions specified by the Commissioner. The directions will be issued in the form of ~~the~~ test administration manuals and other written communications, as required, and provided to school districts in sufficient time prior to each test.

(c) Provisions shall be made by the Commissioner to permit the test to be administered to home school students and private school students under conditions which preserve the security of the test and require the public school districts to be responsible for the test administration procedures.

(d) In accordance with the requirements of Section 1008.25(4), ~~233.245(3)~~ Florida Statutes, provisions shall be made by the Commissioner to retest students the following year if they do not attain minimum performance expectations.

(e) The FCAT shall be administered to students in grades 3 through 9 not less than one time per year on a schedule approved by the Commissioner and up to three times per year for students who do not attain minimum performance expectations on the grade 10 FCAT as specified in subsection (7) of this rule.

(4) Examinee scores on FCAT reading and mathematics shall be reported on a score scale from 100 to 500 defined by the baseline test administered during January and February 1998, and a developmental scale of approximately 0 to 3000 that defines performance across grades 3 through 10. Examinee scores on FCAT Science shall be reported on a score scale from 100 to 500 defined by the baseline test administered during March 2003. Each examinee shall receive a total score for each subject area in addition to part scores that can be reliably reported.

(5) The total scores on FCAT Reading and Mathematics are also reported on an achievement-level scale. The total scores that correspond to each achievement level are shown in the following paragraphs. shall be reported in terms of the following achievement levels for each specified time period:

(a) Beginning with the effective date of this rule, until changes are recommended by the Commissioner of Education to the State Board of Education, through December 31, 2003, the achievement levels for the first phase of implementation (step 1) shall be: as shown in the following tables.

1. Grade 3 Reading grade-level scale scores (100 to 500) for each achievement level – step 1:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	100-258	259-283	284-331	332-393	394-500
4	100-274	275-298	299-338	339-385	386-500
5	100-255	256-285	286-330	331-383	384-500
6	100-264	265-295	296-338	339-386	387-500
7	100-266	267-299	300-343	344-388	389-500
8	100-270	271-309	310-349	350-393	394-500
9	100-284	285-321	322-353	354-381	382-500
10	100-286	287-326	327-354	355-371	372-500

Reading developmental scale scores (86 to 3008) for each achievement level – step 1:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	86-1045	1046-1197	1198-1488	1489-1865	1866-2514
4	295-1314	1315-1455	1456-1689	1690-1964	1965-2638
5	474-1341	1342-1509	1510-1761	1762-2058	2059-2713
6	539-1449	1450-1621	1622-1859	1860-2125	2126-2758
7	671-1541	1542-1714	1715-1944	1945-2180	2181-2767
8	886-1695	1696-1881	1882-2072	2073-2281	2282-2790
9	772-1771	1772-1971	1972-2145	2146-2297	2298-2943
10	844-1851	1852-2067	2068-2218	2219-2310	2311-3008

Mathematics grade level scale scores (100 to 500) for each achievement level – step 1:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	100-252	253-293	294-345	346-397	398-500
4	100-259	260-297	298-346	347-393	394-500
5	100-287	288-325	326-354	355-394	395-500
6	100-282	283-314	315-353	354-390	391-500
7	100-274	275-305	306-343	344-378	379-500
8	100-279	280-309	310-346	347-370	371-500
9	100-260	261-295	296-331	332-366	367-500
10	100-286	287-314	315-339	340-374	375-500

Mathematics developmental scale scores (375 to 2709) for each achievement level – step 1:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	375-1078	1079-1268	1269-1508	1509-1749	1750-2225
4	581-1276	1277-1443	1444-1657	1658-1862	1863-2330
5	569-1451	1452-1631	1632-1768	1769-1956	1957-2456
6	770-1553	1554-1691	1692-1859	1860-2018	2019-2492
7	958-1660	1661-1785	1786-1938	1939-2079	2080-2572
8	1025-1732	1733-1850	1851-1997	1998-2091	2092-2605
9	1238-1781	1782-1900	1901-2022	2023-2141	2142-2596
10	1068-1831	1832-1946	1947-2049	2050-2192	2193-2709

a. Level 1 shall be a score less than 259;

b. Level 2 shall be a score equal to or more than 259 but less than 284;

c. Level 3 shall be a score equal to or more than 284 but less than 332;

d. Level 4 shall be a score equal to or more than 332 but less than 394;

e. Level 5 shall be a score equal to or more than 394.

2. Grade 3 Mathematics

a. Level 1 shall be a score less than 253;

b. Level 2 shall be a score equal to or more than 253 but less than 294;

c. Level 3 shall be a score equal to or more than 294 but less than 346;

d. Level 4 shall be a score equal to or more than 346 but less than 398;

e. Level 5 shall be a score equal to or more than 398.

3. Grade 4 Reading

a. Level 1 shall be a score less than 275;

b. Level 2 shall be a score equal to or more than 275 but less than 299;

c. Level 3 shall be a score equal to or more than 299 but less than 339;

d. Level 4 shall be a score equal to or more than 339 but less than 386;

e. Level 5 shall be a score equal to or more than 386.

4. Grade 4 Mathematics

a. Level 1 shall be a score less than 260;

b. Level 2 shall be a score equal to or more than 260 but less than 298;

c. Level 3 shall be a score equal to or more than 298 but less than 347;

d. Level 4 shall be a score equal to or more than 347 but less than 394;

e. Level 5 shall be a score equal to or more than 394.

5. Grade 5 Reading

a. Level 1 shall be a score less than 256;

b. Level 2 shall be a score equal to or more than 256 but less than 286;

c. Level 3 shall be a score equal to or more than 286 but less than 331;

d. Level 4 shall be a score equal to or more than 331 but less than 384;

e. Level 5 shall be a score equal to or more than 384.

6. Grade 5 Mathematics

a. Level 1 shall be a score less than 288;

b. Level 2 shall be a score equal to or more than 288 but less than 326;

c. Level 3 shall be a score equal to or more than 326 but less than 355;

d. Level 4 shall be a score equal to or more than 355 but less than 395;

e. Level 5 shall be a score equal to or more than 395.

7. Grade 6 Reading

a. Level 1 shall be a score less than 265;

b. Level 2 shall be a score equal to or more than 265 but less than 296;

c. Level 3 shall be a score equal to or more than 296 but less than 339;

d. Level 4 shall be a score equal to or more than 339 but less than 387;

- e. Level 5 shall be a score equal to or more than 387.
- 8. Grade 6 Mathematics
  - a. Level 1 shall be a score less than 283;
  - b. Level 2 shall be a score equal to or more than 283 but less than 315;
  - c. Level 3 shall be a score equal to or more than 315 but less than 354;
  - d. Level 4 shall be a score equal to or more than 354 but less than 391;
  - e. Level 5 shall be a score equal to or more than 391.
- 9. Grade 7 Reading
  - a. Level 1 shall be a score less than 267;
  - b. Level 2 shall be a score equal to or more than 267 but less than 300;
  - c. Level 3 shall be a score equal to or more than 300 but less than 344;
  - d. Level 4 shall be a score equal to or more than 344 but less than 389;
  - e. Level 5 shall be a score equal to or more than 389.
- 10. Grade 7 Mathematics
  - a. Level 1 shall be a score less than 275;
  - b. Level 2 shall be a score equal to or more than 275 but less than 306;
  - c. Level 3 shall be a score equal to or more than 306 but less than 344;
  - d. Level 4 shall be a score equal to or more than 344 but less than 379;
  - e. Level 5 shall be a score equal to or more than 379.
- 11. Grade 8 Reading
  - a. Level 1 shall be a score less than 271;
  - b. Level 2 shall be a score equal to or more than 271 but less than 310;
  - c. Level 3 shall be a score equal to or more than 310 but less than 350;
  - d. Level 4 shall be a score equal to or more than 350 but less than 394;
  - e. Level 5 shall be a score equal to or more than 394.
- 12. Grade 8 Mathematics
  - a. Level 1 shall be a score less than 280;
  - b. Level 2 shall be a score equal to or more than 280 but less than 310;
  - c. Level 3 shall be a score equal to or more than 310 but less than 347;
  - d. Level 4 shall be a score equal to or more than 347 but less than 371;
  - e. Level 5 shall be a score equal to or more than 371.
- 13. Grade 9 Reading
  - a. Level 1 shall be a score less than 285;

- b. Level 2 shall be a score equal to or more than 285 but less than 322;
- c. Level 3 shall be a score equal to or more than 322 but less than 354;
- d. Level 4 shall be a score equal to or more than 354 but less than 382;
- e. Level 5 shall be a score equal to or more than 382.
- 14. Grade 9 Mathematics
  - a. Level 1 shall be a score less than 261;
  - b. Level 2 shall be a score equal to or more than 261 but less than 296;
  - c. Level 3 shall be a score equal to or more than 296 but less than 332;
  - d. Level 4 shall be a score equal to or more than 332 but less than 367;
  - e. Level 5 shall be a score equal to or more than 367.
- 15. Grade 10 Reading
  - a. Level 1 shall be a score less than 287;
  - b. Level 2 shall be a score equal to or more than 287 but less than 327;
  - c. Level 3 shall be a score equal to or more than 327 but less than 355;
  - d. Level 4 shall be a score equal to or more than 355 but less than 372;
  - e. Level 5 shall be a score equal to or more than 372.
- 16. Grade 10 Mathematics
  - a. Level 1 shall be a score less than 287;
  - b. Level 2 shall be a score equal to or more than 287 but less than 315;
  - c. Level 3 shall be a score equal to or more than 315 but less than 340;
  - d. Level 4 shall be a score equal to or more than 340 but less than 375;
  - e. Level 5 shall be a score equal to or more than 375.

(b) The Commissioner of Education will review FCAT performance data after each test administration and make a recommendation to the State Board of Education about future implementation of the step 2 achievement levels shown in the following tables. For the time period beginning January 1, 2004, the achievement levels shall be:

1. Grade 3 Reading grade-level scale scores (100 to 500) for each achievement level – step 2:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	100-271	272-296	297-344	345-406	407-500
4	100-287	288-311	312-351	352-398	399-500
5	100-268	269-298	299-343	344-396	397-500
6	100-277	278-308	309-351	352-399	400-500
7	100-279	280-312	313-356	357-401	402-500
8	100-283	284-322	323-362	363-406	407-500
9	100-297	298-334	335-366	367-394	395-500
10	100-299	300-339	340-367	368-384	385-500

Reading developmental scale scores (86 to 3008) for each achievement level – step 2:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	<u>86-1129</u>	<u>1130-1281</u>	<u>1282-1572</u>	<u>1573-1949</u>	<u>1950-2514</u>
4	<u>295-1395</u>	<u>1396-1536</u>	<u>1537-1770</u>	<u>1771-2046</u>	<u>2047-2638</u>
5	<u>474-1419</u>	<u>1420-1587</u>	<u>1588-1839</u>	<u>1840-2135</u>	<u>2136-2713</u>
6	<u>539-1525</u>	<u>1526-1697</u>	<u>1698-1936</u>	<u>1937-2202</u>	<u>2203-2758</u>
7	<u>671-1613</u>	<u>1614-1786</u>	<u>1787-2017</u>	<u>2018-2252</u>	<u>2253-2767</u>
8	<u>886-1761</u>	<u>1762-1947</u>	<u>1948-2137</u>	<u>2138-2347</u>	<u>2348-2790</u>
9	<u>772-1846</u>	<u>1847-2046</u>	<u>2047-2220</u>	<u>2221-2372</u>	<u>2373-2943</u>
10	<u>844-1925</u>	<u>1926-2142</u>	<u>2143-2293</u>	<u>2294-2385</u>	<u>2386-3008</u>

Mathematics scale scores (100 to 500) for each achievement level – step 2:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	<u>100-265</u>	<u>266-306</u>	<u>307-358</u>	<u>359-410</u>	<u>411-500</u>
4	<u>100-272</u>	<u>273-310</u>	<u>311-359</u>	<u>360-406</u>	<u>407-500</u>
5	<u>100-300</u>	<u>301-338</u>	<u>339-367</u>	<u>368-407</u>	<u>408-500</u>
6	<u>100-295</u>	<u>296-327</u>	<u>328-366</u>	<u>367-403</u>	<u>404-500</u>
7	<u>100-287</u>	<u>288-318</u>	<u>319-356</u>	<u>357-391</u>	<u>392-500</u>
8	<u>100-292</u>	<u>293-322</u>	<u>323-359</u>	<u>360-383</u>	<u>384-500</u>
9	<u>100-273</u>	<u>274-308</u>	<u>309-344</u>	<u>345-379</u>	<u>380-500</u>
10	<u>100-299</u>	<u>300-327</u>	<u>328-352</u>	<u>353-387</u>	<u>388-500</u>

Mathematics developmental scale scores (375 to 2709) for each achievement level – step 2:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	<u>375-1142</u>	<u>1143-1331</u>	<u>1332-1572</u>	<u>1573-1812</u>	<u>1813-2225</u>
4	<u>581-1337</u>	<u>1338-1503</u>	<u>1504-1717</u>	<u>1718-1923</u>	<u>1924-2330</u>
5	<u>569-1516</u>	<u>1517-1696</u>	<u>1697-1833</u>	<u>1834-2021</u>	<u>2022-2456</u>
6	<u>770-1613</u>	<u>1614-1750</u>	<u>1751-1918</u>	<u>1919-2078</u>	<u>2079-2492</u>
7	<u>958-1715</u>	<u>1716-1840</u>	<u>1841-1994</u>	<u>1995-2135</u>	<u>2136-2572</u>
8	<u>1025-1786</u>	<u>1787-1905</u>	<u>1906-2051</u>	<u>2052-2146</u>	<u>2147-2605</u>
9	<u>1238-1828</u>	<u>1829-1947</u>	<u>1948-2069</u>	<u>2070-2188</u>	<u>2189-2596</u>
10	<u>1068-1888</u>	<u>1889-2003</u>	<u>2004-2105</u>	<u>2106-2249</u>	<u>2250-2709</u>

- a. Level 1 shall be a score less than 272;
  - b. Level 2 shall be a score equal to or more than 272 but less than 297;
  - c. Level 3 shall be a score equal to or more than 297 but less than 345;
  - d. Level 4 shall be a score equal to or more than 345 but less than 407;
  - e. Level 5 shall be a score equal to or more than 407.
2. Grade 3 Mathematics
- a. Level 1 shall be a score less than 266;
  - b. Level 2 shall be a score equal to or more than 266 but less than 307;
  - c. Level 3 shall be a score equal to or more than 307 but less than 359;
  - d. Level 4 shall be a score equal to or more than 359 but less than 411;
  - e. Level 5 shall be a score equal to or more than 411.
3. Grade 4 Reading
- a. Level 1 shall be a score less than 288;
  - b. Level 2 shall be a score equal to or more than 288 but less than 312;
  - c. Level 3 shall be a score equal to or more than 312 but less than 352;

- d. Level 4 shall be a score equal to or more than 352 but less than 399;
  - e. Level 5 shall be a score equal to or more than 399.
4. Grade 4 Mathematics
- a. Level 1 shall be a score less than 273;
  - b. Level 2 shall be a score equal to or more than 273 but less than 311;
  - c. Level 3 shall be a score equal to or more than 311 but less than 360;
  - d. Level 4 shall be a score equal to or more than 360 but less than 407;
  - e. Level 5 shall be a score equal to or more than 407.
5. Grade 5 Reading
- a. Level 1 shall be a score less than 269;
  - b. Level 2 shall be a score equal to or more than 269 but less than 299;
  - c. Level 3 shall be a score equal to or more than 299 but less than 344;
  - d. Level 4 shall be a score equal to or more than 344 but less than 397;
  - e. Level 5 shall be a score equal to or more than 397.
6. Grade 5 Mathematics
- a. Level 1 shall be a score less than 301;
  - b. Level 2 shall be a score equal to or more than 301 but less than 339;
  - c. Level 3 shall be a score equal to or more than 339 but less than 368;
  - d. Level 4 shall be a score equal to or more than 368 but less than 408;
  - e. Level 5 shall be a score equal to or more than 408.
7. Grade 6 Reading
- a. Level 1 shall be a score less than 278;
  - b. Level 2 shall be a score equal to or more than 278 but less than 309;
  - c. Level 3 shall be a score equal to or more than 309 but less than 352;
  - d. Level 4 shall be a score equal to or more than 352 but less than 400;
  - e. Level 5 shall be a score equal to or more than 400.
8. Grade 6 Mathematics
- a. Level 1 shall be a score less than 296;
  - b. Level 2 shall be a score equal to or more than 296 but less than 328;
  - c. Level 3 shall be a score equal to or more than 328 but less than 367;
  - d. Level 4 shall be a score equal to or more than 367 but less than 404;
  - e. Level 5 shall be a score equal to or more than 404.
9. Grade 7 Reading
- a. Level 1 shall be a score less than 280;

- b. Level 2 shall be a score equal to or more than 280 but less than 313;
  - e. Level 3 shall be a score equal to or more than 313 but less than 357;
  - d. Level 4 shall be a score equal to or more than 357 but less than 402;
  - e. Level 5 shall be a score equal to or more than 402.
10. Grade 7 Mathematics
- a. Level 1 shall be a score less than 288;
  - b. Level 2 shall be a score equal to or more than 288 but less than 319;
  - e. Level 3 shall be a score equal to or more than 319 but less than 357;
  - d. Level 4 shall be a score equal to or more than 357 but less than 392;
  - e. Level 5 shall be a score equal to or more than 392.
11. Grade 8 Reading
- a. Level 1 shall be a score less than 284;
  - b. Level 2 shall be a score equal to or more than 284 but less than 323;
  - e. Level 3 shall be a score equal to or more than 323 but less than 363;
  - d. Level 4 shall be a score equal to or more than 363 but less than 407;
  - e. Level 5 shall be a score equal to or more than 407.
12. Grade 8 Mathematics
- a. Level 1 shall be a score less than 293;
  - b. Level 2 shall be a score equal to or more than 293 but less than 323;
  - e. Level 3 shall be a score equal to or more than 323 but less than 360;
  - d. Level 4 shall be a score equal to or more than 360 but less than 384;
  - e. Level 5 shall be a score equal to or more than 384.
13. Grade 9 Reading
- a. Level 1 shall be a score less than 298;
  - b. Level 2 shall be a score equal to or more than 298 but less than 335;
  - e. Level 3 shall be a score equal to or more than 335 but less than 367;
  - d. Level 4 shall be a score equal to or more than 367 but less than 395;
  - e. Level 5 shall be a score equal to or more than 395.
14. Grade 9 Mathematics
- a. Level 1 shall be a score less than 274;
  - b. Level 2 shall be a score equal to or more than 274 but less than 309;
  - e. Level 3 shall be a score equal to or more than 309 but less than 345;
  - d. Level 4 shall be a score equal to or more than 345 but less than 380;

- e. Level 5 shall be a score equal to or more than 380.
15. Grade 10 Reading
- a. Level 1 shall be a score less than 300;
  - b. Level 2 shall be a score equal to or more than 300 but less than 340;
  - e. Level 3 shall be a score equal to or more than 340 but less than 368;
  - d. Level 4 shall be a score equal to or more than 368 but less than 385;
  - e. Level 5 shall be a score equal to or more than 385.
16. Grade 10 Mathematics
- a. Level 1 shall be a score less than 300;
  - b. Level 2 shall be a score equal to or more than 300 but less than 328;
  - e. Level 3 shall be a score equal to or more than 328 but less than 353;
  - d. Level 4 shall be a score equal to or more than 353 but less than 388;
  - e. Level 5 shall be a score equal to or more than 388.

(6) Pursuant to Section 1008.22(3)(c)5., 229.57(3)(e)6. Florida Statutes, students who were enrolled in grade nine in the fall of 1999 and thereafter, shall be required to earn passing scores on the grade ten Florida Comprehensive Assessment Test in reading and mathematics.

(7) ~~The passing score for the reading test shall be a score equal to or greater than 287. The passing score for the mathematics test shall be a score equal to or greater than 295. Effective February 1, 2002, For students in the graduating class of 2003-04 school year and beyond, the passing score for the reading and mathematics tests shall be a score equal to or greater than 300 on the 100 to 500 scale, and 1926 for the reading test and 1889 for the mathematics test on the developmental scale, unless the student had previously qualified for the passing scores required for the 2002-03 graduating class.~~

(8) After July 1, ~~2005, 2002,~~ and before March 1, ~~2006, 2003,~~ the Commissioner of Education shall review student performance levels and recommended to the State Board of Education whether to determine whether to maintain the existing passing scores and achievement levels (step 1) or to increase one or both of the requirements.

(9) The test shall be administered according to a schedule approved by the Commissioner.

(10) Students with disabilities may be provided test modifications or accommodations in accordance with the provisions of Rule 6A-1.0943, F.A.C.

(11) Invalidity of a section of this rule shall not invalidate the remainder of the rule.

Specific Authority 1008.22, 1001.11, 1001.02, 1000.03 229.57 FS. Law Implemented 1001.02, 1001.11, 1008.33, 1008.22, 1008.25 229.053, 229.0535, 229.57 FS. History—New 1-24-99, Amended 10-7-01, 1-22-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Cornelia Orr, Chief, Assessment and School Performance,  
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: John Winn, Deputy Commissioner  
for Accountability, Research, and Measurement, Department  
of Education

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

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Implementation of Florida’s System of  
School Improvement and Accountability

RULE NO.: 6A-1.09981

PURPOSE AND EFFECT: The purpose of this rule  
amendment is to make revisions to Florida’s System of School  
Improvement and Accountability. This amendment improves  
the alignment of Florida’s system with the requirements of the  
U.S. No Child Left Behind Act of 2001 and raises the expected  
performance levels for schools. The effect of this rule  
amendment is that modified criteria will be utilized to generate  
the School Performance Grades in 2004.

SUMMARY: This rule is amended to revise Florida’s System  
of School Improvement and Accountability.

SUMMARY OF STATEMENT OF ESTIMATED  
REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02, 1001.11, 1008.22,  
1008.33, 1008.345 FS.

LAW IMPLEMENTED: 1003.63, 1008.33, 1008.34, 1000.03,  
1001.42, 1008.345, 1008.36 FS.

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

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

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Dr. Cornelia Orr, Director of  
Assessment and School Performance, Accountability,  
Research, and Measurement, Department of Education, 325 W.  
Gaines Street, Suite 414, Tallahassee, FL 32399;  
(850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09981 Implementation of Florida’s System of  
School Improvement and Accountability

(1) Policy Guidance. Accountability for student learning is  
the key focus of Florida’s system of school improvement.  
Results from the statewide assessment program required by  
Section ~~1008.34~~ ~~229.57~~, Florida Statutes, shall form the basis  
of Florida’s system of school improvement and accountability.  
Student achievement data from the Florida Comprehensive  
Assessment Test (FCAT) in grades 3-10 shall be used to  
establish both proficiency levels and annual progress for  
individual students, schools, districts, and the state. Results  
shall further be used as the primary criteria in calculating  
school performance grades as specified in subsection (5) of this  
rule, ~~school improvement ratings~~, school rewards and  
recognition, and performance-based funding and shall be  
annually reported. The statewide assessment program shall be  
used to measure the annual learning gains of each student  
toward achievement of the Sunshine State Standards  
appropriate for the student’s grade level and to inform parents  
of the educational progress of their public school children as  
specified by Section ~~1008.34~~ ~~229.57~~(1), Florida Statutes.

(a) Full Implementation of Accountability System in  
School Year 2001-2002 and ~~Hereafter~~, Beginning in school  
year 2001-2002, the school accountability system will be  
considered to be fully implemented with the following  
accountability elements.

1. Designation of school performance grades shall be  
based on a combination of:

a. Student achievement scores, based on FCAT reading  
and mathematics assessments in grades 3-10 and FCAT writing  
assessments in grades 4, 8, and 10;

b. Annual student learning gains as measured by FCAT  
reading and mathematics assessments in grades three (3)  
through ten (10); and

c. Improvement of the FCAT reading scores of students in  
the lowest twenty-five (25) percent of each grade, aggregated  
for each school, unless they are performing above satisfactory,  
defined as FCAT Achievement Levels 4 and 5;

2. School improvement ratings shall be based on the ~~FCAT  
reading assessments and indicate if a school’s student  
performance grade in the current year in reading has improved,  
remained the same, or declined~~ compared to the previous year.  
School improvement ratings shall not be used in the  
designation of school grades.

3. Schools designated as Performance Grade “C” or above  
shall be required to demonstrate that adequate progress in  
reading, defined as annual learning gains in paragraph (5)(b) of  
this rule, has been made by the lowest twenty-five (25) percent  
of students in the school who scored at or below FCAT  
Achievement Level 3, based on their previous year’s FCAT  
score. The minimum requirement for adequate progress is  
deemed to be met when ~~if~~ at least fifty (50) percent of such  
students make learning gains as defined in paragraph (5)(b) of

this rule. If the minimum requirement for adequate progress in reading among the lowest twenty-five (25) percent of students in the school is not met, the School Advisory Council shall amend its School Improvement Plan to include a component for improving learning gains of the lowest performing students demonstrating adequate progress. If a school otherwise designated as Performance Grade “B” or “C” does not meet minimum adequate progress, demonstrate learning gains for at least half of the lowest performing students, requirement in at least one of for two (2) consecutive years in a row, the final Performance Grade designation shall be reduced by one (1) letter grade. No school shall be designated as Performance Grade “A” unless the minimum criteria for adequate progress criterion in reading, learning gains for at least half of the lowest performing students, is met each year and the difference between the reading gains for the lowest twenty-five (25) percent of students in the school as defined in paragraph (5)(e) of this rule and the reading gains for all eligible students in the school as defined in paragraph (5)(b) of this rule is no more than ten (10) percentage points.

4. To ensure that student data accurately represent school performance, schools shall be required to assess at least ninety (90) percent of their eligible students to qualify for a School Performance Grade of D, C, or B and at least ninety-five (95) percent to qualify for an A.

5. Statewide assessment results shall be publicly reported and shall include a comparison of the achievement of Florida students to the national average through the use of norm-referenced subtests in reading and mathematics.

6. Schools designated School Performance Grade A and schools improving at least one (1) performance grade designation shall be eligible for school recognition and awards.

7. Schools designated School Performance Grade A and schools improving at least two (2) performance grades shall be eligible for deregulated status and increased budget authority.

8. Intensive assistance and intervention, including on-site assistance, preference for awarding grants, and priority for other discretionary funds as specified in subsections (9), (10), and (11) of this rule, shall be provided to schools designated School Performance Grade F and School Performance Grade D. Renegotiation of bargained contracts as specified in subsection (9) of this rule may be provided to schools designated School Performance Grade F.

(b) In an effort to promote the continuous improvement of each student and each school within the state every school year, accountability reports shall be reflective of the data available for each year.

(2) School Accountability for Student Performance. All schools shall be accountable for performance relative to the Student Performance Goal stated in Section 1008.345 229.594, Florida Statutes. Each school is accountable for the performance of its entire student population. Student achievement data from the FCAT shall be used to measure a

school’s student performance for the subject areas of reading, mathematics, and writing. The FCAT levels in the performance criteria in subsection (5) of this rule are those specified in Rule 6A-1.09422, F.A.C., for the year in which achievement data are used for accountability. In addition, the FCAT assessment shall include a norm-referenced subtest that shall be used to report student achievement as compared to national norms. Schools shall report student achievement scores on these subtests to parents. Student achievement data on norm-referenced subtests shall not represent progress toward the Sunshine State Standards and shall not be used in designating school performance grades, but may be used to validate the reasonableness of the improvements demonstrated for the purpose of designating a school performance grade as described in this rule.

(3) Reporting Student Achievement Data for School Accountability. Student achievement data shall be reported for all students in a school as specified by Section 1008.22 229.57, Florida Statutes. Each year reports of achievement data for all students shall be prepared for each school, the district, and the state. For the purpose of assigning school performance grades, each school’s aggregate achievement data shall be based on:

(a) The scores of all students enrolled in standard curriculum courses including the scores of students who are speech impaired, gifted, hospital homebound, and Limited English Proficient (LEP) students who have been in an English for Speakers of Other Languages (ESOL) program for more than two (2) years.

(b) In addition, only the scores of those students who are enrolled in the second period and the third period full-time equivalent student membership survey, as specified in Rule 6A-1.0451, F.A.C., shall be included.

(c) The Commissioner is authorized to designate a single school performance grade for schools that which serve multiple levels: elementary and/or middle and/or high school grade levels.

(d) The Commissioner will issue guidelines regarding which school types shall receive school performance grades. The accountability contact person, as specified in paragraph (9) of this rule, is responsible for verifying that each school is appropriately classified by type before the issuance of school grades. The Commissioner shall periodically review the criteria for including students in the calculation of School Performance Grades, including students in alternative and Department of Juvenile Justice facilities.

(4) School Performance Grades. The measure of school accountability shall be the school performance grade. The Commissioner is authorized to designate a school performance grade for each school that:

(a) Has at least thirty (30) eligible students with valid FCAT assessment scores in reading in both the current and the previous years, and



~~(b)2. Has at least thirty (30) eligible students with valid FCAT assessment scores in math in the current and previous years, and~~

~~3. was included in the School Accountability System the previous year.~~

School performance grade designations shall be made in the summer of each school year. Performance designations shall be made using School Performance Grades A, B, C, D, and F, as specified in Section 1008.34(2) 229.57(7), Florida Statutes. School performance grades shall be based on the assessments and criteria as specified in subsection (5) of this rule. The Commissioner is authorized to establish appropriate achievement level criteria in newly assessed grade levels for submission to the State Board for final approval.

(5) Criteria for Designating School Performance Grades. School performance grades shall be designated in the summer of each year and shall be based on a combination of the following three components, as specified in Section 1008.34(3) 229.57(8), Florida Statutes:

(a) Student achievement scores, aggregated for each school, which indicate the percent of eligible students who score at or above FCAT Achievement Level 3 in reading and math and the percent of students who score “3” or higher averaged with the percent who score “3.5” or higher on the FCAT writing assessment;

(b) Annual learning gains, aggregated for each school, which indicate the percent of eligible students who have:

1. Improved their FCAT Achievement level from one (1) year to the next, or

2. Maintained their achievement levels within levels 3, 4, or 5 from one (1) year to the next, or

3. Remained within FCAT Achievement Levels 1 or 2, ~~but and~~ who demonstrated more than one (1) year’s growth on the FCAT developmental scale, ~~as determined by the Department of Education. The Department of Education has identified the scores in the following table as representing one (1) year’s growth.~~

	<u>Grade</u> <u>3-4</u>	<u>Grade</u> <u>4-5</u>	<u>Grade</u> <u>5-6</u>	<u>Grade</u> <u>6-7</u>	<u>Grade</u> <u>7-8</u>	<u>Grade</u> <u>8-9</u>	<u>Grade</u> <u>9-10</u>
<u>Reading</u>	<u>230</u>	<u>166</u>	<u>133</u>	<u>110</u>	<u>92</u>	<u>77</u>	<u>77</u>
<u>Math</u>	<u>162</u>	<u>119</u>	<u>95</u>	<u>78</u>	<u>64</u>	<u>54</u>	<u>48</u>

Students whose FCAT Achievement Level declines from one (1) year to the next shall not be deemed to have made annual learning gains. The annual learning gains calculation shall be based on students who have a valid FCAT reading and/or math score in both the current and previous year, and who take a higher grade level test in the current year than in the previous year.

~~(c) Improvement, as defined in paragraph (5)(b) of this rule, of the lowest twenty-five (25) percent of students in reading in each grade, as defined in paragraph (5)(b) of this~~

rule, shall be aggregated for each school, unless the students so designated they are performing above proficiency satisfactory, defined as FCAT Achievement Levels 4 and 5.

(6) Procedures for Calculating School Performance Grades. The overall Performance Grade of A, B, C, D or F for school years 2001-2002 and thereafter, as designated in Section 1008.34(2) 229.57(7), Florida Statutes, shall be based on the sum of the following six (6) school grade point elements:

(a) One (1) point for each percent of students who score at or above FCAT Achievement Level 3 in reading;

(b) One (1) point for each percent of students who score at or above FCAT Achievement Level 3 in mathematics;

(c) One (1) point for each percent of students who score “3” or higher averaged with the percent who score “3.5” or higher on the FCAT writing assessment;

(d) One (1) point for each percent of students who make annual learning gains in reading as defined in paragraph (5)(b) of this rule;

(e) One (1) point for each percent of students who make annual learning gains in mathematics as defined in paragraph (5)(b) of this rule; and

(f) One (1) point for each percent of students in the lowest twenty-five (25) percent in reading in the school as defined in paragraph (5)(c) of this rule who make learning gains as defined in paragraph (5)(b) of this rule.

The percent of students reflected in each of the six (6) school grade point elements defined in paragraphs (6)(a) ~~through - (f)~~ of this rule shall be expressed to the nearest whole number. The corresponding points assigned for each grade point element shall also be expressed to the nearest whole number. In the event that a school does not have at least thirty (30) eligible students tested in writing, the district average in writing grade point element as defined in paragraph (6)(c)(a) of this rule shall be substituted for the ~~grade point element defined in paragraph (6)(e) of this rule.~~ In the event that a school does not have at least thirty (30) students in the lowest twenty-five (25) percent in reading as defined in paragraph (5)(c) of this rule, the lowest performing thirty (30) students at or below proficiency, defined as FCAT Achievement Levels 1, 2, and 3, will be used. In the event there are still not thirty (30) qualified students in the lowest achieving group, the grade point element defined in paragraph (6)(d) of this rule shall be substituted for the grade point element defined in paragraph (6)(f) of this rule.

(7) School Performance Grading Scale. The School Performance Grade shall be based on the sum of the six (6) grade point elements as defined in paragraphs (6)(a) ~~through - (f)~~ of this rule and shall be scaled to reflect school performance, learning gains, and improvement of the lowest twenty-five (25) percent beginning with the 2001-2002 school year, as required by Section 1008.34(1) 229.57(7), Florida

Statutes. In addition to the requirements in subsection (5) of this rule for minimum percent of students tested, the following scale shall be applied:

(a) At least 410 school grade points shall be required for a School Performance Grade of A<sub>2</sub>;

(b) At least 380 school grade points shall be required for a School Performance Grade of B<sub>2</sub>;

(c) At least 320 school grade points shall be required for a School Performance Grade of C<sub>2</sub>;

(d) At least 280 school grade points shall be required for a School Performance Grade of D<sub>2</sub>;

(e) If a school accumulates fewer than 280 school grade points, it shall be assigned a School Performance Grade of F.

~~(f) To achieve a smoother transition from the previous grading system, the Commissioner is authorized to apply to the 2002 school performance grades a one-time variance of up to five (5) percent of the grading scale as defined in paragraphs (7)(a)-(e) of this rule.~~

(8) Planned System Enhancements. As indicated in this subsection, planned enhancements will occur in Florida's System of School Improvement and Accountability. The Commissioner of Education will periodically recommend additional changes to the system to the State Board of Education as necessary to ensure that continuous improvements are made in the educational programs of the state.

(a) The points earned for writing defined in paragraph (6)(c) of this rule will be based on the percent of students who score "3.5" or higher on the FCAT writing assessment for School Performance Grades determined in 2004-05 and 2005-06. For the School Performance Grades determined in 2006-07 and beyond, the points earned for writing defined in paragraph (6)(c) of this rule will be based on the percent of students who score "4" or higher on the FCAT writing assessment.

(b) Beginning with the performance grades to be issued in 2004-05, the students eligible to be included in the system, described in paragraph (3)(a) of this rule, will be expanded to include all students, regardless of disability or limited English proficiency classification, with valid FCAT assessment scores in reading in both the current year and the previous year. Inclusion of these students will be applied to paragraph (1)(a)4., regarding the percent tested, and to paragraphs (6)(d), (6)(e), and (6)(f), regarding the determination of student learning gains, of this rule.

(c) Science will be added as an additional category of performance beginning in 2006-07. For this category of achievement, schools will earn one (1) point for each percent of students who score at or above Achievement Level 3, proficient, as will be recommended by committees of educators and approved by the State Board of Education during 2005-06.

~~(9)(8) Accuracy and Representativeness of Performance Data. The Commissioner will review all information submitted by school districts to represent the performance of schools receiving a school performance grade.~~

(a) Each school district superintendent shall designate a school accountability contact person to be responsible for verifying that each school is appropriately classified by type, verifying student data indicators and eligibility for inclusion and exclusion in school grade calculations, and reconciling student test answer documents that do not match survey three membership records, ~~and verifying student eligibility for inclusion in school grade calculations~~ prior to the ~~their~~ issuance of school grades. Student eligibility changes may include, but are not limited to, officially recorded test invalidations, Exceptional Student or Limited English Proficient Student status changes made prior to testing, and school withdrawals made prior to testing. All changes in student eligibility for ~~inclusion in~~ school grade calculations shall be made prior to the issuance of school grades and must be accompanied by written documentation deemed appropriate by the Department. Each school district shall be responsible for providing all related information to the Department within the time limits specified by the Commissioner.

(b) Unless performance data can be determined to accurately represent the progress of the school, the Commissioner is authorized to withhold the designation of a school's performance grade or designate the school in a lower performance grade. If less than ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade were assessed, the school's performance grade shall be designated incomplete (I) for at least ~~no more than~~ thirty (30) days or until the data are determined by the Commissioner to accurately represent the performance of the school. In the event that the percent tested remains less than ninety (90) percent, the final performance grade will be one letter grade lower than indicated by the points described in subsection (7) of this rule or will be a grade determined by the Commissioner of Education to accurately represent the performance of the school.

(c) After the initial issuance of school performance grades, the school district shall have at least thirty (30) days to review the data on which the performance grade was based. If the school district determines that a different performance grade should be assigned because of the omission of student data, a data miscalculation, or special circumstances that might have affected the grade assigned, a request for a state review of the data can be submitted. Changes to the criteria or process described in paragraph (9)(a) will not be considered as part of this review and must be addressed as described therein. Appropriate documentation of all elements and data to be reviewed by the Department must be submitted within the time limits specified by the Commissioner. The Commissioner's determination of a school's performance grade shall be final.

~~(10)(9)~~ Rewards and Recognition. Schools must have a designated school performance grade to participate in the Florida School Recognition Program as authorized by Section 1008.36 231.2905, Florida Statutes. Schools designated School Performance Grade A and schools that have improved at least one (1) performance grade from the previous school year are eligible for school recognition and financial awards.

(a) Schools designated School Performance Grade A and schools that have improved at least two (2) performance grades may be given deregulated status as specified in Section 1003.63 228.0565(5), (7), (8), (9), and (10), Florida Statutes. Districts shall develop guidelines for the implementation of this provision and shall provide deregulated status to eligible schools that request it. The school advisory council and principal of an eligible school seeking waivers from state statutes shall submit requests as specified in Section 1003.63 228.0565(7)(a) and (b), Florida Statutes. The school's deregulated status shall remain in effect as long as the school abides by the provisions of Section 1003.63 228.0565(5), (7), (8), (9), and (10) or unless the school's performance grade declines.

(b) Schools designated School Performance Grade A and schools that have improved at least two (2) performance grades shall have greater authority over the allocation of the school's total budget. Local school boards shall adopt policies in accordance with Section 1001.42 230.23(17)(d), Florida Statutes, which grant schools greater authority over the allocation of the school's total budget, including, but not limited to, allocation of instructional staff and the acquisition of instructional materials, equipment, and technology. The school's total budget includes funds generated from the FEFP, state categoricals, lottery funds, grants, and local funds. The policies shall provide for approval of a school's written proposal as long as the proposal remains within the school's total budget, specifies the areas in which the school will have administrative and fiscal autonomy, specifies the areas in which the school will follow school district fiscal and administrative policies, and is consistent with the school's deregulated status.

~~(c) Schools that have improved at least one (1) performance grade from the previous school year are eligible for school recognition and financial awards under the provisions of the Florida School Recognition Program authorized by Section 231.2905, Florida Statutes. Schools designated as School Performance Grade F that make substantial progress toward the next performance grade level designation may receive financial awards under guidelines to be determined by the Commissioner.~~

(11)(10) Assistance and Intervention for Schools Designated School Performance Grade F or School Performance Grade D. Assistance and intervention plans shall be provided for each school designated School Performance Grade F and School Performance Grade D.

(a) Assistance for Schools Designated School Performance Grade F or School Performance Grade D. Each school designated School Performance Grade F shall develop its school improvement plan in collaboration with the school advisory council, school board, and the Department. The school improvement plan shall take into account the unique demographic characteristics of the school. The school board shall have final approval of the plan. Each school designated School Performance Grade F or School Performance Grade D shall receive specific assistance and interventions, including additional resources if needed, from the district school board as provided in Section 1001.42 230.23(16)(c), Florida Statutes. The district's two-year plan of increasing individualized assistance and intervention for each school designated School Performance Grade F or School Performance Grade D shall be approved by the school board. Assistance shall be provided to each designated school in the district at increasingly intensive levels as long as the school continues to be so designated. For the purpose of documenting compliance with Section 1001.42 230.23(16)(c), Florida Statutes, school boards shall provide to the Department annually a copy of the approved assistance and intervention plan for each school designated School Performance Grade F in the district.

(b) The Commissioner is authorized to give preference to schools designated School Performance Grade F and School Performance Grade D in awarding federal and state grants designed to improve student achievement. The Department shall give priority to School Performance Grade F and School Performance Grade D schools in providing school improvement assistance and resources. The Department will identify demographically similar, but higher performing, schools in the state for possible assistance.

(c) The local school board is authorized to declare an emergency in order to negotiate special provisions of its contract with appropriate bargaining units to implement programs and strategies needed to improve student performance as specified in Section 1001.42 230.23(19), Florida Statutes.

~~(12)(11) State Board of Education Action for Schools Designated Performance Grade F. A process for invoking State Board of Education action shall be implemented if, during any two (2) years out of a four (4) year period, a school is designated School Performance Grade F. The Commissioner shall coordinate the process and ensure that members of the State Board of Education are informed of recommendations for action regarding schools failing to make adequate progress. This process shall include the following steps: STEP 1: Within thirty (30) days after the school has been notified by the Department that it has been designated School Performance Grade F, failed to make adequate progress, for the second year in a four-year period, the district school board chair, the superintendent, the school advisory council chair, and the school principal shall submit a written report to the~~

Commissioner. The report shall outline the steps taken to remedy the inadequate performance and identify causes for continued failure to make adequate progress. The Commissioner shall provide the report to the State Board of Education and may include recommendations.

STEP 2: The State Board of Education shall review the school's performance data, including data reported as required in subsection (3) of this rule and Rule 6A-1.09982, F.A.C. The State Board of Education shall, if necessary, collect additional information on which to make a decision and may require the school district superintendent to provide additional written or verbal information.

STEP 3: Based on an analysis of all reports and data including a thorough consideration of the unique characteristics of the school, and after the district and school are given an opportunity to respond to any new information, the State Board of Education shall formally determine the degree of progress made by the school. Pursuant to this determination and recommendations of the Commissioner, the State Board of Education shall take action as authorized in Section 1008.33(2) 229.0535, Florida Statutes.

STEP 4: If the school board fails to comply with the actions recommended by the State Board of Education, within the time specified in said action, the school district's lottery funds shall be withheld unless the school board can justify its noncompliance, to the State Board's satisfaction. If the State Board accepts a district's justification for noncompliance, the State Board may amend its recommended actions, or extend the time allowed for compliance.

~~(13)~~(12) State Board of Education Review of Schools Designated Performance Grade D. A process for invoking State Board of Education review may be initiated by the Commissioner if, during any two (2) years out of a four (4) year period, a school is designated School Performance Grade D. The Commissioner is authorized to require the school and district to report to the State Board of Education for an instructional review and action as authorized in Section 1001.42(16)(d) 229.0535, Florida Statutes.

~~(14)~~(13) Responsibilities of Schools Performing at School Performance Grade C and Above. Schools determined to be performing at School Performance Grade C and above shall continue identifying needs, developing school improvement plans, and defining goals for improved performance without required State Board of Education intervention and assistance. These schools shall continue to assess and report progress on the goals as required by Sections 1008.34(1) 229.592(8) and 1001.42 230.23(16)(e), Florida Statutes, and Rule 6A-1.09982, F.A.C.

~~(15)~~(14) Measures of Student Performance. The Department shall develop statewide assessments designed to measure student performance based on the following four standards to achieve the goal set forth in Section 1001.03(1) 229.591(3)(e), Florida Statutes, with special emphasis on

reading, writing, and mathematics as defined in Rule 6A-1.09401, F.A.C., in the "Sunshine State Standards 1996" as incorporated by reference. Beginning in school year 2002-2003, science will be added as a subject area for special emphasis.

(a) Florida students locate, comprehend, interpret, evaluate, maintain, and apply information, concepts, and ideas found in literature, the arts, symbols, recordings, video and other graphic displays, and computer files in order to perform tasks and/or for enjoyment.

(b) Florida students communicate in English and other languages using information, concepts, prose, symbols, audio and video recordings, speeches, graphic displays, and computer-based programs.

(c) Florida students use numeric operations and concepts to describe, analyze, disaggregate, communicate, and synthesize numeric data, and to identify and solve problems.

(d) Florida students use creative thinking skills to generate new ideas, make the best decisions, recognize and solve problems through reasoning, interpret symbolic data, and develop efficient techniques for lifelong learning.

Specific Authority 1001.02, 1001.11, 1008.22, 1008.33, 1008.345 229.053, 229.0535, 229.592, 229.57 FS. Law Implemented 1003.63, 1008.33, 1008.34, 1000.03, 1001.42, 1008.345, 1008.36 228.0565, 229.053, 229.0535, 229.57, 229.591, 229.592, 230.23, 231.2905 FS. History—New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cornelia Orr, Chief, Assessment and School Performance, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Winn, Deputy Commissioner for Accountability, Research, and Measurement, Department of Education

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

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Florida Teacher Certification Examination

RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish standard passing scores for the General Knowledge Test, the Kindergarten-Grade 6 subject area examination, and the Exceptional Student Education subject area examination; and to adopt and publish a revised set of the competencies and skills required for teacher certification in Florida. The effect is that standard passing scores will be established for the General Knowledge Test, the Kindergarten-Grade 6 subject area examination, and the

Exceptional Student Education subject area examination and new and revised competencies and skills will be used on the Florida Teacher Certification Examinations.

SUMMARY: Standard passing scores will be established and new and revised competencies and skills will be adopted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1012.56(8) FS.

LAW IMPLEMENTED: 1012.56 FS.

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

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

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Fearon, Accountability, Research, and Measurement, Department of Education, 325 W. Gaines St., Room 414, Tallahassee, FL 32399, (850)488-8198

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) No change.

(2) Description of the examinations and competencies to be demonstrated.

(a) The Florida Teacher Certification Examinations shall be developed by the Commissioner of Education.

(b) The written examinations shall include subtests of reading, writing, mathematics, professional skills, and subject area specialty. These examinations may contain multiple choice questions and questions requiring the examinee to write an answer or demonstrate a proficiency.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. Beginning with the July ~~2004~~ ~~2003~~ test administration, the general knowledge competencies and skills as contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, ~~Ninth~~ ~~Eighth~~ Edition."

2. Before July 1, ~~2004~~ ~~2003~~, the professional competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, ~~Eighth~~ ~~Seventh~~ Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 1, ~~2004~~ ~~2003~~, the professional competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, ~~Ninth~~ ~~Eighth~~ Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be

obtained from the Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 at a price to be established by the Commissioner not to exceed actual cost, and

3. Before July 1, ~~2004~~ ~~2003~~, the subject area competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, ~~Eighth~~ ~~Seventh~~ Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 1, ~~2004~~ ~~2003~~, the subject area competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, ~~Ninth~~ ~~Eighth~~ Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)2. of this rule.

(d) Before July 1, 2002, the College Level Academic Skills Test or the Praxis I: Academic Skills Assessment as described in subsection (13) of this rule shall be used to demonstrate mastery of general knowledge for an individual who holds a bachelor's or higher degree as specified in Rules 6A-4.004, 6A-4.050, and 6A-4.066, F.A.C.

(7) Scoring the general knowledge subtests. Effective ~~January 2004~~, ~~July 2002~~, the passing scores for the general knowledge subtests listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the July 2002 test administration ~~as defined below~~:

(a) General Knowledge Reading Subtest:- 25 correct items. ~~A reading subtest raw score that results in an examinee passing rate of seventy six (76) percent, which was the passing rate of teacher candidates who took the College Level Academic Skills Reading Subtest for the first time during the 2000-2001 administration year.~~

(b) General Knowledge English Skills Subtest:- 29 correct items. ~~An English skill subtest raw score that results in an examinee passing rate of seventy four (74) percent, which was the passing rate for teacher candidates who took the College Level Academic Skills English Skills Subtest for the first time during the 2000-2001 administration year.~~

(c) General Knowledge English Essay Subtest:- A total raw score of six (6). ~~An English essay subtest total raw score of six (6), which was the passing score of teacher candidates who took the College Level Academic Skills Essay Subtest for the first time during the 2000-2001 administration year.~~

(d) General Knowledge Mathematics Subtest:- 26 correct items. ~~A mathematics subtest raw score that results in an examinee passing rate of fifty three (53) percent, which was the passing rate of teacher candidates who took the College Level Academic Skills Mathematics Subtest for the first time during the 2000-2001 administration year.~~

(9) Scoring of the subject area specialty examinations.

(k) Effective ~~January 2004, July 2002~~, the passing scores for the subject area speciality examinations listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the July 2002 test administration as ~~defined below~~:

<u>SUBJECT</u>	<u>SCORE</u>
<u>Exceptional Student Education K-12</u>	<u>72 correct items</u>
<u>Kindergarten-Grade Six</u>	<u>138 correct items</u>

~~1. Exceptional Student Education K-12 Examination. An examination raw score that results in an examinee passing rate of ninety two (92) percent, which was the average of the passing rates of teacher candidates who took the Emotionally Handicapped K-12, Mentally Handicapped K-12, Physically Impaired K-12, Specific Learning Disabilities K-12, and Varying Exceptionalities K-12 specialty examinations for the first time during the 2000-2001 examination administration year. In the event that fewer than fifty (50) examinees are tested in the July 2002 examination administration, the passing score shall be seventy one (71) percent of the items.~~

~~2. Kindergarten-Grade Six Examination. An examination raw score that results in an examinee passing rate of eighty two (82) percent, which was the passing rate of teacher candidates who took the Elementary Education 1-6 speciality examination for the first time during the 2000-2001 administration year. In the event that fewer than fifty (50) examinees are tested in the July 2002 examination administration, the passing score shall be sixty six (66) percent of the items.~~

(l) ~~After sufficient data have been collected, Not later than September 1, 2003~~, the Commissioner of Education shall review examinee performance levels for ~~all General Knowledge Subtests, the Kindergarten-Grade Six Examination, and the Exceptional Student Education K-12 Examination~~ and determine whether to recommend to the State Board of Education to maintain or change the above existing passing scores.

(p) Before July 1, ~~2004 2003~~, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Eighth ~~Seventh~~ Edition."

(q) Beginning July 1, ~~2004 2003~~, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication "Competencies and Skills Required for Teacher Certification in Florida, Ninth ~~Eighth~~ Edition."

Specific Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, Amended 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03,

NAME OF PERSON ORIGINATING PROPOSED RULE: Cornelia Orr, Chief, Assessment and School Performance, Department of Education,

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Winn, Deputy Commissioner for Accountability, Research, and Measurement, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2003

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Highway Beautification and Landscape Management

RULE CHAPTER NO.: 14-40

RULE TITLES: Grant Application Process

RULE NOS.: 14-40.020

Florida Highway Beautification Council Grant Award Process

14-40.022

PURPOSE AND EFFECT: This amendment to Part II of Rule Chapter 14-40, F.A.C., proposes several minor changes. The Florida Highway Beautification Council Grant Application also is being revised to include these changes. The due dates for applications are amended.

SUMMARY: This is an amendment to Part II of Rule Chapter 14-40, F.A.C.

SPECIFIC AUTHORITY: 339.2405 FS.

LAW IMPLEMENTED: 339.2405 FS.

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

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

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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

PART II Florida Highway Beautification Council Grants

14-40.020 Grant Application Process.

(1) Definitions.

(a) "Agreement" means the contract between the Applicant and the Department setting forth the terms of the grant.

(b) "Applicant" means a local governmental entity, as defined in Section 11.45(1)(d), Florida Statutes, or a local highway beautification council.

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

(d) "FHBC" means the Florida Highway Beautification Council.

(e) "Grant" means funds provided by the Department to Applicants, pursuant to this Rule Chapter.

(f) "Grant Application" means the Florida Highway Beautification Council Grant Application, Form 850-060-01, Rev. ~~01/04~~ ~~04/03~~, incorporated herein by reference. Copies of the grant application form and instructions for completing the grant application may be obtained from Department District Maintenance Offices, District Public Information Offices, Area Maintenance Offices, Central Public Information Office, by writing to the Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450, or through the Department website at <http://www.dot.state.fl.us/emo> ~~http://www11.myflorida.com/emo/~~.

(g) "Grant Coordinator" means the Department District employee responsible for the FHBC grant program.

(2) Grant Application.

(a) Grant applications for highway beautification grants from the FHBC must be filed and processed in accordance with this Rule Chapter. When preparing a grant application ~~for the next fiscal year~~, applicants should meet and work with the Grant Coordinator on or about ~~July~~ ~~October~~ 1, to give adequate time for review and revisions before the ~~October~~ ~~February~~ 1, application deadline.

(b) Previous recipients of grants are eligible to submit a grant application if their previous FHBC grant projects are maintained according to the terms of previous agreements.

(c) Applicants must submit grant requests on a completed grant application to the Grant Coordinator having jurisdiction over the state highway on which the beautification project is proposed. Grant applications must be accompanied by the following supporting documents: location map, photographs of existing conditions, one page written project narrative, written or graphic conceptual plan (in accordance with Part I of this Rule Chapter), one paragraph descriptions of each evaluation attribute, photographs or sketches of examples of proposed improvements, list of proposed plant species (scientific and botanical names) and anticipated quantities, anticipated maintenance schedule, proposed means of providing supplemental water, project schedule, and resolutions required in section (g) below.

(d) In order for the FHBC to consider a grant application for any Department fiscal year, ten paper copies or electronic file copies of the completed grant application and supporting documents must be received by the Grant Coordinator by ~~October~~ ~~February~~ 1 of the Department fiscal year. When requested by the Grant Coordinator, additional copies will be

provided. Incomplete grant applications, or grant applications that do not comply with state or federal regulations, will be returned to the applicant. An applicant may amend and resubmit any returned grant application by the ~~October~~ ~~February~~ 1 deadline.

(e) In accordance with Section 215.01, Florida Statutes, the Department's fiscal year begins on July 1 and ends on June 30.

(f) Applicants may submit an unlimited number of grant applications, for any number of project sites.

(g) The applicant's governing body must have passed a resolution approving the grant application and authorizing the individual who signs the grant application for the applicant to execute agreements and documents associated with the grant. A copy of such resolution must be included with the application.

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History—New 1-19-99, Amended 11-22-01, 3-20-03, 8-10-03, \_\_\_\_\_.

14-40.022 Florida Highway Beautification Council Grant Award Process.

(1) The FHBC will consider all grant applications submitted by each Grant Coordinator.

(a) The FHBC will evaluate the applications based on the following attributes:

1. Aesthetic value and imaginative conceptual design.
2. Level of local support and community involvement.
3. Cost effectiveness.
4. Feasibility of installation and maintenance.
5. Contribution to improvement of environmental conditions, including litter prevention, erosion control, visual screening, and noise abatement.
6. Use of Florida native wildflowers, and diversity of other desirable native, hybrid native, or noninvasive plant species.
7. Emphasis on low maintenance and water conservation.
8. Use of recycled materials such as mulch, reuse water, or solid yard waste compost.
9. Contribution to an area wide or regional beautification plan.
10. Value to the community.

(b) The FHBC will assign a numerical score to each application by:

1. Reviewing each grant application and assigning a numerical score using the established range of 0 to 10 points for each attribute for a total possible score of 100 points.
2. Totaling all the attribute scores for a total application numerical score.

(c) Grant applications will be ranked in priority by numerical score, the highest numerical score being ranked the highest priority.

(2) The FHBC will provide the Department with a list of prioritized grant applications, with recommended funding levels, and conditions for grant awards, ~~by the first day of the fiscal year in which the funds are available.~~

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History--New 3-9-99, Amended 11-22-01, 3-20-03, 8-10-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Jeff Caster, State Transportation Landscape Architect  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2003

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

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

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 030830-WS

RULE TITLE: Establishment of Price Index, Adjustment of Rates; Requirement of Bond; Filings After Adjustment; Notice to Customers  
 RULE NO.: 25-30.420

PURPOSE AND EFFECT: To provide the Commission with the information necessary to investigate and make a determination of a utility's quality of service pursuant to Section 367.081(4)(a), F.S.

SUMMARY: The rule amendment will require water and wastewater utilities to provide a statement as to whether the utility has any active written complaints, corrective orders, consent orders, or outstanding citations with the Department of Environmental Protection or the County Health Departments in price index applications. If the utility has any such complaints, corrective orders, consent orders, or citations, a copy of those must be filed with the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs 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: 350.127(2), 367.081(4)(a), 367.121(1)(c), 367.121(1)(f) FS.

LAW IMPLEMENTED: 367.081(4), 367.121(1)(c), 367.121(1)(g) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samantha M. Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6202

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.420 Establishment of Price Index, Adjustment of Rates; Requirement of Bond; Filings After Adjustment; Notice to Customers.

(1) No change.

(2) Any utility seeking to increase or decrease its rates based upon the application of the index established pursuant to subsection (1) and as authorized by Section 367.081(4)(a), F.S., shall file an original and five copies of a notice of intention and the materials listed in (a) through ~~(i)(g)~~ below with the Commission's Division of Economic Regulation at least 60 days prior to the effective date of the increase or decrease. The adjustment in rates shall take effect on the date specified in the notice of intention unless the Commission finds that the notice of intention or accompanying materials do not comply with the law, or the rules or orders of the Commission. The notice shall be accompanied by:

(a) through (g) No change.

(h) A statement that the utility does not have any active written complaints, corrective orders, consent orders, or outstanding citations with the Department of Environmental Protection (DEP) or the County Health Department(s) or that the utility does have active written complaints, corrective orders, consent orders, or outstanding citations with the DEP or the County Health Department(s).

(i) A copy of any active written complaints, corrective orders, consent orders, or outstanding citations with the Department of Environmental Protection (DEP) or the County Health Department(s).

(3) through (7) No change.

Specific Authority 350.127(2), 367.081(4)(a), 367.121(1)(c), 367.121(1)(f) FS. Law Implemented 367.081(4), 367.121(1)(c), 367.121(1)(g) FS. History--New 4-5-81, Amended 9-16-82, Formerly 25-10.185, Amended 11-10-86, 6-5-91, 4-18-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ryan Fitch

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission



DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003, Vol. 29, No. 15

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Monitoring Sex Offender Conditions of Supervision  
 RULE NO.: 33-302.108

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify responsibilities of staff supervising sex offenders.

SUMMARY: The proposed rule clarifies restrictions that may be imposed on sex offenders in accordance with s. 948.03 and outlines officers' search authority.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 947.1405, 948.03 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.108 Monitoring Sex Offender Conditions of Supervision.

(1) No change.

(2) Prohibition of Living w~~W~~ithin 1000 f~~F~~eet of a school, day care center, park, playground, or other p~~P~~lace w~~W~~here c~~C~~hildren r~~R~~egularly c~~C~~ongregate, as prescribed by the court or releasing authority – If the court or releasing authority imposes this condition of supervision, the supervisor shall ensure:

(a) through (3) No change.

(4) ~~Sex Offender~~ Driving Log – If the court or releasing authority imposes a condition of supervision requiring maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer, the officer shall:

(a) through (7) No change.

(8) Computer or Internet Restrictions –

(a) If the court or releasing authority imposes a condition of supervision that limits or prohibits use of computers or the internet, the officer shall monitor compliance by:

~~(a) c~~Conducting walk through searches during the initial visit and at a minimum, once quarterly during subsequent visits to the offender's residence to ensure the offender is in compliance with the condition of supervision;

(b) No change.

(c) If reasonable suspicion exists to conduct the search, the officer has the authority to search the offender's person, property, residence or employment site, which includes the offender's computer. This authority to search exists with or without a condition of supervision that limits or prohibits use of computers or the internet.

Specific Authority 944.09 FS. Law Implemented 944.09, 947.1405, 948.03 FS. History—New 12-18-01, Amended 6-18-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLE: Probation  
 RULE NO.: 61G6-10.007

PURPOSE AND EFFECT: The Board proposes the development of rules to address probation requirements.

SUMMARY: A new rule will be promulgated to establish probation reporting requirements.

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

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

SPECIFIC AUTHORITY: 455.2273, 489.507(3) FS.

LAW IMPLEMENTED: 455.2273 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-10.007 Probation.

All probation imposed by the Board for violations of Sections 489.531, F.S. and 489.533, F.S., shall require quarterly reports to be filed every ninety (90) days from the date of the final order entered by the Board. The quarterly reports must be filed using Form BPR/ECLB-4458 – Probation and Quarterly Report Form and submitted to the Board Office.

Specific Authority 455.2273, 489.507(3), 489.533(2)(e) FS. Law Implemented 489.533(2)(e) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors’ Licensing Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2003

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Re-examination Fee  
RULE NO.: 64B1-2.006

PURPOSE AND EFFECT: The board intends to delete portions of the rule sections that are obsolete.

SUMMARY: The Board proposes to delete obsolete language from sections (4) and (5) of this rule.

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

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

SPECIFIC AUTHORITY: 457.104, 457.105 FS.

LAW IMPLEMENTED: 457.105 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-2.006 Re-examination Fee.

The re-examination fees are:

(1) through (3) No change.

~~(4) In May of 1999 and October of 1999, a special re-examination administration of the written portion of the NCCAOM (Acupuncture Theory and Clean Needle Technique) will be provided by the Department of Health.~~

~~(5) The Department of Health will provide two administrations of NCCAOM’s Practical Examination on Point Location Skills in the May and October of 1999. After that all applicants shall apply directly to NCCAOM for the Computer Simulation Point Location Examination (CSPL).~~

Specific Authority 457.104, 457.105(2)(d) FS. Law Implemented 457.105(2)(d) FS. History–New 8-8-84, Formerly 21AA-2.06, Amended 2-2-86, 12-21-87, 3-11-92, Formerly 21AA-2.006, 61F1-2.006, Amended 9-17-95, 11-21-95, Formerly 59M-2.006, Amended 4-5-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2003

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

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLES: Acupuncture Examination  
RULE NOS: 64B1-3.004

Examiners in Practical Examinations:  
Criteria for Selection 64B1-3.007

Licensure by Endorsement Through  
National Certification 64B1-3.009

PURPOSE AND EFFECT: The Board proposes to update the licensure examination requirements in Rule 64B1-3.004, F.A.C., to conform to statutory authority and changing examination methods for the national exam approved for Florida licensure. The Board proposes to repeal obsolete language and the now obsolete Rule 64B1-3.007, F.A.C., concerning criteria for selecting examiners. And in Rule 64B1-3.009, F.A.C., the Board proposes to delete the requirement that an applicant for endorsement by certification be certified within the three years preceding the application.

SUMMARY: The proposed rule amendments delete obsolete language concerning examination requirements and examiners, while conforming the licensure by endorsement requirements to the authorizing statutes.

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: 456.017(1)(c), 457.104 FS.

LAW IMPLEMENTED: 456.017(1)(b),(c), 457.104, 457.105 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399.

THE FULL TEXT OF THE PROPOSED RULES IS:

**64B1-3.004 Acupuncture Examination.**

The Board ~~currently hereby~~ approves as the Florida examination for licensure the ~~written~~ NCCAOM examination and ~~Computer Simulated Point Location Examination (CSPLE)~~. Initial applicants will apply directly to NCCAOM for examination.

~~(1) For the May and October 1999 examinations only, the Board approves both the Practical Examination of Point Location Skills (PEPLS) and the Computer Simulated Point Location Examination (CSPLE) at the election of the candidate.~~

~~(2) For May and October of 1999, the Board approves a special administration for the two parts of the former NCCAOM written examination for candidates who have failed one part of the examination and passed the other. The two parts of the examination are:~~

- ~~(a) One part on acupuncture theory, and~~
- ~~(b) One part on clean needle technique.~~

Specific Authority 456.017(1)(e), 457.104 FS. Law Implemented 456.017(1)(e), 457.104 FS. History—New 8-13-84, Amended 10-2-84, Formerly 21AA-3.04, Amended 1-25-88, 9-3-89, 2-27-92, 5-6-92, Formerly 21AA-3.004, Amended 1-27-94, Formerly 61F1-3.004, Amended 11-21-95, Formerly 59M-3.004, Amended 10-15-97, 5-11-98, 4-20-99, \_\_\_\_\_.

**64B1-3.007 Examiners in Practical Examinations: Criteria for Selection.**

Specific Authority 456.017(1)(c) FS. Law Implemented 456.017(1)(b) FS. History—New 8-13-84, Formerly 21AA-3.07, Amended 1-25-88, Formerly 21AA-3.007, 61F1-3.007, 59M-3.007, Repealed \_\_\_\_\_.

**64B1-3.009 Licensure by Endorsement Through National Certification.**

Pursuant to Section 457.105(2)(c), F.S., the Board of Acupuncture will certify for licensure by endorsement those applicants who establish successful completion of a board-approved national certification or recertification process ~~within the three years preceding the application~~, and demonstrate they meet the requirements of Sections

457.105(2)(a) and (b), F.S. The applicant must establish successful completion of a board-approved national certification process by requesting notification of certification or recertification be provided to the Board by the national certification organization. For the purpose of this requirement the Board approves the National Commission for Certification of Acupuncturist and Oriental Medicine certification.

Specific Authority 457.104 FS. Law Implemented 457.105 FS. History—New 10-1-89, Amended 2-27-92, Formerly 21AA-3.009, 61F1-3.009, Amended 3-31-96, 11-13-96, Formerly 59M-3.009, Amended 10-15-97, 4-29-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2003

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Dental Hygiene Examination

RULE NO.: 64B5-2.0135

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide dental hygiene examination candidates the ability to assess board patients in order to screen for any significant health problems that might present potential risks during the clinical board examination.

SUMMARY: The proposed rule would allow examination candidates for the dental hygiene clinical boards under direct supervision to assess the suitability of patients as board patients.

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: 456.017, 466.004(4), 466.007 FS.

LAW IMPLEMENTED: 456.017, 466.007, 466.009(3) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.0135 Dental Hygiene Examination.

(1) through (8) No change.

(9) Candidates for the dental hygiene state clinical boards may assess patients for suitability as board patients at any dental office under the direct supervision of a dentist, or at any accredited dental hygiene program or accredited dental school under direct supervision of a program faculty member.

~~(10)~~(9) No change.

Specific Authority 456.017, 466.004(4), 466.007 FS. Law Implemented 456.017, 466.007, 466.009(3) FS. History--New 3-16-82, Amended 5-2-84, 5-19-85, 10-8-85, 12-8-85, Formerly 21G-2.135, Amended 12-31-86, 10-19-87, 2-21-88, 5-29-88, Formerly 21G-2.0135, 61F5-2.0135, Amended 11-15-95, Formerly 59Q-2.0135, Amended 10-31-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: September 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: May 2, 2003

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLES:

RULE NOS.:

Temporary Certificate Requirements  
for Dentists Practicing in State and  
County Government Facilities

64B5-7.0035

Teaching Permits

64B5-7.005

PURPOSE AND EFFECT: The Board proposes the amendments to establish educational and continuing education requirements for dentists who hold a temporary certificate or a teaching permit to practice dentistry in Florida.

SUMMARY: The proposed rule amendments require dentists who hold a temporary certificate to comply with all continuing education requirements of active Florida licensees, and require dentists with teaching permits be eligible to take the Florida licensure examination and pass certain clinical examinations.

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

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

SPECIFIC AUTHORITY: 466.002(6), 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.017(4), 466.002(6), 466.025 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-7.0035 Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.

(1) through (4) No change.

(5) A temporary certificate shall be renewed each biennium. At the time of renewal the certificate holder shall sign a statement that he or she has complied with all continuing education requirements of active licensees. A temporary certificate shall be canceled by the Board upon the unlicensed dentist being terminated from employment by a state or county government facility or upon a finding by the Board that the temporary certificate holder has violated any provision of Sections 466.027 or 466.028, F.S., or has failed the Florida dental licensure examination.

Specific Authority 466.004(4) FS. Law Implemented 456.032, 466.017(4), 466.025 FS. History--New 8-12-93, Formerly 61F5-7.0035, 59Q-7.0035, Amended 11-10-98, 3-25-99, 12-25-01,\_\_\_\_\_.

64B5-7.005 Teaching Permits.

(1) A teaching permit may be issued by the Board of Dentistry to a faculty member of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or a medical school accredited by the American Medical Association's Liaison Committee for Medical Education upon the request of the dean of the school if the faculty member:

(a) Is eligible to take the Florida dental licensure examination or hHas not failed the Florida dental licensure examination. A permit may not be issued if an applicant fails to pass the clinical examination in three attempts until he or she completes a one year general practice residency, advanced education general dentistry residency, or pedodontic residency or a minimum of one academic year of undergraduate clinical coursework in dentistry at a dental school approved by the American Dental Association's Commission on Dental Accreditation; and

(b) through (4) No change.

Specific Authority 466.002(6), 466.004(4) FS. Law Implemented 466.002(6), 466.017(4) FS. History--New 4-30-80, Amended 1-13-81, Formerly 21G-7.05, Amended 1-29-89, Formerly 21G-7.005, 61F5-7.005, Amended 10-16-96, 3-16-97, Formerly 59Q-7.005, Amended 11-10-98, 8-3-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: September 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 2, 2003

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Courses Required for Initial Licensure, Renewal, or Reactivation  
 RULE NO.: 64B5-12.019

PURPOSE AND EFFECT: The Board proposes the rule amendments to permit the substitution of certain continuing education courses when required courses have been completed in the immediately preceding biennium, and the required courses are taken at least every other biennium.

SUMMARY: The proposed rule amendments allow the substitution of end-of-life and palliative health care courses for required courses in HIV/AIDS and domestic violence if the required courses have been taken in the immediately preceding biennium and the licensee takes the required HIV/AIDS and domestic violence courses at least every other biennium.

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: 456.031, 456.033 FS.

LAW IMPLEMENTED: 456.013, 456.031, 456.033 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.019 Courses Required for Initial Licensure, Renewal, or Reactivation.

(1) through (8) No change.

(9) In lieu of completing a Board approved HIV/AIDS course, a licensee who has completed such approved course in the immediately preceding biennium may complete a course in end-of-life care and palliative health care, or any other course approved under the provisions of this rule chapter, as substitute for the course so completed in the immediately preceding biennium. A Board approved HIV course must be taken no less than every other biennium for license renewal. In lieu of completing a Board approved HIV/AIDS or domestic violence course, a licensee who has completed either such approved course in the immediately preceding biennium may complete a

course in end-of-life care and palliative health care, or any other course approved under the provisions of this rule chapter, as substitute for the course so completed in the immediately preceding biennium.

(10) In lieu of completing a Board approved domestic violence course, a licensee who has completed such approved course in the immediately preceding biennium may complete a course in end-of-life care and palliative health care, or any other course approved under the provisions of this rule chapter, as substitute for the course so completed in the immediately preceding biennium. A Board approved domestic violence course must be taken no less than every other biennium for license renewal.

~~(11)~~(10) No change.

Specific Authority 456.031, 456.033 FS. Law Implemented 456.013, 456.031, 456.033 FS. History--New 1-18-89, Amended 10-28-91, 2-1-93, Formerly 21G-12.019, Amended 6-14-94, Formerly 61F5-12.019, Amended 11-15-95, 2-10-97, Formerly 59Q-12.019, Amended 10-29-00, 8-2-01, 9-27-01, 12-23-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 2, 2003

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLES: Remediable Tasks Delegable to Dental Assistants  
 RULE NOS.: 64B5-16.005

Remediable Tasks Delegable to a Dental Hygienist  
 64B5-16.006

PURPOSE AND EFFECT: The Board proposes the amendments to correct the text of the recent amendment to Rule 64B5-16.005, F.A.C., and to update Rule 64B5-16.006, F.A.C., with the same language.

SUMMARY: The proposed amendments allow dental assistants under direct supervision and dental hygienists under indirect supervision who have received formal training to make impressions for study casts for the purpose of fabricating orthodontic retainers.

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

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

SPECIFIC AUTHORITY: 466.004(4), 466.023, 466.024(3) FS.

LAW IMPLEMENTED: 466.023, 466.024 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-16.005 Remediable Tasks Delegable to Dental Assistants.

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

(a) through (s) No change.

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

(2) through (5) No change.

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

64B5-16.006 Remediable Tasks Delegable to a Dental Hygienist.

(1) No change.

(2) The following remedial tasks may be performed by a dental hygienist who has received training in these procedures in pre-licensure education or who has received formal training and who performs the tasks under indirect supervision:

(a) through (e) No change.

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

(3) through (5) No change.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024 FS. History—New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.006, Amended 3-30-94, Formerly 61F5-16.006, Amended 1-9-95, 6-12-97, Formerly 59Q-16.006, Amended 1-25-98, 9-9-98, 3-25-99, 4-24-00, 9-27-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2003

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE TITLES:	RULE NOS.:
Educational Requirements for Assistants	64B20-4.002
On-the-Job Training, Role and Observation of Speech-Language Pathology and Audiology Assistants	64B20-4.003

PURPOSE AND EFFECT: The Board proposes to amend the requirements for certified audiology assistant licensure, and revise the level of supervision and scope of duties delegable to certified audiology assistants by audiologists.

SUMMARY: The rule revises education standards for licensure as a certified audiology assistant and revises the scope of delegable duties to certified audiology assistants. The rule revises the level of supervision required by the supervising audiologist.

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: 468.1135(4), 468.1215, 468.1125 FS.

LAW IMPLEMENTED: 468.1215, 468.1125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B20-4.002 Educational Requirements for Assistants.

(1) No change.

(2) Candidates for certification as an audiology assistant shall submit to the Board an official transcript or transcripts evidencing that they have completed a minimum of 24 semester hours at an institution as described in subsection 64B20-2.002(1), F.A.C., ~~to include: Twelve (12) semester hours in courses that provide fundamental information applicable to normal human growth and development, psychology, normal development and use of speech, hearing and language or general sciences.~~

(3) No change.

Specific Authority ~~468.1125~~, 468.1135(4), 468.1215(3) FS. Law Implemented ~~468.1125~~, 468.1215(4), (2) FS. History—New 3-14-91, Formerly 21LL-4.002, Amended 10-12-93, Formerly 61F14-4.002, 59BB-4.002, Amended 2-14-01,\_\_\_\_\_.

(Substantial rewording of Rule 64B20-4.003 follows. See Florida Administrative Code for present text.)

64B20-4.003 On-the-Job Training, Role and Observation of Speech-Language Pathology and Audiology Assistants.

(1) A licensee who employs a speech-language pathology assistant or an audiology assistant shall provide such assistant with on-the-job training, and shall maintain responsibility for all services performed or omitted by such assistant. The licensee shall not permit the assistant to perform any service on a client unless:

(a) The licensee provides the assistant with on-the-job training for each service for which there is no available documentation of a previously acquired competency, and

(b) The assistant is clearly identified as an assistant by means of a nametag or similar identification.

(2) At a minimum, on-the-job training shall include step by step instruction and demonstration of each and every service the assistant is to perform and continuous visual observation by the licensee of the assistant's performance of such service until the licensee establishes the assistant's competency. The licensee shall maintain a record of each service indicating the activity, date, time, and location of the foregoing demonstration and observations concerning competency. The record shall be signed by both the licensee and the assistant and a copy thereof shall be provided to the assistant and shall be maintained by the supervising licensee for the duration of employment and shall be maintained by the assistant as long as the assistant is certified by the Board. A new supervising licensee shall obtain and maintain for the duration of employment, records demonstrating competency for all services performed by the assistant. Upon request of the Department or Board, the supervising licensee and the assistant shall produce the documentation of competency records required herein.

(3) The speech-language pathology or audiology licensee shall notify the Department within thirty (30) days of any changes in the roster of assistants registered under his or her name.

(4) Following the completion of on-the-job training, the speech-language pathology assistant shall engage only in those services that are planned, designed and supervised by the speech-language pathology licensee. The scope of services which a speech-language pathology assistant may provide includes:

(a) Record case history information.

(b) Screen speech, language or hearing by the use of procedures that are included in published material containing directions for administration and scoring.

(c) Implement, without diagnostic interpretation, evaluative procedures that are:

1. Planned and designed by the licensee, and

2. Included in published materials which have directions for administration and scoring.

(d) Implement treatment programs that:

1. Are planned and designed by the licensee to meet pre-established goals, and

2. Contain pre-established criteria for mastery.

(e) Record, chart, graph or otherwise display data relative to client performance.

(f) Perform clerical functions necessary to maintain clinical records.

(g) Report changes in client performance to the licensee having responsibility for that client.

(h) Prepare clinical materials.

(i) Test equipment to determine if the equipment is performing according to published specifications.

(j) Participate with the licensee in research projects, in-service training, public relations programs, or similar activities as planned, designed and directed by the licensee.

(k) Serve as an interpreter (translator) for the speech-language pathology licensee during clinical procedures.

(l) Assist in the evaluation or treatment of difficult-to-test clients.

(5) The speech-language pathology licensee shall not delegate to the speech-language pathology assistant any tasks which call for a diagnostic interpretation or put the client at physical risk. The following tasks shall not be delegated to a speech-language pathology assistant:

(a) Conducting the initial interview with the client.

(b) Performing initial testing or evaluation.

(c) Determining or discussing specific diagnoses with the client or making statements regarding prognosis or levels of proficiency.

(d) Relating or discussing with clients or consumers of services the reports from other professionals or related services unless those findings have previously been interpreted and reported by the supervising licensee.

(e) Providing any interpretation or elaboration of information that is contained in reports written by the licensee, although he or she may, upon assignment from the licensee, present information regarding clients at staffings or conferences; however, the assistant may discuss with the client or consumer specifically observed behaviors that have occurred during a treatment when they are supported by objective data.

(f) Performing any procedure where there is a risk of physical injury as a result of the procedure; specifically, the insertion of tracheoesophageal prostheses or catheter into the esophageal puncture; endoscopy; administration of barium or other substances for the assessment of swallowing; fitting or insertion of tracheal valves or instrumentation for generation of voice; and initial measurements and fitting of oral prostheses.

(g) Devising or planning treatment based upon assessment or diagnostic findings.

(h) Providing counseling to the client or to his or her family.

(i) Making referrals for additional services.

(j) Signing any document without the co-signature of the licensee.

(k) Using any title other than the Speech-Language Pathology Assistant.

(6) Following the completion of on-the-job training by the supervising audiology licensee, the audiology assistant may engage only in those services that are planned, designed, and supervised by the licensee.

(7) The audiology licensee may permit the audiology assistant to perform the following services under the direct supervision of the supervising licensee:

(a) Conduct basic hearing testing without diagnostic interpretation, including air and bone conduction thresholds and speech audiometry.

(b) Conduct impedance audiometric testing.

(c) Assist in the evaluation of difficult-to-test patients.

(d) Record case history information.

(e) Assist in conducting real ear measurements.

(f) Assist in ABR, ENG, and otoacoustic emissions testing.

(g) Report changes in client performance to the audiology licensee having responsibility for that client.

(h) Participate with the audiology licensee in research projects, in-service training, in public relations programs, or similar activities as planned, designed and directed by the audiology licensee.

(i) Assist in implementing a plan or program for management and/or treatment developed by the supervising audiology licensee.

(8) The following activities of a certified audiology assistant are permitted under the responsible supervision of the supervising audiologist without the requirement of the physical presence of a supervising audiologist:

(a) Demonstrate assistive listening devices.

(b) Test hearing aids to determine if they meet appropriate specification and/or mechanical performance.

(c) Demonstrate care and use of the hearing aid controls, battery insertion and insertion of the hearing aid or ear mold into the ear.

(d) Perform clerical functions necessary to maintain clinical records.

(e) Prepare clinical materials and where appropriate, in accordance with universal precautions.

(f) Test equipment to determine if the equipment is performing according to published specifications.

(g) Screen hearing using established criteria on a pass/fail basis, including but not limited to newborn hearing screening.

(9) The audiology licensee shall not delegate to the audiology assistant any tasks which call for a diagnostic interpretation or put the client at physical risk. The following tasks shall not be delegated to an audiology assistant:

(a) Providing diagnostic services to children below the age of five years or to other clients whose hearing impairment, medical condition, behavior or other disabling condition would preclude the use of services from anyone other than the licensed audiologist.

(b) Performing any procedure where there is a risk of physical injury as a result of the procedure; specifically, where injury to the physical structures of hearing is likely to occur.

(c) Developing a plan of care or treatment for auditory or vestibular disorders.

(10) The speech-language pathologist shall directly observe the speech-language pathology assistant's service as follows:

(a) During the first 12 months of continuous employment on at least one occasion, and if treatment is provided, a minimum of one out of every five sessions or a minimum of one session every two weeks per client.

(b) Following the first 12 months of continuous employment on at least one occasion and, if treatment is provided, a minimum of one out of every fifteen sessions or more frequently depending upon the individual client's needs.

(11) A speech-language pathology assistant who has greater than 12 months continuous employment at one site and changes employment settings shall, for the first 30 calendar days of employment within a new facility, be provided the same level of supervision/observation as required for new assistants. After the initial 30 days, with licensee certification of competency, then the assistant will be provided supervision as required for the assistant who has greater than 12 months experience.

Specific Authority 468.1125, 468.1135(4), 468.1215 FS. Law Implemented 468.1215, 468.1125(3), (4) FS. History—New 3-14-91, Formerly 21LL-4.003, 61F14-4.003, Amended 9-8-94, 8-17-95, Formerly 59BB-4.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Speech-Language Pathology and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 2003 and August 1, 2003



**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Specific Fish Management Area Regulations  
 RULE NO.: 68A-20.005

PURPOSE AND EFFECT: The proposed rule would open Hardee County Park Fish Management Area (FMA) to public fishing and establishes freshwater fishing regulations to effectively manage public use to provide quality freshwater fishing in this fish management area.

SUMMARY: The proposed rule, beginning January 1, 2004, would open Hardee County Park FMA to fishing. Daily bag and length limits for freshwater fish would include: catch and release for black bass, six striped bass, 20 panfish, in the aggregate, six catfish, in the aggregate, and 10 black crappie that may be 10 inches or greater in total length. Days and hours of operation and fishing quotas on specific lakes would be as designated by Hardee County. Additionally proposed rules would allow Hardee County to authorize use of cast nets to take Tilapia in certain specified Hardee County Park lakes. Other proposed regulations for fishers using Hardee County Park FMA would include: guns are prohibited, motor vehicles may be operated only on designated roads, parking areas and boat ramps with no vehicle to be parked in such a manner as to obstruct gates, fire lanes, boat ramp access or roads; all water craft would be operated at idle speed, and swimming or use of float tubes would be prohibited.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Development and promulgation of this rule is not expected to exceed \$170.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, November 19-21, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COSTS IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-20.005 Specific Fish Management Area Regulations.  
 (1) through (3) No change.

- (4) Southwest Region:
  - (a) through (t) No change.
  - (u) Hardee County Park, Hardee County – ~~All water bodies closed to fishing.~~

1. General Regulations:

- a. All fishers shall enter at the Park main entrance, the designated entry point, unless otherwise instructed.
- b. Angling from a boat and is allowed by entry pass issued by Hardee County. Angling from shore does not require an entry pass unless otherwise posted at the Park main entrance.
- c. Days and hours of operation and quotas for freshwater fishing shall be as designated by Hardee County and posted at the Park main entrance. Fishing is permitted in designated lakes only. All other lakes and restricted areas so posted are closed to public fishing. Any lake may be closed to public access by Hardee County for management purposes, or in the event that access to the lake exposes the public to danger, by posted notice at the Park main entrance.
- d. Hardee County may authorize persons to use cast nets to remove Tilapia (*Oreochromis aurea*) from specific lakes.
- e. No person shall kill or possess any black bass.
- f. Daily bag limit for sunshine bass shall be six.
- g. Daily bag limit for panfish shall be 20, in the aggregate.
- h. Daily bag limit for black crappie shall be 10. No person shall kill or possess any black crappie that is less than 10 inches in total length.
- i. Daily bag limit for catfish shall be six, in the aggregate.
- j. Fish may not be filleted, nor their head or tail fin removed, until the angler has left the Park. Disposal of fish remains within Hardee County Park is prohibited.
- k. Guns are prohibited.
- l. Motor vehicles may be operated only on designated roads, parking areas, and boat ramps.
- m. No person shall park any vehicle in a manner that obstructs a road, boat ramp, gate, or fire lane.
- n. Swimming or use of float tubes is prohibited.
- o. All watercraft shall be operated only at idle speed.

- (5) South Region:
  - (a) through (d) No change.

PROPOSED EFFECTIVE DATE: January 1, 2004

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 2-19-80, 5-19-80, 6-4-81, 9-28-81, 6-21-82, 7-1-83, 11-17-83, 7-1-84, 7-1-85, Formerly 39-20.05, Amended 2-27-86, 6-1-86, 5-10-87, 4-13-88, 7-1-89, 7-1-90, 4-11-91, 7-1-91, 7-2-92, 8-23-92, 4-20-93, 7-1-94, 8-15-95, 10-23-95, 4-1-96, 2-16-97, 6-1-97, 6-29-97, 1-1-98, 7-1-98, 11-2-98, Formerly 39-20.005, Amended 4-30-00, 7-1-00, 10-10-00, 4-1-01, 7-1-01, 10-9-01, 7-1-02, 1-1-03, 7-1-03, 1-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Darrell L. Scovell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002  
BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Taking and Disposal of Nuisance – Alligators Statewide  
RULE NO.: 68A-25.003

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to allow contracted nuisance alligator trappers to have an unlimited number of assistant trappers who could take nuisance alligators under the direct supervision of and in the immediate presence of the nuisance trapper. The nuisance alligator trapper would still be limited to three agent trappers who could take nuisance alligators independent of the nuisance trapper. The proposed rule would require assistant trappers to be licensed as alligator trapping agents under s. 372.6673, F.S.

SUMMARY: The proposed rule change would allow contracted nuisance alligator trappers to have an unlimited number of licensed assistant trappers that could take nuisance alligators in their immediate presence and under their direct supervision. These assistant trappers would be in addition to the present maximum of three agent trappers utilized by nuisance trappers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$375 for legal advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673, 372.86, 372.921, 372.922 FS.

A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, November 19-21, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.003 Taking and Disposal of Nuisance – Alligators Statewide.

(1) through (4)(a)-(i) No change.

(j) Each nuisance-alligator trapper may have up to three alligator trapping agents, licensed under s. 372.6673, F.S. Such agents are authorized to conduct nuisance-alligator trapping activities under the direction of the nuisance-alligator trapper. Such activities may be performed by the agents in the absence of the nuisance-alligator trapper. ~~The nuisance-alligator trapper shall be held accountable for the conduct of his agents. Any confirmed misconduct may result in termination of the nuisance-alligator trapper’s contract or the revocation of the nuisance-alligator trapper’s or agents’ licenses as prescribed by Rule 68A-5.004, F.A.C.~~

(k) Each nuisance alligator trapper may have assistant trappers to assist in the taking of nuisance alligators. Assistant trappers shall be licensed as alligator trapper agents under s. 372.6673, F.S., and shall work in the direct supervision and in the immediate presence of the nuisance alligator trapper. Activities of the assistant trapper shall be limited to nuisance alligator removal on public waters.

(l) The nuisance-alligator trapper shall be held accountable for the conduct of his agents and assistant trappers. Any confirmed misconduct may result in termination of the nuisance-alligator trapper’s contract or the revocation of the nuisance-alligator trapper’s or agents’ licenses as prescribed by Rule 68A-5.004, F.A.C.

~~(m)(\*)~~ CITES tags shall remain the property of the Commission until affixed as provided herein. No person except an authorized nuisance-alligator trapper and his agents shall possess any unused CITES tag at any time, and such nuisance-alligator trapper shall insure that all CITES tags issued to him shall remain in his or his agents’ possession.

(n)(+) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673 FS. History–New 8-1-79, Amended 10-23-79, 6-22-80, 6-4-81, 6-21-82, 7-1-85, Formerly 39-25.03, Amended 6-1-86, 12-23-87, 5-5-88, 2-14-89, 4-11-90, 4-14-92, 3-30-95, 4-1-96, Formerly 39-25.003, Amended 4-30-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lieutenant Colonel Mike Wiwi, Deputy Director, North Operations, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6251

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Colonel Julie Jones, Director, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6251

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: RULE NO.:

Designation of Endangered Species; Prohibitions; Permits 68A-27.003

PURPOSE AND EFFECT: The purpose of the proposed rule is to add the Miami blue (*Cyclargus [= Hemiargus] thomasi bethunebakeri*), a butterfly, to the list of endangered species, and implement regulations and permit requirements in support of the Miami blue management plan. The rule is also reorganized to separate species listed prior to and after June 23, 1999, when new listing procedures went into effect.

SUMMARY: The proposed rule adds language to list the Miami blue as an endangered species and adds language to prohibit take of Miami blue except pursuant to permit issued by the Executive Director. The rule is also reorganized to separate species listed prior to and after June 23, 1999, when new listing procedures went into effect.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule will cost the agency approximately \$185 for administrative preparation and review and \$25 for legal advertising.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATES: 8:30 a.m., each day, November 19-21, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COSTS IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.003 Designation of Endangered Species; Prohibitions; Permits.

(1) The following species, listed prior to June 23, 1999, are hereby declared to be endangered and shall be afforded the protective provisions specified.

(+) No person shall pursue, molest, harm, harass, capture, possess, or sell any of the endangered species included in this subsection, or parts thereof or their nests or eggs except as authorized by specific permit, permits being issued only when the permitted activity will clearly enhance the survival potential of the species.

- (a) Pillar coral (*Dendrogyra cylindrus*)
- (b) Blackmouth shiner (*Notropis melanostomus*)
- (c) Okaloosa darter (*Etheostoma okaloosae*)
- (d) Shortnose sturgeon (*Acipenser brevirostrum*)
- (e) American crocodile (*Crocodylus acutus*)
- (f) Atlantic green turtle (*Chelonia mydas mydas*)
- (g) Atlantic hawksbill turtle (*Eretmochelys imbricata imbricata*)
- (h) Atlantic ridley turtle (*Lepidochelys kempii*)
- (i) Leatherback turtle (*Dermochelys coriacea*)
- (j) Mud turtle (*Kinosternon bauri*) (lower keys population only)
- (k) Wood stork (*Mycteria americana*)
- (l) Snail kite (*Rostrhamus sociabilis plumbeus*)
- (m) Peregrine falcon (*Falco peregrinus*)
- (n) Ivory-billed woodpecker (*Campephilus principalis*)
- (o) Bachman's warbler (*Vermivora bachmanii*)
- (p) Kirtland's warbler (*Dendroica kirtlandii*)
- (q) Florida grasshopper sparrow (*Ammodramus savannarum floridanus*)
- (r) Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*)
- (s) Gray bat (*Myotis grisescens*)
- (t) Indiana bat (*Myotis sodalis*)
- (u) Florida mastiff bat (*Eumops glaucinus floridanus*)
- (v) Silver rice rat (*Oryzomys argentatus*)
- (w) Choctawhatchee beach mouse (*Peromyscus polionotus allophrys*)
- (x) Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*)
- (y) St. Andrews beach mouse (*Peromyscus polionotus peninsularis*)

- (z) Anastasia Island beach mouse (*Peromyscus polionotus phasma*)
- (aa) Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*)
- (bb) Key Largo woodrat (*Neotoma floridana smalli*)
- (cc) Florida saltmarsh vole (*Microtus pennsylvanicus dukecampbelli*)
- (dd) Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*)
- (ee) West Indian manatee (*Trichechus manatus*)
- (ff) Florida panther (*Felis concolor coryi*)
- (gg) Key deer (*Odocoileus virginianus clavium*). No person shall feed Key deer (*Odocoileus virginianus clavium*) by hand or by placing any food that serves to attract such species.
- (hh) Atlantic right whale (*Eubalaena glacialis*)
- (ii) Finback whale (*Balaenoptera physalus*)
- (jj) Sei whale (*Balaenoptera borealis*)
- (kk) Humpback whale (*Megaptera novaeangliae*)
- (ll) Sperm whale (*Physeter catodon*)
- (mm) Schaus' swallowtail butterfly (*Heraclides aristodemus ponceanus*)
- (nn) Stock Island tree snail (*Orthalicus reses*)

(2) The Miami blue butterfly (*Cyclargus [=Hemiargus] thomasi bethunebakeri*), listed after June 23, 1999, is hereby declared to be endangered, and shall be afforded the protective provisions specified in this subsection. No person shall take, harm, harass, possess, sell, or transport any Miami blue butterfly (*Cyclargus [= Hemiargus] thomasi bethunebakeri*), or parts thereof or their eggs, larvae or pupae except as authorized by permit from the executive director. Permits will be issued based upon whether issuance would further management plan goals and objectives. In addition to prohibitions and permit requirements in subsection (1), no person shall feed endangered species listed in this subsection by hand or by placing any food that serves to attract such species. Key deer (*Odocoileus virginianus clavium*)

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-84, 7-1-85, Formerly 39-27.03, Amended 6-1-86, 5-10-87, 4-27-89, 9-14-93, 6-23-99, Formerly 39-27.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Timothy A. Breault  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Designation of Threatened Species; Prohibitions; Permits  
RULE NO.: 68A-27.004

PURPOSE AND EFFECT: The purpose of the proposed rule is to add the Panama City crayfish (*Procambarus econfinae*), also sometimes called the Econfina crayfish, to the list of threatened species, and implement regulations and permit requirements in support of the Panama City crayfish management plan. A separate Notice of Proposed Rule removes the Panama City crayfish from the list of species of special concern. The rule is also reorganized to separate species listed prior to and after June 23, 1999, when new listing procedures went into effect.

SUMMARY: The proposed rule adds language to list the Panama City crayfish as a threatened species and adds language to continue the prohibition on take of Panama City crayfish unless permitted by the Executive Director to do so. The rule is also reorganized to separate species listed prior to and after June 23, 1999, when new listing procedures went into effect.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule will cost the agency approximately \$185 for administrative preparation and review and \$25 for legal advertising.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, November 19-21, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COSTS IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.004 Designation of Threatened Species; Prohibitions; Permits.

(1) The following species, listed prior to June 23, 1999, are hereby declared to be threatened, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, molest, harass or sell any of the threatened species included in this subsection or parts thereof or their nests or eggs except as authorized by specific permit from the Executive Director, permits being issued only for scientific or conservation purposes and only upon a showing by the applicant that the permitted activity will not have a negative impact on the survival potential of the species.

- ~~(a)1-~~ Crystal darter (*Ammocrypta asprella*)
- ~~(b)2-~~ Key silverside (*Menidia conchorum*)
- ~~(c)3-~~ Loggerhead sea turtle (*Caretta caretta*)
- ~~(d)4-~~ Blue-tailed mole skink (*Eumeces egregius lividus*)
- ~~(e)5-~~ Sand skink (*Neoseps reynoldsi*)
- ~~(f)6-~~ Big Pine Key ringneck snake (*Diadophis punctatus acricus*)
- ~~(g)7-~~ Miami black-headed snake (*Tantilla oolitica*)
- ~~(h)8-~~ Short-tailed snake (*Stilosoma extenuatum*)
- ~~(i)9-~~ Florida brown snake (*Storeria dekayi victa*) (lower keys population only)
- ~~(j)10-~~ Florida ribbon snake (*Thamnophis sauritus sackeni*) (lower keys population only)
- ~~(k)11-~~ Indigo snake (*Drymarchon corais couperi*)
- ~~(l)12-~~ Atlantic salt marsh water snake (*Nerodia fasciata taeniata*)
- ~~(m)13-~~ Bald eagle (*Haliaeetus leucocephalus*)
- ~~(n)14-~~ Southeastern kestrel (*Falco sparverius paulus*)
- ~~(o)15-~~ Crested caracara (*Polyborus plancus*)
- ~~(p)16-~~ Florida sandhill crane (*Grus canadensis pratensis*)
- ~~(q)17-~~ Roseate tern (*Sterna dougalli*)
- ~~(r)18-~~ Least tern (*Sterna albifrons*)
- ~~(s)19-~~ White-crowned pigeon (*Columba leucocephala*)
- ~~(t)20-~~ Scrub jay (*Aphelocoma coerulescens*)
- ~~(u)21-~~ Snowy plover (*Charadrius alexandrinus*)
- ~~(v)22-~~ Piping plover (*Charadrius melodus*)
- ~~(w)23-~~ Mangrove fox squirrel (*Sciurus niger avicennia*)
- ~~(x)24-~~ Florida black bear (*Ursus americanus floridanus*) (other than those found in Baker and Columbia counties or in Apalachicola National Forest or which are held in captivity under permit)
- ~~(y)25-~~ Everglades mink (*Mustela vison evergladensis*)
- ~~(z)26-~~ Southeastern beach mouse (*Peromyscus polionotus niveiventris*)

(2) The Panama City crayfish (*Procambarus econfinae*), listed after June 23, 1999, is hereby declared to be threatened, and shall be afforded the protective provisions specified in this

subsection. No person shall take, harass, possess, sell, or transport any Panama City crayfish (*Procambarus econfinae*) or parts thereof or their eggs, nests, or burrows except as authorized by permit from the executive director. Permits will be issued based upon whether issuance would further management plan goals and objectives.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-22-80, 7-1-83,7-1-85, Formerly 39-27.04, Amended 6-1-86, 5-10-87, 4-27-89, 6-23-99, Formerly 39-27.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Designation of Species of Special Concern; Prohibitions; Permits

RULE NO.: 68A-27.005

PURPOSE AND EFFECT: The purpose of the proposed rule is to remove the Panama City crayfish (*Procambarus econfinae*), previously referred to as the Econfina crayfish, from the list of species of special concern. A separate Notice of Proposed Rule adds the Panama City crayfish to the list of threatened species. SUMMARY: The proposed rule removes language listing the Panama City crayfish as a species of special concern.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule will cost the agency approximately \$185 for administrative preparation and review and \$25 for legal advertising.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATES: 8:30 a.m., each day, November 19-21, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COSTS IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.

(1) The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, or sell any species of special concern included in this paragraph or parts thereof or their nests or eggs except as authorized by Commission regulations or by permit from the executive director or by statute or regulation of any other state agency, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species.

(b) The following species were listed prior to June 23, 1999 ~~January 1, 2001~~, and have been further categorized by the numbers in parentheses under the following criteria: (1) has a significant vulnerability to habitat modification, environmental alteration, human disturbance, or human exploitation which, in the foreseeable future, may result in its becoming a threatened species unless appropriate protective or management techniques are initiated or maintained; (2) may already meet certain criteria for designation as a threatened species but for which conclusive data are limited or lacking; (3) may occupy such an unusually vital or essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a significant degree; (4) has not sufficiently recovered from past population depletion, and (5) occurs as a population either intentionally introduced or being experimentally managed to attain specific objectives, and the species of special concern prohibitions in Rule 68A-27.002, F.A.C., shall not apply to species so designated, provided that the intentional killing, attempting to kill, possession or sale of such species is prohibited.

1. Atlantic sturgeon (*Acipenser oxyrhynchus*) (1)
2. Lake Eustis pupfish (*Cyprinodon variegatus hubbsi*) (1)
3. Saltmarsh topminnow (*Fundulus jenkinsi*) (1)
4. Rivulus (*Rivulus marmoratus*) (1)
5. Southern tessellated darter (*Etheostoma olmstedi maculiceps*) (1)
6. Harlequin darter (*Etheostoma histrio*) (1)

7. Shoal bass (*Micropterus* sp.) (1, 2)
8. Suwannee bass (*Micropterus notius*) (1)
9. Key blenny (*Starksia starcki*) (1)
10. Gopher frog (*Rana areolata*) (1, 2)
11. Pine Barrens treefrog (*Hyla andersonii*) (1)
12. Florida bog frog (*Rana okaloosae*) (2)
13. Georgia blind salamander (*Haideotriton wallacei*) (1, 2)
14. Alligator snapping turtle (*Macrochelys temmincki*) (1)
15. Suwannee cooter (*Chrysemys concinna suwanniensis*) (1, 2)
16. Barbour's map turtle (*Graptemys barbouri*) (1, 2)
17. Gopher tortoise (*Gopherus polyphemus*) (1, 2, 3)
18. American alligator (*Alligator mississippiensis*) (1, 3)
19. Florida key mole skink (*Eumeces egregius egregius*) (1)
20. Red rat snake (*Elaphe guttata guttata*) (lower keys population only) (1)
21. Brown pelican (*Pelecanus occidentalis*) (1)
22. Florida pine snake (*Pituophis melanoleucus mugitus*) (2)
23. Little blue heron (*Egretta caerulea*) (1, 4)
24. Osprey (*Pandion haliaetus*) (Monroe County population only) (1, 2)
25. Black skimmer (*Rynchops niger*) (1)
26. White ibis (*Eudocimus albus*) (2)
27. Snowy egret (*Egretta thula*) (1)
28. Reddish egret (*Egretta rufescens*) (1, 4)
29. Tricolored heron (*Egretta tricolor*) (1, 4)
30. Roseate spoonbill (*Ajaia ajaja*) (1, 4)
31. Whooping crane (*Grus americana*) (5)
32. Limpkin (*Aramus guarauna*) (1)
33. American oystercatcher (*Haematopus palliatus*) (1, 2)
34. Burrowing owl (*Athene cunicularia*) (1)
35. Marian's marsh wren (*Cistothorus palustris marianae*) (1)
36. Worthington's marsh wren (*Cistothorus palustris griseus*) (1)
37. Scott's seaside sparrow (*Ammodramus maritimus peninsulae*) (1)
38. Wakulla seaside sparrow (*Ammodramus maritimus juncicolus*) (1)
39. Sherman's fox squirrel (*Sciurus niger shermani*) (1, 2)
40. Eastern chipmunk (*Tamias striatus*) (1)
41. Florida mouse (*Podomys floridanus*) (1)
42. Sherman's short-tailed shrew (*Blarina brevicauda shermanii*) (2)
43. Homosassa shrew (*Sorex longirostris eionis*) (2)
44. Sanibel Island rice rat (*Oryzomys palustris sanibelli*) (1, 2)
45. Florida tree snail (*Liguus fasciatus*) (1)

- 46. Bluenose shiner (*Ptreonotropis welaka*) (1, 2)
- 47. Black Creek crayfish (*Procambarus pictus*) (1)
- 48. ~~Econfinia~~ crayfish (*Procambarus econfinae*) (1)
- 48,49- Sims Sink crayfish (*Procambarus erythropros*) (1)

(2) The following species, listed after June 23, 1999 ~~January 1, 2001~~, are hereby declared to be of special concern, and shall be afforded the protective provisions specified in this subsection.

(a) Flatwoods salamander (*Ambystoma cingulatum*). No person shall directly take any flatwoods salamander or parts thereof or their eggs except as authorized by Commission rule or by permit from the executive director.

(b) Red-cockaded woodpecker (*Picoides borealis*). No person shall take, harass, possess, sell, or transport any red-cockaded woodpecker or parts thereof or their eggs or their nests or dens except as authorized by permit from the executive director. Permits will be issued based upon whether issuance would further management plan goals and objectives.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99, Formerly 39-27.005, Amended 2-27-01, 5-1-01, 9-29-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE TITLE: Notice of Election to be Exempt

RULE NO.: 69L-6.012

PURPOSE, EFFECT AND SUMMARY: The rule is being amended to reflect amendments to Sections 440.02(15) and 440.05, Florida Statutes, contained in Chapter 2003-412, Laws of Florida. Amendments to Sections 440.02(15) and 440.05, F.A.C., delete authority for sole proprietors engaged in the construction industry, partners in partnerships engaged in the construction industry, and corporate officers who own less than 10% of the stock of a corporation engaged in the construction

industry to elect to be exempt pursuant to Section 440.05, Florida Statutes. A purpose is also to interpret by rule the status of certificates of election to be exempt issued by the Department of Financial Services prior to January 1, 2004 to certain individuals engaged in the construction industry.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.02(15), 440.05 FS.

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

TIME AND DATE: 1:30 p.m., November 13, 2003

PLACE: 104J Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Brown, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, phone (850)488-2333

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

THE FULL TEXT OF THE PROPOSED RULE IS:

~~69L-6.012 Notice of Election to be Exempt and Revocation of Election to be Exempt by Sole Proprietors, Partners or Corporate Officers.~~

(1) Certificates of Election to be Exempt issued on or before December 31, 2003, to persons engaged in the construction industry are void after January 1, 2004, pursuant to Chapter 2003-412, Laws of Florida.

(2) Legislative changes made through Chapter 2003-412, Laws of Florida, that are effective January 1, 2004, allow only certain corporate officers engaged in the construction industry to file a Notice of Election to be Exempt and to be issued a valid Certificate of Election to be Exempt by the Department pursuant to Section 440.05, Florida Statutes. Only corporate officers who meet the conditions on the issuance of valid exemptions stated in Chapter 440, Florida Statutes, and implemented by this rule may file a Notice of Election to be Exempt. Only a business entity organized under Chapter 607 or 617, Florida Statutes, will qualify as a corporation for purposes of issuing a Certificate of Election to be Exempt to a corporate officer under this rule.

(3) Pursuant to Chapter 2003-412, Laws of Florida, Florida Statutes does not permit a sole proprietor of a sole proprietorship engaged in the construction industry or a partner in a partnership engaged in the construction industry to file a Notice of Election to be Exempt. Accordingly, the Department shall not issue a Certificate of Election to be Exempt to any sole proprietor or partner on or after January 1, 2004, because they are "employees" who are not eligible to be exempt under section 2 of Chapter 2003-412, Laws of Florida. Beginning January 1, 2004, the Department shall deny any Notice of Election to be Exempt (DWC-250) filed on the basis of the applicant being a sole proprietor of a sole proprietorship engaged in the construction industry or a partner in a partnership engaged in the construction industry.

(4) The Department shall inform the holder of a Certificate of Election to be Exempt that is rendered void pursuant to Chapter 2003-412, Laws of Florida, of the availability of, conditions on, and procedures to obtain a valid corporate officer construction exemption.

(5) The Department shall issue without additional fee a new Certificate of Election to be Exempt to a sole proprietor of a sole proprietorship engaged in the construction industry, a partner in a partnership engaged in the construction industry, or a corporate officer engaged in the construction industry who:

(a) Holds a Certificate of Election to be Exempt issued between January 1, 2002, and December 31, 2003.

(b) Is eligible for the issuance of the Certificate of Election to be Exempt under Chapter 440, Florida Statutes, as amended by Chapter 2003-412, Laws of Florida, and

(c) Files an Application for Re-Issuance of Notice of Election to be Exempt (DWC-250X) as a corporate officer of a corporation engaged in the construction industry in compliance with this rule.

(6) Any Certificate of Election to be Exempt re-issued pursuant to subsection (5) shall be valid only for the unexpired period of the prior Certificate of Election to be Exempt that was re-issued. The re-issued Certificate of Election to be Exempt shall expire on the date that the prior Certificate of Election to be Exempt would have expired.

(7) The Department shall inform an applicant who files a Notice of Election to be Exempt (DWC-250) on the basis that the applicant is a sole proprietor of a construction industry sole proprietorship or a partner in a construction industry partnership of the limitation of construction exemptions pursuant to Chapter 2003-412, Laws of Florida, and the availability of, conditions on, and procedures to obtain a valid corporate officer construction exemption.

(8)(1) Any sole proprietor or partner actively engaged in the construction industry, and any corporate officer of a construction or non-construction industry corporation, who elects to be exempt from the provisions of the workers'

compensation law (Chapter 440, Florida Statutes), shall file with the Division a Notice of Election to be Exempt (DWC250).

(9)(2) For a corporate officer engaged in the construction industry, the applicant following documentation shall be attached by the applicant to or, where appropriate, list on every Notice of Election to be Exempt (DWC250) the following:

(a) Each sole proprietor actively engaged in the construction industry shall attach a copy of the sole proprietor's Federal Income Tax Form 1040 and its accompanying Schedule C as filed by the applicant with the Internal Revenue Service (IRS) for the most recent tax year.

(b) Each partner of a partnership actively engaged in the construction industry shall attach a copy of the partner's Federal Income Tax Schedule K-1 (Form 1065), and Form 1040 and its accompanying Schedule E as filed by the applicant with the IRS for the most recent tax year.

(c) In lieu of the documents required in paragraphs (a) and (b) above, a sole proprietor or partner that is engaged in the construction industry but has not been in business long enough to provide the federal tax documentation prescribed in paragraphs (a) and (b) shall establish an intention to engage in a legitimate enterprise within the construction industry by submitting all of the following:

(a)1. A copy of any occupational license required by the jurisdiction in which the business is located or has employees engaged in performing regular work;

(b)2. A copy of any contractor licensing held by the applicant through a certification or registration issued pursuant to trade license required by the political subdivision of the State in which the work is being performed or a state license required under Chapter 489, F.S.;

3. Proof that the business has obtained a fictitious name if a fictitious name is used; and

(c)4. The A Federal Employer Identification Number issued to the corporation named by the corporate officer on the Notice of Election to be Exempt business associated with the sole proprietor or partner, applying for the exemption;

(d) The Social Security Number of the applicant; Each corporate officer shall attach, if the applicant is not listed as an officer of the corporation on the current records of the Florida Secretary of State, Division of Corporations, a notarized affidavit attesting that the applicant is a bona fide officer of the corporation and providing the date such appointment or election became or shall become effective. The statement must be signed, under oath, by both the officer and the president or chief operating officer of the corporation.

(e) The Florida Department of State, Division of Corporations, registration number of the corporation named on the Notice of Election to be Exempt;



(f) A copy of the stock certificate(s) issued to the applicant by the corporation named on the Notice of Election to be Exempt evidencing at least ten percent (10%) ownership of the named corporation by the applicant on the date that the Notice of Election to be Exempt is filed with the Department;

(g) The primary business or trade of the applicant;

(h) The applicant's corporate officer title;

(i) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) in which the applicant has an ownership interest or serves as a corporate officer; and

(j) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) that is under the same or substantially the same ownership or control as the corporation named on the Notice of Election to be Exempt.

(10) For a corporate officer engaged in the construction industry, if the Department's records show three active Certificates of Election to be Exempt issued to corporate officers of a corporation or of any group of affiliated corporations, the Department shall deny any Notice of Election to be Exempt that would result in more than three active Certificates of Election to be Exempt issued in the name of corporate officers of the corporation or group of affiliated corporations.

(11) For a corporate officer not engaged in the construction industry, the applicant shall attach to or, where applicable, list on every Notice of Election to be Exempt (DWC-250) the following:

(a) A copy of any occupational license required by the jurisdiction in which the business is located or has employees engaged in work;

(b) The Federal Employer Identification Number issued to the corporation named by the corporate officer on the Notice of Election to be Exempt;

(c) The Social Security Number of the applicant;

(d) The Florida Department of State, Division of Corporations, registration number of the corporation named on the Notice of Election to be Exempt;

(e) The applicant's corporate officer title; and

(f) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) in which the applicant has an ownership interest or serves as a corporate officer.

(3) The following information may be stricken by any applicant from a Federal Income Tax Form before filing same with the Division:

(a) Identification of the spouse and dependents of the applicant, including filing status;

(b) Any W-2 income, interest and dividend income, refunds, credits, alimony received, capital gains or losses other than those associated with the applicant's business enterprise;

(c) IRA distributions, pensions, annuities, farm income, unemployment compensation, or social security benefits;

(d) Any deductions from income in order to derive adjusted gross income;

(e) Tax computation, credits, other taxes, payments, refunds or amounts owed.

(12)(4) Incomplete Applications, Duplicate Applications.

(a) An applicant shall have thirty days from the date his/her application is mailed or otherwise returned by the Division to the applicant as incomplete in which to file documentation or information which completes the application, at which time the application shall be processed without any additional processing fee.

(b) Except for an Application for Re-issuance of Notice of Election to be Exempt that has been re-issued under subsection (5) of this rule, an application filed by an applicant who has an exemption on file for the same business, which is current at the time a duplicate application is received by the Division, shall be treated as a new application. Any duplicate exemption on file shall be null and void as of the date a new exemption is issued by the Division.

(13)(5) Any sole proprietor, partner or corporate officer of a construction corporation or any corporate officer of a non-construction corporation who has been issued an exemption from the provisions of Florida's workers' compensation law (Chapter 440, Florida Statutes), may revoke such exemption by filing with the Division a Revocation of Election to be Exempt (DWC250-R).

(14)(6) Subject to the exceptions listed in subsection 440.05(5), Florida Statutes, the issue date of any exemption is the date the Certificate of Election to be Exempt is approved and saved to the Coverage Compliance Automated System database of the Department, and effective date of any revocation of exemption, for which the application or notice is complete and valid, shall be the date following the day such application or notice is postmarked; or, in the event that a postmark is not present or not legible, or the application or notice is delivered to the Division by other than U. S. mail, the date following the day such application or notice is received by the Division.

(15)(7) Notice of Election to be Exempt (DWC 250), or Revocation of Election to be Exempt (DWC 250-R), shall only be filed by an applicant on the applicant's own behalf.

(16)(8) Any application for exemption or revocation of exemption which is returned to the applicant by the Division, within thirty days after receipt by the Division as incomplete, is not "received" for purposes of Section 440.05(5), Florida Statutes.

(17) The following forms are hereby incorporated by reference:

(a) Form DWC-252, Certificate of Election to be Exempt, (revised September 2003).

(b) Form DWC-250X, Application for Re-Issuance of Notice of Election to be Exempt, revised September 2003.

(c) Form DWC-253, Re-issuance of Construction Industry Certificate of Exemption (revised September 2003).

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05, FS. History—New 5-28-91, Amended 2-15-94,12-28-97, 2-2-00, 9-6-01, Formerly 38F-6.012, 4L-6.012, Amended 3-26-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce Brown, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Daniel Sumner, Assistant Division Director, Division of worker's Compensation, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE TITLE: Construction Industry Classification Codes, RULE NO.:

Descriptions, and Operations 69L-6.021

PURPOSE, EFFECT AND SUMMARY: The rule is being amended to reflect amendments to Sections 440.02(8) and 440.02(15), Florida Statutes, contained in Chapter 2003-412, Laws of Florida. The amendment to Section 440.02(8), Florida Statutes, authorizes the Division of Workers' Compensation to by rule establish standard industrial classification codes and definitions thereof which meet the criteria of the term "construction industry" as set forth in Section 440.02, Florida Statutes. Amendments to Section 440.02(15), Florida Statutes, delete provisions of law that made exemptions obtained by corporate officers of a corporation actively engaged in the construction industry, and sole proprietors or partners actively engaged in the construction industry, inapplicable to work performed at commercial building projects estimated to be valued at \$250,000 or greater.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.02(8), 440.591 FS.

LAW IMPLEMENTED: Ch. 2003-412, Section 1, Laws of Florida (repealing parts of Section 440.02(15), F.S.), 440.02(8) FS.

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

TIME AND DATE: 1:30 p.m., November 13, 2002

PLACE: 104J Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Brown, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, phone (850)488-2333

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.021 Construction Industry Classification Codes, Descriptions, and Operations Scope of Exemption.

(1) The Division adopts the classification codes and descriptions that are specified in the Florida Contracting Classification Premium Adjustment Program, and published in the Florida exception pages of the National Council on Compensation Insurance, Inc. (NCCI), Basic Manual (1996 ed., issued Jan.1, 2003). For convenience, the Division lists here the classification codes and descriptions that are published in the Florida exception pages of the Basic Manual and adopted in this Rule. For work performed at a commercial building project estimated to be valued at \$250,000 or greater, the Division shall utilize the contracting classifications eligible for the Florida Contracting Classification Premium Adjustment Program (FCCPAP) included in the Florida exception pages of the National Council on Compensation Insurance, Inc.'s Basic Manual — 1996 Edition — Florida, with Revisions Effective Prior to January 1, 2001, to determine whether a workers' compensation exemption issued pursuant to Section 440.05, F.S., is applicable.

~~(a) For any person whose activities are included under a contracting classification identified in this rule, the exemption is not applicable for work performed at a commercial building project estimated to be valued at \$250,000 or greater.~~

~~(b) For any person whose activities are not included under a contracting classification identified in this rule, the exemption is applicable, including for work performed at a commercial building project estimated to be valued at \$250,000 or greater.~~

~~(c) The contracting classifications identified in this rule are as follows:~~

			35.	5474	Painting or Paperhanging NOC and Shop Operations, Drivers
1.	0042	Landscape Gardening and Drivers			
2.	0050	Farm Machinery Operation – By Contractor and Drivers	36.	5478	Carpet, Linoleum, Vinyl, Asphalt, or Rubber Floor Title Installation
3.	1322	Oil or Gas Well: Cleaning or Swabbing of Old Wells Having Previously Produced Gas or Oil – By Contractor – No Drilling – and Drivers	37.	5479	Insulation Work NOC and Drivers
4.	3365	Welding or Cutting NOC and Drivers	38.	5480	Plastering NOC and Drivers
5.	3719	Oil Still Erection or Repair	39.	5491	Paperhanging and Drivers
6.	3724	Machinery or Equipment Erection or Repair NOC and Drivers	40.	5506	Street or Road Construction: Paving or Repaving and Drivers
7.	3726	Boiler Installation or Repair – Steam	41.	5507	Street or Road Construction: Subsurface Work and Drivers
8.	5020	Ceiling Installation – Suspended Acoustical Grid Type	42.	5508	Street or Road Construction: Rock Excavation and Drivers
9.	5022	Masonry NOC	43.	5509	Street or Road Maintenance, County or State Department – and Drivers
10.	5037	Painting: Metal Structures – Over Two Stories in Height – and Drivers	44.	5536	Heating and Air Conditioning Duct Work – Shop and Outside – and Drivers
11.	5040	Iron or Steel: Erection – Frame Structures	45.	5538	Sheet Metal Work – Shop and Outside – NOC and Drivers
12.	5057	Iron or Steel: Erection NOC	46.	5551	Roofing – All kinds and Yard Employees, Drivers
13.	5059	Iron or Steel: Erection – Frame Structures Not Over Two Stories in Height	47.	5606	Contractor – Executive Supervisor or Construction Superintendent
14.	5069	Iron or Steel: Erection – Construction of Dwellings Not Over Two Stories in Height	48.	5610	Cleaner – Debris Removal
15.	5102	Door, Door Frame or Sash Erection – Metal or Metal Covered	49.	5613	Cleaner – Debris Removal – Temporary Labor Service
16.	5146	Furniture or Fixtures Installation – Portable – NOC	50.	5645	Carpentry – Detached One or Two Family Dwellings
17.	5160	Elevator Erection or Repair	51.	5651	Carpentry – Dwellings – Three Stories or Less
18.	5183	Plumbing NOC and Drivers	52.	5703	Building Raising or Moving and Drivers
19.	5188	Automatic Sprinkler Installation and Drivers	53.	5705	Salvage Operation – No Wrecking or Any Structural Operations
20.	5190	Electrical Wiring – Within Buildings and Drivers	54.	6003	Pile Driving
21.	5213	Concrete Construction NOC	55.	6005	Jetty or Breakwater Construction – All Operations to Completion and Drivers
22.	5215	Concrete Work – Incidental to the Construction of Private Residence	56.	6017	Dam or Lock Construction: Concrete Work – All Operations
23.	5221	Concrete or Cement Work – Floors, Driveways, Yards, and Sidewalks – and Drivers.	57.	6018	Dam or Lock Construction: Earth Moving or Placing – All Operations
24.	5222	Concrete Construction in Connection with Bridges or Culverts	58.	6045	Levee Construction – All Operations to Completion and Drivers
25.	5223	Swimming Pool Construction – Not Iron or Steel – and Drivers	59.	6204	Drilling NOC and Drivers
26.	5348	Stone, Mosaic or Terrazzo or Ceramic Tile Work – Inside	60.	6206	Oil or Gas Well: Cementing and Drivers
27.	5402	Hothouse Erection – All Operations	61.	6213	Oil or Gas Well: Specialty Tool Operation NOC – By Contractor – All Employees and Drivers
28.	5403	Carpentry NOC	62.	6214	Oil or Gas Well: Perforating of Casing – All Employees and Drivers
29.	5437	Carpentry – Installation of Cabinet Work or Interior Trim	63.	6216	Oil or Gas Lease Work NOC – By Contractor and Drivers
30.	5443	Lathing and Drivers	64.	6217	Excavation and Drivers
31.	5445	Wallboard Installation Within Buildings and Drivers	65.	6229	Irrigation or Draining System Construction and Drivers
32.	5462	Glazier – Away From Shop and Drivers	66.	6233	Oil or Gas Pipeline Construction and Drivers
33.	5472	Asbestos Contractor – Pipe and Boiler Work Exclusively and Drivers	67.	6235	Oil or Gas Well: Drilling or Redrilling and Drivers
34.	5473	Asbestos Contractor – NOC and Drivers			

- 68. 6236 Oil or Gas Well: Installation or Recovery of Casing and Drivers
- 69. 6237 Oil or Gas Well: Instrument Logging or Survey Work and Drivers
- 70. 6251 Tunneling – Not Pneumatic – All Operations
- 71. 6252 Shaft Sinking – All Operations
- 72. 6260 Tunneling – Pneumatic – All Operations
- 73. 6306 Sewer Construction – All Operations and Drivers
- 74. 6319 Gas Main or Connection Construction and Drivers
- 75. 6325 Conduit Construction – For Cable or Wires – and Drivers
- 76. 6400 Fence Erection – Metal
- 77. 7538 Electric Light or Power Line Construction and Drivers
- 78. 7601 Telephone, Telegraph or Fire Alarm Construction and Drivers
- 79. 7605 Burglar Alarm Installation or Repair and Drivers
- 80. 7611 Telephone or Cable TV Line Installation – Contractors, Underground and Drivers
- 81. 7612 Telephone or Cable TV Line Installation – Contractors, Overhead, and Drivers
- 82. 7613 Telephone or Cable TV Line Installation – Contractors, Service Lines and Connections and Drivers
- 83. 7855 Railroad Construction: Laying or Relaying of Tracks or Maintenance of Way By Contractor – No Work On Elevated Railroads – and Drivers
- 84. 8227 Construction or Erection – Permanent Yard
- 85. 9534 Mobile Crane and Hoisting Service Contractors – NOC – All Operations – Including Yard Employees and Drivers.
- 86. 9554 Sign Installation, Maintenance, Repair, Removal, or Replacement NOC & Drivers

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce Brown, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Daniel Sumner, Assistant Division Director, Division of Workers' Compensation, Department of Financial Services  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

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

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE NO.: 3E-600.0132                      RULE TITLE: Sales of Certificates of Deposit  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 40, October 4, 2002, has been withdrawn.

**DEPARTMENT OF INSURANCE**

RULE NO.: 4-154.202                      RULE TITLE: Definitions  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 37, September 12, 2003, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing.

Amended Subsection (19) is added to Rule 4-154.202, F.A.C., to read:

(19) Unearned Premium Reserve.

(a) This reserve values that portion of the premium paid or due to the insurer which is applicable to the period of coverage extending beyond the valuation date. Thus if an annual premium of \$120 was paid on November 1, \$20 would be earned as of December 31 and the remaining \$100 would be unearned. The unearned premium reserve shall be on a gross basis as in this example, or on a valuation net premium basis. The reserve for a policy which provides for the return of unearned premium in the event of termination shall be on a gross basis.

(b) Single premium credit disability insurance, both individual and group, is excluded from this definition of unearned premium reserve.

The remainder of the rule reads as previously published.

(2) The Division adopts the definitions published by NCCI, SCOPES of Basic Manual Classifications (Jan. 2003) that correspond to the classification codes and descriptions adopted in subsection (1), above. The definitions identify the workplace operations that satisfy the criteria of the term "construction industry" as used in the workers' compensation law. The Florida exception pages of the National Council on Compensation Insurance, Inc.'s Basic Manual are herein incorporated by reference.

(3) This Rule shall take effect January 1, 2004. However, the provisions of subsection (1) limiting the use of workers' compensation exemptions at commercial building projects valued at \$250,000 or greater were repealed by virtue of the enactment of Section 1 of Ch. 2003-412, Laws of Florida, effective July 15, 2003.

Specific Authority 440.591, 440.02(8) FS. Law Implemented Ch. 2003-412, § 1, Laws of Florida (repealing parts of § 440.02(15), FS) 440.02(8) 440.02(14)(b)2., 440.02(14)(c)2., 440.02(14)(d)1., 440.05 FS. History--New 10-21-02, Formerly 4L-6.021, Amended \_\_\_\_\_.

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Health Quality Assurance**

RULE NO.: 59A-12.0073                      RULE TITLE: HMO and PHC Penalty Categories  
 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. 28, July 11, 2003, 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) Rule 59A-12.0073(4)(a), is deleted:

~~(a) Rule Not All-Inclusive. This rule contains illustrative violations. This rule does not, and is not intended to, encompass all possible violations of statute or Agency rule that might be committed by a HMO or PHC. The absence of any violation from this rule shall in no way be construed to indicate that the HMO or PHC is not subject to penalty. In any instance wherein the violation is not listed in this rule, the penalty shall be determined by consideration of:~~

~~1. The aggravating and mitigating factors specified in this rule; and~~

~~2. Any similar or analogous violation that is listed in this rule, if applicable.~~

2) In paragraph 59A-12.0073(6)(a), F.A.C., the second sentence is amended to read:

“Such corrective activities must be implemented to assure that the violation does not recur and shall include ~~but not be limited to~~ the following:”

3) In subsection 59A-12.0073(7), F.A.C., the fourth sentence is amended to read:

“The Agency will use the factors in subsections (5) and (6) above, and any similar or analogous violation listed in this rule; ~~if applicable~~, to determine, within the penalty ranges specified below, the fine for each violation within a category.”

4) In subparagraph 59A-12.0073(7)(b)5., F.A.C., has been amended to read:

“Failure by the HMO or PHC to pay a claim pursuant to Section 641.513, F.S. Assignment by the HMO or PHC of claim processing ~~and/or payment~~ to a third party administrator or other entity does not relieve the managed care plan of its responsibilities to pay claims. Assignment by the HMO or

PHC of payment to a third party administrator or other entity does not relieve the managed care plan of its responsibilities to pay claims.

5) In subparagraph 59A-12.0073(7)(c)5., F.A.C., the last sentence has been amended to read:

Willful violations will be penalized at the rate of \$500 a day unless the HMO or PHC can show mitigating factors as defined under paragraph 59A-12.0073(3)(f) and listed in subsection 59A-12.0073(6), F.A.C. Starting with day 31, the failure to pay will be classified as a willful violation.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Hazel Greenberg, Medical Health Care Program Analyst, Agency for Health Care Administration, Bureau of Managed Health Care, Data Analysis Unit, 2727 Mahan Drive, Mail Stop Code 26, Tallahassee, FL 32308, (850)414-9444

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-12.0073 HMO and PHC Penalty Categories.

(1) through (3) No changes.

(4) General Provisions:

~~(a) Rule Not All-Inclusive. This rule contains illustrative violations. This rule does not, and is not intended to, encompass all possible violations of statute or Agency rule that might be committed by a HMO or PHC. The absence of any violation from this rule shall in no way be construed to indicate that the HMO or PHC is not subject to penalty. In any instance wherein the violation is not listed in this rule, the penalty shall be determined by consideration of:~~

~~1. The aggravating and mitigating factors specified in this rule; and~~

~~2. Any similar or analogous violation that is listed in this rule, if applicable.~~

~~(a)(b) Rule and Statutory Violations Included. This rule applies whether the violation is of an applicable statute or Agency rule, or an order implementing such a statute or rule.~~

~~(b)(c) Relationship to Other Rules. The provisions of this rule shall be subordinated in the event that any other rule more specifically addresses a particular violation or violations.~~

~~(c)(d) Other Licensees. The imposition of a penalty upon any HMO or PHC in accordance with this rule shall in no way be interpreted as barring the imposition of a penalty upon any agent, or other licensee in connection with the same conduct.~~

(5) No change.

(6) Mitigating Factors. Examples of mitigating factors are as follows:

(a) Whether corrective activities were actually and substantially initiated (not just planned) and implemented by the HMO or PHC before the violation was noted by or brought to the attention of the Agency and before the HMO or PHC was made aware that the Agency was investigating the alleged violation. Such corrective activities must be implemented to

assure that the violation does not recur and shall include but not be limited to the following: personnel changes, reorganization or discipline, and making any injured party whole as to harm suffered in relation to the violation.

(b) through (d) No change.

(7) Penalty Categories and Fines Assessed. Violations are divided into three categories.

Category I violations are the most serious and Category III violations are the least serious. Category I violations are violations that will cause harm; Category II violations are violations that have the potential to cause harm; and, Category III violations are violations that would cause no harm. The Agency will use the factors in subsections (5) and (6) above, and any similar or analogous violation listed in this rule, ~~if applicable~~, to determine, within the penalty ranges specified below, the fine for each violation within a category. The penalty amount does not include any examination or investigative costs that may be assessed in addition to the fine.

(a) No change.

(b) CATEGORY II. If the violation is knowing and willful, the fine assessed shall not exceed \$10,000 per violation. If the violation is nonwillful, the fine assessed shall not exceed \$1,000 per violation.

1. through 4. No change.

5. Failure by the HMO or PHC to pay a claim pursuant to Section 641.513, F.S. Assignment by the HMO or PHC of claim processing ~~and/or payment~~ to a third party administrator or other entity does not relieve the managed care plan of its responsibilities to pay claims. Assignment by the HMO or PHC of payment to a third party administrator or other entity does not relieve the managed care plan of its responsibilities to pay claims.

(c) CATEGORY III. If the violation is knowing and willful, the fine assessed shall not exceed \$2,500 per violation. If the violation is nonwillful, the fine assessed shall not exceed \$500 per violation.

1. through 4. No change.

5. Failure by the HMO or PHC to timely pay the regulatory assessment as required by Section 641.58, F.S., by April 1. The penalty period will begin on the first day following the due date and continue until such time as the assessment is received by the Agency. During such penalty period the HMO or PHC shall be penalized at a rate of \$200 per day for each calendar day during the penalty period. The failure to timely pay will be classified as non-willful for the first 30 days that payment has not been received. Willful violations will be penalized at the rate of \$500 a day unless the HMO or PHC can show mitigating factors as defined under paragraph 59A-12.0073(3)(f) and listed in subsection 59A-12.0073(6), F.A.C. Starting with day 31, the failure to pay will be classified as a willful violation.

Specific Authority 641.56 FS. Law Implemented 641.52(5) FS. History—  
New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:  
59G-8.200

RULE TITLE:  
Home and Community-Based  
Waiver Services

**NOTICE OF CHANGE**

Notice is hereby given that substantial changes have been made to the proposed Rule 59G-8.200, F.A.C. In accordance with subparagraph 120.54(3)(d)1., F.S., publication of this change in the proposed rule is requested for the next volume of the Florida Administrative Weekly.

These changes are pursuant to comments and recommendations presented at the public hearing held August 19, 2003.

Following is the summary of changes made:

Handbook, page 1-4

Added label and definition for “Meaningful Day Activity”.

Handbook, page 1-9

Service Authorization Form – 6th sentence restated as follows: Authorizing a service at a rate or frequency that is higher than that approved by the Department may result in the waiver support coordinator being subject to recoupment of funds for support coordination services and recoupment of service dollars billed without proper authorization.

DS Waiver Provider Background Screening Requirements – The cost of background screenings is \$39.00.

Handbook, page 1-27

Provider Qualifications – The paragraph beginning, “There is a direct service staff monitoring...”, is now followed by: Monitoring for competence must occur at least monthly for 50% of the direct service staff that have completed the training. Staff must be re-certified in the training requirements yearly.

The 6th bulleted item now includes the following sentence: “The Program or Clinical Services Director must be in place at the time of designation of the organization as an intensive behavioral residential habilitation program.”

Handbook, page 1-35

Continuing Training Requirements – 3rd paragraph now includes the following: Re-certification shall occur every two years. Certification includes the capability to access and finalize the assessment on the department’s intranet site.

Handbook, page 1-39

Provider Qualifications – 2nd paragraph now states the following: If a group home, residential facility, or adult day training agency wishes to transport its own recipients, the agency must discuss its transportation plans with the Community Transportation Coordinator before initiating transport services.

6th paragraph and throughout the handbook, the following statement has been removed:

“.....and is responsible for notifying the District Office of all traffic violations with the exception of parking tickets, immediately.”

7th paragraph now includes the following: Limited transportation providers are reimbursed at the state mileage rate.

Handbook, Chapter 3

All text references to Appendix F have been re-included in the handbook.

Handbook, page 3-2

Billing Procedures – Following the 4 bullets, 2 sentences were added: “When billing for services by the quarter hour the provider should total at the end of each billing period actual time spent with the recipient and round the total to the nearest quarter hour as described above. Rounding should occur only once at the time of billing.”

Handbook, pages 3-3 & 4

Consolidated Billing – 2nd and 4th paragraphs: The previously promulgated information concerning billing transportation by the trip and month has been added back to the text.

Handbook, page 3-5

Limitations – Added this section: “Providers may not bill for service when a recipient is not in attendance. A provider shall not render a claim or bill for more than one service to the same recipient at the same time and date unless authorized to do so. Services authorized to bill concurrently with another service include behavior analysis, private duty nursing, skilled nursing and residential nursing.”

Handbook Appendix A, page A-1

Adult Day Training maximum limits reduced from 260 days per year to 240 days per year, with billing in quarter hour increments. Homemaker and Companion Services maximum limits increased from 16 units per day to 40 units per day. Personal Care Assistance maximum limits increased from 64 units per day to 96 units per day.

Handbook Appendix A, page A-2

Supported Employment (Phase 2) deleted, with Supported Employment (Phase 1) re-titled as Supported Employment. Supported Living Coaching maximum limits increased from 24 units per day to 40 units per day.

Handbook Appendix C, page C-1

Agency or Group Provider definition: deleted the word entity on the first line.

Handbook Appendix C, page C-2

Redefined the current Department Approved Assessment.

Handbook Appendix C, page C-6

A. Compliance with State Law & Regulations – This information is deleted: “3. The provider will comply with all federal, state and local laws and ordinances pertaining to the operation and requirements of the provider’s business.”

Handbook Appendix C, page C-8

2.1 Required Training – #3 is expanded to include domestic violence and sexual assault.

# 7 has been added to address the Department’s Direct Care Core Competencies Training.

Handbook Appendix F – Appendix F is reinstated in its promulgated version.

## **AGENCY FOR HEALTH CARE ADMINISTRATION**

### **Medicaid**

RULE CHAPTER NO.: 59G-8      RULE CHAPTER TITLE: Managed Care

#### **NOTICE OF ADDITIONAL RULE HEARING**

Notice is hereby given that based on comments received during the initial rule hearing, the agency has scheduled an additional hearing on Proposed Rules 59G-8.201-.211, published in Vol. 29, No. 30, July 25, 2003 Florida Administrative Weekly:

TIME AND DATE: 10:00 a.m. until 12:00 noon, Tuesday, December 23, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Tallahassee, Florida

## **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.: 64B8-3.002      RULE TITLE: Application, Certification, Registration, and Licensure Fees

#### **NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 30, of the July 25, 2003, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Rules Committee, at its meeting on October 2, 2003, voted to change the rule to address the concerns outlined by JAPC. The Board, at its meeting on October 4, 2003, accepted the change recommended by the Rules Committee. The introductory sentence of subsection (1) shall be changed to read as follows:

“An application fee in the amount of \$300.00 for a person desiring to obtain the following:”

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

#### 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 THE LOTTERY

RULE TITLE: Instant Game Number 506, STACKS OF CASH

RULE NO.: 53ER03-50

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 506, "STACKS OF CASH," 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:

53ER03-50 Instant Game Number 506, STACKS OF CASH.

(1) Name of Game. Instant Game Number 506, "STACKS OF CASH."

(2) Price. STACKS OF CASH lottery tickets sell for \$5.00 per ticket.

(3) STACKS OF CASH 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 STACKS OF CASH 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 STACKS OF CASH 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** **2** **3** **4** **5**  
ONE TWO THREE FOUR FIVE

**6** **7** **8** **9** **10**  
SIX SEVEN EIGHT NINE TEN

**11** **12** **13** **14** **15**  
ELEVN TWELV THRTN FORTN FIFTN

**16** **17** **18** **19** **20**  
SIXTN SVNTN EGHNT NINTN TWENTY

**21** **22** **23** **24** **25**  
TWYONE TWYTWO TWYTHR TWYFOR TWYFIV

**26** **27** **28** **29**  
THYSIX THYSVN THYEGT THYNIN



(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

**1** **2** **3** **4** **5**  
ONE TWO THREE FOUR FIVE

**6** **7** **8** **9** **10**  
SIX SEVEN EIGHT NINE TEN

**11** **12** **13** **14** **15**  
ELEVN TWELV THRTN FORTN FIFTN

**16** **17** **18** **19** **20**  
SIXTN SVNTN EGHNT NINTN TWENTY

**21** **22** **23** **24** **25**  
TWYONE TWYTWO TWYTHR TWYFOR TWYFIV

**26** **27** **28** **29**  
THYSIX THYSVN THYEGT THYNIN



(6) The prize symbols and prize symbol captions are as follows:

<b>\$1.00</b> ONE	<b>\$2.00</b> TWO	<b>\$4.00</b> FOUR	<b>\$5.00</b> FIVE
<b>\$10.00</b> TEN	<b>\$15.00</b> FIFTEEN	<b>\$25.00</b> THY FIV	<b>\$50.00</b> FIFTY
<b>\$75.00</b> SVY FIV	<b>\$100</b> ONE HUN	<b>\$200</b> TWO HUN	<b>\$500</b> FIV HUN
<b>\$1,000</b> ONE THO	<b>\$10,000</b> TEN THO	<b>\$100,000</b> ONE HUN THO	

(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 of the numbers in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to fifteen sets of matching numbers. The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$200, \$500, \$1,000, \$10,000 and \$100,000.



(b) A ticket having a "COIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to the corresponding prize shown.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 506 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 34 POOLS OF 120,000 TICKETS PER POOL
\$1 x 5	\$5	30.00	136,000
(\$1 x 3) + \$2	\$5	30.00	136,000
\$1 + (\$2 x 2)	\$5	30.00	136,000
\$5	\$5	30.00	136,000
\$1 x 10	\$10	30.00	136,000
\$2 + (\$4 x 2)	\$10	60.00	68,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	68,000
\$1 + (\$2 x 2) + \$5	\$10	120.00	34,000
\$10 "AUTOWIN SYMBOL (COIN)"	\$10	120.00	34,000
\$5 + \$10	\$15	60.00	68,000
\$1 x 15	\$15	60.00	68,000
\$15 "AUTOWIN SYMBOL (COIN)"	\$15	60.00	68,000
\$5 x 5	\$25	300.00	13,600
(\$5 x 3) + \$10	\$25	300.00	13,600
\$5 + (\$10 x 2)	\$25	240.00	17,000
(\$2 x 5) + \$5 + \$10	\$25	240.00	17,000
(\$1 x 5) + (\$2 x 10)	\$25	300.00	13,600

\$25 "AUTOWIN SYMBOL (COIN)"	\$25	600.00	6,800
\$50 "AUTOWIN SYMBOL (COIN)"	\$50	119.88	34,034
\$5 x 15	\$75	20,000.00	204
\$5 + (\$10 x 7)	\$75	20,000.00	204
(\$5 x 5) + \$50	\$75	20,000.00	204
(\$10 x 5) + \$25	\$75	20,000.00	204
\$75 "AUTOWIN SYMBOL (COIN)"	\$75	20,000.00	204
\$10 + (\$15 x 6)	\$100	2,666.67	1,530
(\$5 x 10) + (\$10 x 5)	\$100	3,000.00	1,360
\$25 x 4	\$100	3,000.00	1,360
(\$25 x 2) + \$50	\$100	4,000.00	1,020
\$100 "AUTOWIN SYMBOL (COIN)"	\$100	6,000.00	680
\$50 x 10	\$500	163,200.00	25
(\$25 x 10) + (\$50 x 5)	\$500	163,200.00	25
\$500 "AUTOWIN SYMBOL (COIN)"	\$500	204,000.00	20
\$100 x 10	\$1,000	340,000.00	12
\$200 x 5	\$1,000	408,000.00	10
(\$50 x 10) + (\$100 x 5)	\$1,000	408,000.00	10
\$500 x 2	\$1,000	408,000.00	10
\$1,000 "AUTOWIN SYMBOL (COIN)"	\$1,000	408,000.00	10
\$1,000 x 10	\$10,000	1,020,000.00	4
(\$500 x 10) + (\$1,000 x 5)	\$10,000	1,360,000.00	3
\$10,000	\$10,000	1,360,000.00	3
\$100,000	\$100,000	1,360,000.00	3

(10) The estimated overall odds of winning some prize in Instant Game Number 506 are 1 in 3.37. 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 506, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for STACKS OF CASH 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 10-3-03.

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

EFFECTIVE DATE: October 3, 2003

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 501, BLACKJACK  
 RULE NO.: 53ER03-51

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 501, "BLACKJACK," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number 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:

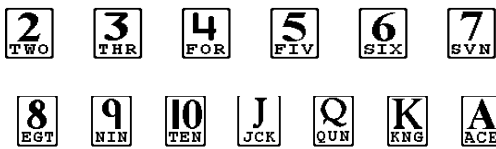
53ER03-51 Instant Game Number 501, BLACKJACK.

(1) Name of Game. Instant Game Number 501, "BLACKJACK."

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

(3) BLACKJACK lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning BLACKJACK lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any BLACKJACK lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "HAND" play symbols and play symbol captions are as follows:



(5) The "DEALER'S TOTAL" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$3.00</b>	<b>\$4.00</b>	<b>\$5.00</b>
TICKET	ONE	TWO	THREE	FOUR	FIVE
<b>\$10.00</b>	<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$500</b>	<b>\$2,100</b>
TEN	TWY FIVE	FIFTY	ONE HUN	FIVE HUN	TWY ONE HUN

(7) The legends are as follows:

HAND 1	HAND 2	HAND 3	HAND 4	DEALER'S TOTAL
--------	--------	--------	--------	----------------

(8) Determination of Prizewinners. There are four hands on a ticket. Players may win in one or more hands per ticket. The value assigned to Aces is 11, and the value assigned to Jacks, Queens, and Kings is 10. A ticket having two cards in the play area of one hand, the total of which is greater than the number in the "DEALER'S TOTAL" play area shall entitle the claimant to the corresponding prize shown for that hand. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500, and \$2,100. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a BLACKJACK lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 501 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	756,000
\$1	\$1	15.00	504,000
\$2	\$2	25.00	302,400
\$4	\$4	100.00	75,600
\$2 + \$3	\$5	100.00	75,600
\$5	\$5	100.00	75,600
\$10	\$10	300.00	25,200
\$1 + (\$2 x 2) + \$5	\$10	300.00	25,200
\$2 + \$3 + (\$10 x 2)	\$25	1,000.00	7,560
\$5 + (\$10 x 2)	\$25	2,000.00	3,780
\$25	\$25	360.00	21,000
\$5 + (\$10 x 2) + \$25	\$50	2,400.00	3,150
\$25 x 2	\$50	2,400.00	3,150
\$50	\$50	3,272.73	2,310
\$25 x 4	\$100	302,400.00	25
(\$25 x 2) + \$50	\$100	302,400.00	25
\$100	\$100	378,000.00	20
\$500	\$500	504,000.00	15
\$2,100	\$2,100	687,272.73	11

(10) The estimated overall odds of winning some prize in Instant Game Number 501 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.

(11) For reorders of Instant Game Number 501, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for BLACKJACK lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS, History—New 10-3-03.

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

EFFECTIVE DATE: October 3, 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.”

**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.”

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on October 7, 2003, South Florida Water Management District (District) received a petition for waiver from the Florida Department of Transportation, Application No. 03-0930-2M, for utilization of Works or Lands of the District known as the North New River

canal, Broward County, for an existing guardrail within the south right of way of the North New River canal beginning approximately 1120' east of Davie Road and extending approximately 1380' easterly, Section 14, Township 50 South, Range 41 East. The petition seeks relief from subsections 40E-6.011(4) (5) & (6), Fla. Admin. Code, which governs the placement of above-ground permanent and/or semi-permanent encroachments within 40 feet of top of canal bank within Works or Lands of the District.

A copy of the petition may be obtained from Jan Sluth at (561)682-6299 or e-mail at [jsluth@sfwmd.gov](mailto: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 BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on September 25, 2003, Bureau of Elevator Safety received four Petitions for Variance from ASME A.17.1, Sections 100.3a and 101.6 and, ASME A17.2, Section 2.29.2, from OTIS Elevator Company, requesting a variance to allow the installation of Gen2® elevator systems in the following locations: The Whitney Condominium, West Palm Beach (Petition VW 2003-098) and Harbor Lights, Destin (Petition VW 2003-096).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety 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.

NOTICE IS HEREBY GIVEN that on September 25, 2003, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 100.3a and 101.6 and, ASME A17.2, Section 2.29.2, from OTIS Elevator Company, requesting a variance to allow the installation of Gen2® elevator systems in the following location: The Metropolitan Condominium, West Palm Beach (Petition VW 2003-097).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety 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.

The Bureau of Elevator Safety hereby gives notice that it has issued an Order on the Emergency Petition for Variance filed by KONE, Inc., The Notice of Petition for Emergency Variance was published in Vol. 29, No. 37, of the September 12, 2003, Florida Administrative Weekly.

The Bureau's Order, filed on September 26, 2003, denied the petition for variance finding that the petitioner was requesting relief from a statutory mandate, which is prohibited by Section 120.542(1), F.S.

A copy of the Notice can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

---

The Bureau of Elevator Safety hereby gives notice that it has issued an Order on the Petition for Variance filed by Lee Rigby of Vertical Assessment Associates on behalf of Volusia County Courthouse, case number VW 2003-054.

The Bureau's Order, filed on September 26, 2003, granted the petition for variance. A variance was granted because the Department determined that a substantial hardship exists and because the purposes of A.S.M.E A17.1, Rule 300.8d & g, would be achieved by other means, specifically the additional horizontal clearance and warning signage provided equal or greater safety.

A copy of the Notice can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

---

NOTICE IS HEREBY GIVEN that on October 6, 2003, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 from Patricia J. Serley, General Manager, Otis Elevator Company requesting a variance to allow the installation of a Otis Gen2 elevator system in the following location: Harbour Village @ Historic St. Andrews, Panama City Beach, FL.

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety 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.

---

The Electrical Contractors' Licensing Board hereby gives notice that it has issued an Order on the Petition for Variance filed by Dominic Pipia, Jr. The Notice of Petition for Variance was published in Vol. 28, No. 52 of the December 27, 2002, Florida Administrative Weekly. The Board considered the Petition at its meeting held on March 21, 2003. The Board's Order, filed on April 18, 2003, granted the petition for variance

finding that the underlying purpose of the statute, as implemented by Rule 61G6-9.001, 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: Electrical Contractors' Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 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**

The Board of Dentistry hereby gives notice that it has received a petition filed on September 30, 2003 from Mario Iraheta seeking a waiver or variance of Rule 64B5-2.0146(2), Florida Administrative Code, with respect to the requirement that an applicant successfully complete remediation to the level of a graduating senior and obtain a letter from the Dean of the school stating so. Comments on this petition should be filed with Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition contact: Sue Foster, Executive Director, Board of Dentistry, at above address or telephone (850)245-4474.

---

NOTICE IS HEREBY GIVEN that the Board of Massage Therapy issued a Final Order on August 28, 2003 in response to a petition for a waiver filed by Raul Izquierdo. Petitioner sought a waiver of Rule 64B7-25.001, F.A.C., with respect to examination requirements and the successful completion of the written national examination.

The Board voted to DENY Petitioner's request for a waiver as the national certification exam is the only exam certified by the Department pursuant to Sections 456.017(1)(c), Florida Statutes.

For a copy of the petition and final order, contact: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

---

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver and Variance filed by Jodi S. Moskowitz, Ph.D. The Notice of Petition for Waiver and Variance was published in Vol. 29, No. 32 of the August 8, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on August 22, 2003. The Board's Order granted the petition for waiver and variance finding that the underlying purpose of the statute, as

implemented by paragraph 64B19-11.001(4)(c), 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 Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3753.

---

## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Department of State** announces a public meeting of the Florida State Historical Records Advisory Board which all interested persons are invited:

DATE AND TIME: November 21, 2003, 9:00 a.m. – 12:00 p.m.

PLACE: Elena Diaz-Verson Conference Room, Cuban Heritage Collection, Roberto C. Goizueta Pavilion, 2nd Floor, Otto G. Richter Library, University of Miami, Coral Gables, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Historical Records Advisory Board will discuss the board's strategic plan and disaster preparedness workshops. For further information contact Mr. Jim Berberich, Coordinator, Florida State Historical Records Advisory Board at the Department of State, Bureau of Archives and Records Management, R. A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850)245-6701, Suncom 205-6701.

Pursuant to Chapter 286.26, Florida Statutes, any persons requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

---

The **Department of State, Division of Historical Resources**, Bureau of Historic Preservation and the Florida Folklife Council announce two public meetings to which all persons are invited.

DATE AND TIME: Tuesday, November 4, 2003, 9:00 a.m.

PLACE: Florida League of Cities, Sittig Hall, 310 South Bronough Street, Tallahassee, Florida 32302-1757

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Historical Commission in conjunction with the Florida Arts Council and the Florida Folklife Council and receive public input.

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

PLACE: R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Florida Folklife Council and receive public input.

A copy of the agendas may be obtained by writing to Tina Bucuvalas, Florida Folklife Program, Bureau of Historic Preservation, Department of State, R.A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250 or calling (850)245-6333. Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation by telephone at (850)245-6333, or by FAX at (850)245-6437.

---

The **Department of State, Division of Cultural Affairs**, Florida Arts Council, announces public meetings to which all persons are invited:

DATES AND TIMES: Tuesday, November 4, 2003; from 9:00 a.m. – Conclusion (Joint meeting with the Florida Historical Commission and Florida Folklife Council); Wednesday, November 5, 2003; at 9:00 a.m. – Conclusion (Committees); Thursday, November 6, 2003; at 9:00 a.m. – Conclusion (Full Council)

PLACE: Raymond C. Sittig Hall, Florida League of Cities, 301 South Bronough Street, (11/4 & 5), Challenger Learning Center, 200 South Duval Street, (11/5), R. A. Gray Building Auditorium, 500 South Bronough Street, (11/6), Tallahassee, 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](http://www.Florida-Arts.org) or by contacting Dianne Alborn, Executive Assistant, at 500 South Bronough Street, Suite 124, R. A. Gray Building, Tallahassee, Florida 32399-0250; (850)245-6473; or by email at [dalborn@dos.state.fl.us](mailto:dalborn@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 30th day of October 2003, if you need an accommodation. Please contact Dana DeMartino, ADA Coordinator, at the Division of Cultural Affairs at (850)245-6477, by fax at (850)245-6492, or by email at [ddemartino@dos.state.fl.us](mailto:ddemartino@dos.state.fl.us).

**DEPARTMENT OF LEGAL AFFAIRS**

The Nominating Committee of the Florida **Commission on the Status of Women** will hold a telephone conference:

DATE AND TIME: Monday, October 27, 2003, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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, Tallahassee, FL 32399-1050.

The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATE AND TIME: November 12, 2003, 8:30 a.m. – 5:30 p.m.

PLACE: Center for Professional Development (Turnbull Center), 555 W. Pensacola Street, Room 110, Tallahassee, Florida 32306-1640, (850) 644-3801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104, 106, and Section 105.071, Florida Statutes, and to the late filing of campaign treasurer’s reports.

For a copy of the agenda call Patsy Rushing, phone number (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Florida State Fair Authority** announces a meeting of the Charity Procedures Committee.

DATE AND TIME: Monday, October 27, 2003, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To implement procedures for the Fair Authority as it pertains to the Fair’s involvement with charitable organizations utilizing the Fair and or its grounds.

PLACE: The meeting will be conducted via teleconference.

DIAL IN NUMBER: 1(888)246-8886

PASS CODE: 457-12-690-02

A copy of the agenda may be obtained by contacting: Ms. Frances Ayala, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680

Please note, if special accommodations are needed to be a part of this meeting, please contact Ms. Frances Ayala at (813)627-4221 as soon as possible.

The **Department of Agriculture and Consumer Services** announces a meeting of the Viticulture Advisory Council.

DATES AND TIMES: October 27-28, 2003; October 27, 2003, 4:00 p.m.; October 28, 2003, 9:00 a.m.

PLACE: Mid-Florida Research & Education Center, IFAS/UF, 2725 Binion Road, Apopka, FL 32703-8504

GENERAL SUBJECT MATTER TO BE CONSIDERED: Welcome Guests; Committee reports; Quarterly report on trust fund collections; Progress report on increased acreage program; Report on Viticulture Trust Fund Collections; Grant and Research Recommendations to Commissioner for Approval.

A copy of the agenda can be obtained by contacting Richard Menendez, Room 423, Mayo Building, 407 South Calhoun Street, Tallahassee, FL 32399-0800 or calling (850)488-4277.

If special accommodations are needed to attend this meeting, because of a disability, please contact Richard Menendez as soon as possible.

**DEPARTMENT OF EDUCATION**

The public is invited to a workshop of the State **Board of Education**.

DATE AND TIME: October 21, 2003, 9:00 a.m.

PLACE: Orange County School Board, 445 West Amelia Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and update on the Universal Pre-K Program and school performance. (The time, place, and date for this workshop is unchanged; the topic has changed as noted.)

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 State of Florida, **Education Standards Commission**, announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, November 6, 2003, 8:30 a.m. to 5:00 p.m.; Friday, November 7, 2003, 8:30 a.m. to 12:00 p.m.

PLACE: Pasco County School District, The School Board Meeting Room, 7205 Land O’Lakes Boulevard, (U.S. Highway 41), Land O’Lakes, Florida 34639, Tel: (813)794-2651

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Florida Education Standards Commission will meet and discuss issues related to the Commission’s charge.

To obtain a copy of the agenda, please call, write or email: Florida Education Standards Commission, 325 West Gaines Street, 348 Turlington Building, Tallahassee, Florida 32399, Telephone (850)245-0441, Suncom 205-0441; email Judy.Etemadi@fldoe.org

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact Dr. Judy Etemadi at the above address or telephone numbers.

The **Florida Atlantic University** Board of Trustees Planning and Development Committee announce a meeting to which all persons are invited:

DATE AND TIME: Wednesday, October 29, 2003 at 1:00 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: Planning and Development

A copy of the agenda may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-4030

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Ms. Paula Behul at (561) 297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD NO. (561)297-2130.

The **Criminal Justice Training Standards and Training Commission** Region VIII Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 30, 2003, 1:30 p.m.

PLACE: Polk Community College, Criminal Justice Training Center, 999 Ave H, N.E., Winter Haven, FL 33881

Principal agenda items to be considered:

- 1) Old Business.
- 2) New Business.
  - A. Region VIII Course Offerings  
January 2004 – June 2004 (Anti-Terrorist Training Initiative)
  - B. Region VIII Audit Finding and Response (FY 2001-2002)
  - C. 2004/2005 budget approval
  - D. 11B-18 Proposed Rule Revisions
- 3) Training Issues
- 4) Other Items

A copy of the agenda may be obtained by writing: Chief Darrell Kirkland, Chairman, Winter Haven Police Dept., 125 Lake Silver Dr., NW, Winter Haven, FL 33881

The **Foundation for Florida's Community Colleges** announces a meeting of the Board to which all persons are invited.

DATE AND TIME: October 31, 2003, 10:00 a.m. – 12:00 noon  
PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Blvd., Orlando, FL 32827, (407)825-1234; Conference call number to dial in is (850)488-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Foundation for Florida's Community Colleges Board Members

NOTE: If you need special services to attend the meeting or need additional information, write to Ms. Cynthia Williams at the Division of Community Colleges, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400.

The **Division of Blind Services**, Bureau of Business Enterprises and the State Committee of Vendors announces a meeting to which all persons are invited.

DATE AND TIME: October 31, 2003 starting at 1:00 p.m. to 6:00 a.m. continuing on November 1, 2003 starting at 8:00 a.m. to noon.

PLACE: Embassy Suites, 225 E. Altamonte Drive, Orlando, Florida 32701, (407)834-2400.

RESERVATIONS: Contact the Embassy Suites to make your room reservations by October 22, 2003.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Business; Pass Previous Minutes, at 2:00 p.m. Telephone presentation of the Sunshine and Public Records Laws; Bureau of Business Enterprises: Combining Facilities; Committee: Old Business, New Business, Workgroups (assignments) for Policy Development, Operations, Financial, Compliance, Training, Audit Budget and Finance, Seminar, Grievance, and Transfer and Promotion; Selection Panel (assignments); Discussion of Policy Development; Discussion of Transfer and Promotion; and Discussion of Grievance Procedures.

A copy of the quarterly minutes can be obtained at the Division of Blind Services Web Site: [www.state.fl.us/dbs/](http://www.state.fl.us/dbs/) and going to: Business Enterprises Program, Minutes.

#### DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces the following meeting dates, times, and location for the **Criminal Justice Standards and Training Commission** and Commission-related meetings:

DATE AND TIME: Training Center Directors' Rules Workshop, Tuesday, November 4, 2003, 9:30 a.m.

DATE AND TIME: Training Center Directors' Business Meeting, Tuesday, November 4, 2003, 1:30 p.m.

DATE AND TIME: Probable Cause Determination Hearings, Wednesday, November 5, 2003, 8:30 a.m.

DATE AND TIME: Regional Criminal Justice Selection Center Directors' Association, Wednesday, November 5, 2003, 1:00 p.m.

DATE AND TIME: CJS&T Commission meeting business agenda, Thursday, November 6, 2003, 8:30 a.m.

DATE AND TIME: Officer Discipline Case Proceedings, Thursday, November 6, 2003, 10:30 a.m.

PLACE: Marriott Coral Springs, 11775 Heron Bay Boulevard, Coral Springs, Florida 33076

GUESTROOM RATE: \$85.00 for single or double occupancy from November 2, 2003 – November 8, 2003

TELEPHONE NUMBER FOR HOTEL RESERVATIONS: Phone: (954)753-5598; Fax: (954)753-2888

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meetings are held to discuss issues relating to standards, training, examinations, certification, de-certification, and record management for law enforcement, correctional, and correctional probation officers, Commission rules, and certification and recertification of criminal justice training schools. All parties are invited to attend.

COMMISSION MEETING AGENDAS: A copy of the November 2003 Commission Meeting agenda may be obtained by contacting Donna Hunt, at (850)410-8615, or Commission information may be accessed on October 20, 2003 at [www.fdle.state.fl.us](http://www.fdle.state.fl.us), click on Criminal Justice Resource Center, click on "Rules, Policies, and Commission Information, click on "Commission" and then click on "agenda". A copy of the Officer Discipline Agenda may be obtained by contacting Brenda Presnell, at (850)410-8648. If you wish to write the Commission for a copy of the above meeting agendas, please write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt or Brenda Presnell.

If you wish to write or call for a copy of the Training Center Directors' Association agenda, please write to Training Center Director Association Chairman Ray Newman, Polk Community College, 999 Avenue H Northeast, Winter Haven, Florida 33881-4299, or call (863)297-1030.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Donna Hunt at (850)410-8615, at least 5 days prior to the meeting.

**DEPARTMENT OF TRANSPORTATION**

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: Wednesday, October 29, 2003, 2:00 p.m. – 4:00 p.m.

PLACE: 102 St. George Street, Gaylord Palms Resort & Convention Center, 6000 W. Osceola Parkway, Kissimmee, Florida 34746

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 (Phone (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 at (850)414-4500.

The **Secure Airports for Florida Economy Council** announces a public Council meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 29, 2003, 4:00 p.m. to conclusion.

PLACE: 102 St. George Street, Gaylord Palms Resort & Convention Center, 6000 W. Osceola Parkway, Kissimmee, Florida 34746

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct necessary business of the SAFE Council.

Information may be obtained by contacting: Tom Duncan, 605 Suwannee Street, Tallahassee, Florida 32399-0450 (Phone (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 at (850)414-4500.

The Florida **Department of Transportation** District 7 will conduct a public hearing regarding the proposed improvements to US 19 (SR 55) from south of US 98 to CR 488 in Citrus County, Florida, WPI No. 4058221 and FAP No. 1852 007P.

DATE AND TIME: November 3, 2003, 4:30 p.m. – 7:30 p.m. (formal portion beginning at 6:00 p.m.)

PLACE: Guard Armory, 8551 W. Venable Street, Crystal River, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing provides interested citizens an opportunity to ask questions and offer comments about the proposed Recommended "Build" Alternative, presented by the FDOT in cooperation with the Federal Highway Administration. The Recommended Alternative proposes widening the existing 4-lane sections to 6-lanes, and implementing various Transportation System Management improvements such as signal timing, improved intersections, bicycle and sidewalk facilities, and improved access features in Citrus County. The proposed improvement would include the addition of a



restrictive median separating northbound and southbound traffic. In accordance with Department Rule 14-97.005, Florida Administrative Code, Review and Modification of Access Classifications, it is the Department's intent to change the adopted access classification of US 19 in Crystal River from W. Fort Island Trail (CR 44) to NW 7th Street to Access Class 3.

This public hearing is being held in accordance with 23 CFR 771, U.S.C. 128, Chapter 120 and Section 339.155, Florida Statutes. The public hearing is in compliance with Titles VI and VIII of the Civil Rights Act and Americans with Disabilities Act. Individuals who may require special accommodations at the hearing, under ADA, should contact Mark Clasgens, by calling (800)226-7220 or (813)975-6450 at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing to: Mark Clasgens, District Seven Project Manager, Florida Department of Transportation, MS 7-500, 11201 N. McKinley Drive, Tampa, FL 33612.

---

Tentative Program of Work For Fiscal Years July 1, 2005 Through June 30, 2009

The Florida **Department of Transportation** District 3 hereby announces public hearings to which all persons are invited. Specific notice is provided to the Pensacola Metropolitan Planning Organization and the County Commissioners for Escambia and Santa Rosa Counties serving as MPO for their respective counties; the Tallahassee Metropolitan Planning Organization and the County Commissioners for Leon, Gadsden, Liberty, Wakulla, Franklin, and Jefferson Counties serving as MPO for their respective counties; the Fort Walton Beach Metropolitan Planning Organization and the County Commissioners for Okaloosa and Walton Counties serving as MPO for their respective counties; and the Panama City Metropolitan Planning Organization and the County Commissioners for Bay, Gulf, Washington, Jackson, Holmes, and Calhoun Counties serving as MPO for their respective counties.

The public hearings are scheduled as follows:

1. Bay, Gulf, Washington, Jackson, Holmes, and Calhoun Counties:

DATE AND TIME: November 6, 2003, District Three Work Program from 2:00 p.m. – 3:00 p.m. (CST)

PLACE: Commission Chamber Room, Panama City Hall, 9 Harrison Avenue, Panama City, Florida

2. Escambia and Santa Rosa Counties:

DATE AND TIME: November 4, 2003, District Three Work Program from 2:00 p.m. – 3:00 p.m. (CST)

PLACE: Haggler Mason Room, Pensacola City Hall, 180 Governmental Center, Pensacola, Florida 32501

3. Okaloosa and Walton Counties:

DATE AND TIME: November 7, 2003, District Three Work Program from 10:00 a.m. – 11:00 a.m. (CST)

PLACE: Niceville Community Center, 204 North Partin Drive, Niceville, Florida

4. Leon, Gadsden, Liberty, Wakulla, Franklin, and Jefferson Counties:

DATE AND TIME: November 3, 2003, District Three Work Program from 2:00 p.m. – 3:00 p.m. (EST)

PLACE: Commission Chamber Room, Tallahassee City Hall, 300 South Adams Street, Tallahassee, Florida

Any comments or input are welcome from all local and regional interest groups, governmental entities, business enterprises, and the general public. These Hearings are held in conformance with Public Law 101-336, the Americans with Disabilities Act (ADA). Assistance for disabled persons may be arranged by contacting the Title VI/VII Coordinator at (850)638-0250, extension 511, at least 10 working days in advance of the public hearing.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes. The hearings serve two purposes. The purpose of the public hearings is to consider the Department's Improved Tentative Work Program for District Three, for the period 2004/2005 through 2008/2009, and to consider the necessity of making any changes to the Program.

Written comments from MPOs and other interested parties will be received by the Department at the Public Hearings and within 10 days after the Public Hearings. Comments should be addressed to: Mr. H. E. Prescott, District Secretary, Department of Transportation, District Three, Post Office Box 607, Chipley, Florida 32428.

---

The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Thursday, November 13, 2003, 9:00 a.m. – 12:00 noon

PLACE: Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is to review and provide a recommendation regarding the Indian River Lagoon Scenic Highway Eligibility Application and the Tamiami Trail Gulf Windows Designation Application.

**SPECIAL ACCOMMODATIONS:** Special accommodation requests should be made at least seven days prior to the meeting.

**INFORMATION:** Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450; telephone (850)410-5894, e-mail mariano.berrios@dot.state.fl.us, or fax (850) 410-5808.

The Florida **Department of Transportation** District 5, announces a public hearing to which all persons are invited.

DATE AND TIME: November 13, 2003, Open House 5:30 p.m.; Formal Presentation 6:30 p.m.

PLACE: Rachel D. Murrah Civic Center, 1050 West Morse Boulevard, Winter Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project Number 408429-1-22-01, Federal Aid Project Number 3993-045-P, otherwise known as the State Road 15/600 (US 17/92) Project Development and Environment (PD&E) Study. The limits of the project corridor are from Norfolk Avenue to Monroe Street in Winter Park, Orange County, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write: Florida Department of Transportation, District Five, 719 South Woodland Boulevard, DeLand, Florida 32720, or call Mr. Thomas G. Percival, Jr., District Project Development Administrator at (386)943-5404. Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing to: Mr. Thomas G. Percival, Jr., District Project Development Administrator at the Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720.

---

The Florida **Seaport Transportation and Economic Development Council** announces a meeting of the Seaport Environmental Management Committee in which all interested persons are invited to participate.

DATE AND TIME: October 29, 2003; 10:00 a.m. – 1:00 p.m.

PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business

Information on the meeting may be obtained by contacting Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

---

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

The Florida **Department of Highway Safety and Motor Vehicles** announces a meeting of the Florida At Risk Driver Council and to which interested persons are invited:

DATE AND TIME: Thursday, October 23, 2003, 1:00 p.m. – 4:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

To obtain a copy of the agenda, please contact: Selma Sauls, 2900 Apalachee Parkway, MS 80, Tallahassee, Florida 32399-0570, (850)487-0867, email: sauls.selma@hsmv.state.fl.us

Pursuant to the provisions for the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting: Selma Sauls, (850)487-0867. If you are hearing or speech impaired, please contact the department by calling (850)487-0867.

---

**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 CITRUS**

The **Department of Citrus** announces a public meeting of the Fresh Orange & Specialty Advisory Council to which all persons are invited.

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

PLACE: Florida's Natural Grove House, 20160 US Hwy 27, Lake Wales, FL 33853-2425

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review and discuss the fresh squeezed program and determine next steps; review and update other programs previously approved for the 2003-04 season and any other business which may appropriately come before the council.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, October 29, 2003, 9:00 a.m.  
The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting of the Florida Citrus Commission.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balance scorecards, licensing, rulemaking, and other matters that are addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Tampa Juice, et. al. & Graves Brothers, et. al. vs. FDOC and The Lakeland Ledger Publishing Company, Publisher of The Ledger vs. FDOC. The parties attending the closed session will be John R. Alexander, Tristan G. Chapman, W. Cody Estes, Sr., Harry H. Falk, Christopher W. Gargano, William E. Kemper, Anina C. McSweeney, W. Lindsay Raley, Jr., Daniel R. Richey, Ray Smith, Andrew R. Taylor, Bob Crawford, Hank B. Campbell, Esq., Monterey Campbell, Esq. and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** will conduct additional public hearings on an expedited basis in the service territories of Verizon, Sprint and BellSouth to elicit public testimony regarding these companies' petitions filed pursuant to Section 364.164, Florida Statutes. (Dockets Nos. 030867-TL, 030868-TL, and 030869-TL, respectively). Public testimony will be received relating to the factors outlined in the statute that the Commission must consider in making its decision in this matter. The public hearings will be conducted in the locations set forth below on the identified dates.

DATE AND TIME: October 23, 2003, 6:00 p.m.

PLACE: St. Petersburg City Council Chambers, 2nd Floor, 175 5th Street North, St. Petersburg, Florida

DATE AND TIME: October 27, 2003, 6:00 p.m.

PLACE: Daytona Beach City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida

DATE AND TIME: October 29, 2003, 1:30 p.m.

PLACE: West Palm Beach City Commission Chambers, City Hall, 200 2nd Street, West Palm Beach, Florida

DATE AND TIME: November 4, 2003, 6:00 p.m.

PLACE: Okaloosa County Water & Sewer Administration, 3rd Floor Board Room, 1804 Lewis Turner Boulevard, Ft. Walton Beach, Florida

In addition, the public hearing originally scheduled for November 4, 2003, in Tallahassee has been RESCHEDULED as follows:

TIME AND DATE: December 10, 2003, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: Monday, November 3, 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 at (850)413-6770 or writing to the 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 at (850)413-6770 at least 48 hours prior to the conference.

Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (VOICE).

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: November 3, 2003, Immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 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 the 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 at (850)413-6770 at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (VOICE).

**\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\***

NOTICE OF CANCELLATION – The Florida **Public Service Commission** announces the cancellation of a prehearing noticed in:

Docket No. 981834-TP – Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

Docket No. 990321-TP – Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation.

DATE AND TIME: October 20, 2003, 1:30 p.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

AMENDED NOTICE – The Florida **Public Service Commission** will consider at its November 3, 2003, Agenda Conference, Docket No. 030905-GU, Application of Florida Public Utilities Company for authority to issue and sell

securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell, and/or exchange any combination of the long-term debt, short-term notes, and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an incremental amount not to exceed \$30 million, excluding retained earnings, during the calendar year 2004.

DATE AND TIME: Monday, November 3, 2003. The Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 030905-GU.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing.

Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

For additional information, please contact Katherine Fleming, Office of the General Counsel, (850)413-6218.

NOTICE OF RESCHEDULING – The Florida **Public Service Commission** announces the rescheduling of a prehearing from October 23, 2003 in:

Docket No. 030867-TL – Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.

Docket No. 030868-TL – Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.

Docket No. 030869-TL – Petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc.

DATE AND TIME: November 24, 2003, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

NOTICE IS HEREBY GIVEN by the Florida **Public Service Commission** that an Issues Identification Conference has been scheduled in Docket Nos.: 030851-TP, Implementation of Requirements Arising From FCC Triennial UNE Review: Local Circuit Switching for Mass Market Customers; and

030852-TP, Implementation of Requirements Arising from FCC Triennial UNE Review: Location-Specific Review for DS1, DS3 and Dark Fiber Loops, Route-Specific Review for DS1, DS3 and Dark Fiber Transport, for the following:

DATE AND TIME: Monday, October 23, 2003, 9:30 a.m.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To identify the issues to be addressed in these proceedings. The prehearing officer may rule from the bench on any disputed issues. Parties must file in the Dockets their proposed list of issues October 21, 2003.

For additional information, please contact Adam Teitzman, Office of the General Counsel, at (850)413-6175.

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 030339-TP – Petition of Allegiance Telecom of Florida, Inc. for arbitration of certain terms and conditions of proposed interconnection and resale agreement with BellSouth Telecommunications, Inc.

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

PLACE: Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the prehearing.

Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (VOICE).

#### EXECUTIVE OFFICE OF THE GOVERNOR

**Volunteer Florida**, the Governor's Commission on Volunteerism and Community Service, is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Thursday, October 23, 2003, 2:00 p.m.

PLACE: Please call (850)921-5172 for call in number and passcode.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission Business.

Please contact Gwen Erwin, 401 S. Monroe Street, Tallahassee, FL 32301-2034, for the agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

**Volunteer Florida**, the Governor's Commission on Volunteerism and Community Service, is pleased to announce a conference call to which all persons are invited.

DATES AND TIMES: Thursday, October 30, 2003, 2:00 p.m.

PLACE: Please call (850)921-5172 for call in number and passcode.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission Business.

Please contact Gwen Erwin, 401 S. Monroe Street, Tallahassee, FL 32301-2034, for the agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

#### REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Monday, October 27, 2003 – 2:00 p.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Regional and State water issues.

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** Personnel, Budget, and Finance Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, November 6, 2003, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

---

**The Northeast Florida Regional Planning Council** Planning and Growth Management Policy Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: Thursday, November 6, 2003, 9:00 a.m.  
PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management items.

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

---

**The Northeast Florida Regional Planning Council** Transportation and Economic Development Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, November 6, 2003, 9:00 a.m.  
PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending transportation and economic development issues.

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

---

**The Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, November 6, 2003, 10:00 a.m.  
PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Peggy Conrad at (904)279-0880, extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

---

**The South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 3, 2003; 10:30 a.m.  
PLACE: The Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Local Government Comprehensive Plan Amendment for North Miami Beach; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing to the South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices at (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council at (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 at (954)985-4416 at least five calendar days prior to the meeting.

The Florida District X **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: November 20, 2003, 10:00 a.m.

PLACE: Martin County Library System, Jack Armstrong Blake Library Wing, 2351 S.E. Monterey Road, Stuart, FL 34996

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X Local Emergency Planning Committee. A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994. If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based. Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick (772)221-4060, at least 48 hours before the meeting.

**WATER MANAGEMENT DISTRICTS**

The **Southwest Florida Water Management District** (SWFWMD) announces the following meeting(s) to which all interested parties are invited to attend:

LEGAL NOTICE

NOTICE OF INTENTION TO AMEND

THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT'S

FISCAL YEAR 2004 BUDGET

In accordance with Chapter 373.536(4), Florida Statutes, the Governing Board of the Southwest Florida Water Management District, at a public meeting to be held:

DATES AND TIME: Tuesday and Wednesday, October 28-29, 2003, 9:00 a.m.

PLACE: District Headquarters Office, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Amend its fiscal year (FY) 2004 budget as follows:

Increase the FY 2004 Florida Forever/Save Our Rivers Capital Projects Fund budget to reflect \$25,250,000 in unanticipated revenue from the Florida Forever Trust Fund.

The proposed budget amendment will result in a \$25,250,000 increase in the Capital Projects Funds budget, with no impact on ad valorem taxes.

This is a public meeting and agendas are available by writing to the Southwest Florida

Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4604; TDD only 1(800)231-6103 (Florida only); FAX: (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, October 22, 2003, 4:00 p.m.–7:00 p.m.

PLACE: South Florida Water Management District, 3301 Gun Club Road, B1 Auditorium, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC) Comprehensive Everglades Restoration Project (CERP) Recreational Activities Issues Workshop.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing to the South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, at (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Paula Moree, (561)682-6447, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406.

**DEPARTMENT OF ELDER AFFAIRS**

The **Department of Elder Affairs** will hold a conference call with the signers of the Triad Resolution and other interested parties to discuss matters related to the Statewide Triad. The call will be held on:

DATE AND TIME: Wednesday, October 29, 2003, 11:00 a.m. – 12:30 p.m. The call in number is (850)410-0960 or suncom 210-0960. For a copy of the agenda contact Ann Getman at (850)414-2072 or suncom 997-2072.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a public meeting of the Medicaid Disproportionate Share Hospital Program Task Force to which all persons are invited.

DATE AND TIME: Thursday, October 30, 2003, from 9:00 am until 3:00 p.m.

PLACE: Orlando Airport Hyatt, 9300 Airport Drive, 4th Floor, Kai Tak Room, Orlando, Florida 32827

Persons who wish to participate and are unable to physically attend the meeting may do so by teleconference. To reach the meeting by teleconference:

Dial telephone number (317)713-0120, and enter the participant code number 15185 and the pound sign (#).

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** In accordance with Senate Bill 2-A, General Appropriations Act for FY 2003-04, Specific Appropriation 150, the Medicaid Disproportionate Share Hospital Program Task Force, created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, has been authorized to continue to convene in FY 2003-04 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. The task force will review the federal status of the upper payment limit (UPL) funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The agenda has not been set. Contact J. Denny Gordon, (850)488-9354 or Suncom 994-2759, with any questions or to obtain an agenda when it is set.

---

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meetings, to which all persons are invited to attend.

**DATE AND TIME:** October 28, 2003, 2:00 p.m.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Probable Cause Panel Meeting, portions may be closed to the public.

The following cases are open to the public:

Archizona Architect, Inc.; Case No. 2003-070934

David Asbell; Case No. 2003-077737

Asbell & Associates; Case No. 2003-077749

Thomas Buffington; Case No. 2003-071451

Karie Cavallaro; Case No. 2003-071050

Design & More; Case No. 2003-067081

John Eisenlau; Case No. 2003-070802

Dwight Ellinwood; Case No. 2003-064996

Exito; Case No. 2003-077345

Richard Gibbs; Case No. 2003-070854

Terry Hall; Case No. 2003-071117

Susan Hill; Case No. 2003-071064

Sofia Joelsson; Case No. 2003-071258

Tanya Kahn; Case No. 2003-071094

Laura Keyes; Case No. 2003-071123

Carole Louie; Case No. 2003-071138

Norris Furniture; Case No. 2003-071001

Gyo Obata; Case No. 2003-070807

David Pearson; Case No. 2003-062864

Cheryl Puccio; Case No. 2003-071106

Rispoli-Sosa & Hok; Case No. 2003-070800

Marcia Roberts; Case No. 2003-071041

Rosemary Beach Land Company; Case No. 2003-070860

Gary Sussman; Case No. 2003-073189

Vernon Thompson; Case No. 2003-067642

Jimmy Lee Wallace; Case No. 2003-061680

**PLACE:** Adam's Mark Hotel Orlando, 1500 Sand Lake Road, Orlando, Florida 32809.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, FL 32308-4893.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Smith, Thompson, Shaw & Manausa, P.A. at (850)402-1570 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

---

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

**DATE AND TIME:** October 28, 2003, Beginning at approximately 9:00 a.m. and 10:00 a.m. or soon thereafter

**PLACE:** Dept. of Business and Professional Regulation, 201 West Bloxham Street, Tallahassee, Florida 32301, (850)488-0062

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062.

**NOTE:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution



Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Probable Cause Panel of the **Building Code Administrators and Inspectors Board** announces a meeting.

DATE AND TIME: October 30, 2003, beginning at approximately 10:00 a.m. or soon thereafter.

PLACE: Dept. of Business and Professional Regulation, 201 West Bloxhan Street, Tallahassee, Florida 32301, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to Brian Higgins, Building Code Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Building Code Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Building Code Prosecution Section may be contacted at the address and phone number 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

**Governor's Task Force on the Obesity Epidemic** announces the following meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 29, 2003, 8:00 a.m. – 5:00 p.m.

PLACE: Knott Building, Senate Room 412, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Experts to provide presentations on the epidemic of overweight and obesity among Florida's youth and adult populations.

For accommodations for disabilities please contact: Marianne Hightman, FL Department of Health, Bureau of Chronic Disease Prevention, Obesity Prevention Program, (850)245-4330 ext. 3433.

The Florida **Department of Health** announces a meeting of the Florida KidCare Coordinating Council to which all persons are invited:

DATE AND TIME: Friday, October 31, 2003, 1:00 p.m. – 4:00 p.m.

PLACE: 4025 Esplanade Way, Room 301, Capital Circle Office Center, Tallahassee, FL 32399

CONFERENCE CALL NUMBER: (850)414-5775; SunCom: 994-5775; Toll Free: 888-461-8118

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida KidCare Coordinating Council, an advisory body appointed by the Secretary of the Florida Department of Health, will meet on Friday, October 31, 2003, 1:00 p.m. – 4:00 p.m. in Tallahassee to discuss Florida KidCare, the state children's health insurance program. The Council is charged with making recommendations to the Department, the Governor and the Legislature, as well as other state government groups about possible changes and adjustments to the Florida KidCare Program which may result in recommendations for legislative action, state agency rule change, federal agency rule or policy change, or Congressional action.

A copy of the agenda may be obtained from: Gail Vail, Department of Health, (850)245-4444, ext. 2238, [Gail\\_Vail@doh.state.fl.us](mailto:Gail_Vail@doh.state.fl.us)

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, November 7, 2003 commencing at 1:00 or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

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 to 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 Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**, announces a telephone conference call in which reconsiderations will be heard.

DATE AND TIME: October 17, 2003, 9:00 a.m. – 12:00 noon  
TELEPHONE NUMBER: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Probable Cause Panel Meeting

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay system at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

**The Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**, announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIMES: October 30, 2003, 1:00 p.m.; October 31, 2003, 9:00 a.m.

PLACE: Ramada Inn, 2900 N. Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Official Board Meeting

A copy of the agenda may be obtained by writing to Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting. He/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at

1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474 at least a week in advance.

**The Department of Health, Board of Dentistry** will hold committee and general business meetings to which all persons are invited:

DATE AND TIMES: Friday, November 7, 2003 with committee meetings beginning at 8:00 a.m., CST. The general business meeting will begin at 10:00 a.m., CST and will reconvene at 8:00 a.m., CST on Saturday, November 8, if necessary.

PLACE: Clarion Suites Resorts, 20 Via Deluna, Pensacola Beach, FL 32561, (800)932-4300

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

If a 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 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 at (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 Department of Health, Board of Opticianry**, announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: October 25, 2003, beginning at 9:00 a.m.

PLACE: Renaissance Hotel, 1617 Southeast 17th Street, Fort Lauderdale, Florida 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Official Board Meeting

A copy of the agenda may be obtained by writing to Sue Foster, Executive Director, Department of Health, Board of Opticianry 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting. He/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1 (800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474 at least one week prior to the meeting date.

The **Board of Orthotists and Prosthetists** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, October 30, 2003, commencing at 9:00 a.m.

PLACE: Embassy Suites, 1100 S.E. 17th Street, Ft. Lauderdale 33316, (954)527-2700.

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 at (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 to: Joe Baker, Jr., Executive Director, Board of Orthotists & Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

---

The **Department of Health, Board of Pharmacy**, Pharmacist Prescribing Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2003, 10:00 a.m.

PLACE: Teleconference Meeting, (850)921-6623, (850)291-6623 Suncom

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to appoint an additional member to the committee.

A copy of the board agenda materials, which are open to the public, may be obtained by writing to Lucy Gee, Interim Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

---

## FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission**, Subcommittee on the Listing Process for endangered and threatened species, and species of special concern, announces a public workshop to which all interested persons are invited.

DATE AND TIME: October 27, 2003, 10:00 a.m.

PLACE: Farris Bryant Building, Room 272, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss the listing process and possible changes, if any, that may be considered necessary to improve the listing process. No official action will be taken at this meeting. Although public attendance is welcome, no public comment will be taken at this meeting.

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, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact Dr. Brad Gruver at 620 South Meridian Street, Tallahassee, Florida, (850)488-3831, or Brad.Gruver@fwc.state.fl.us.

---

The Florida **Fish and Wildlife Conservation Commission** has scheduled a public meeting. This notice announces the date, time and place of that meeting to which all interested persons are invited:

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

DATES AND TIME: November 19-21, 2003, 8:30 a.m., each day

To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the proposed agenda may be obtained from the Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600. If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling Cindy

Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

---

**TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY**

The **Technological Research and Development Authority (TRDA)** announces a general meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: October 22, 2003, 2:00 p.m.

PLACE: Technological Research and Development Authority, 5195 South Washington Avenue, Titusville, Florida 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board of Director's Meeting

A copy of the agenda may be obtained by contacting Katie Snyder, TRDA Secretary/Receptionist, (321)269-6330 or [ksnyder@trda.org](mailto:ksnyder@trda.org).

---

**FLORIDA INDEPENDENT LIVING COUNCIL**

The **Florida Independent Living Council** announces the following meetings:

MEETING: Executive Committee Meeting

DATE AND TIME: Friday, October 24, 2003, 1:00 p.m. EST

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Planning Committee Meeting

DATE AND TIME: Wednesday, October 29, 2003, 2:00 p.m. EST

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Evaluation Committee Meeting

DATE AND TIME: Wednesday, October 29, 2003, 3:00 p.m. EST

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Friday, November 14, 2003, 1:00 p.m. EST

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: All FILC Committee Meetings

DATE AND TIME: Thursday, November 20, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: Hilton Hotel, 350 South North Lake Boulevard, Altamonte Springs, FL 32715-9004

MEETING: Full Council Meeting

DATE AND TIME: Friday, November 21, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: Hilton Hotel, 350 South North Lake Boulevard, Altamonte Springs, FL 32715-9004

MEETING: Planning Committee Meeting

DATE AND TIME: Wednesday, December 3, 2003, 2:00 p.m. EST

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Evaluation Committee Meeting

DATE AND TIME: Wednesday, December 3, 2003, 3:00 p.m. EST

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Steering Committee Meeting

DATE AND TIME: Wednesday, December 5, 2003, 1:00 p.m. EST

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Finance Committee Meeting

DATE AND TIME: Wednesday, December 10, 2003, 10:30 a.m. EST

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Friday, December 12, 2003, 1:00 p.m. EST

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Point Persons Committee Meeting

DATE AND TIME: Wednesday, December 17, 2003, 9:30 a.m. EST

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, December 18, 2003, 3:00 p.m. EST

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting the Florida Independent Living Council at 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, telephone (850)488-5624 or toll free (877)822-1993. Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days

prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105).

---

#### **FLORIDA INSURANCE GUARANTY ASSOCIATION**

The **Florida Insurance Guaranty Association** announces a telephone conference board meeting to which all interested parties are invited to attend.

**DATES AND TIME:** Wednesday, October 29, 2003, 9:00 a.m. (Eastern Time), recessing at 11:00 a.m. or upon conclusion of the agenda.

**PLACE:** Telephone conference number may be obtained by contacting Mr. Jerry Service, (904)398-1238, ext. 109

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Board of Directors of the Florida Insurance Guaranty Association will meet regarding the business of the Association.

A copy of the agenda and telephone conference number may be obtained by contacting Mr. Jerry Service at (904)398-1238 ext. 109.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the Association by contacting Jerry Service at (904)398-1238 ext. 109, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD at (800)955-1339.

---

#### **FLORIDA COMMISSION ON TOURISM**

The **Florida Commission on Tourism** announces a public meeting of Nature Based and Heritage Tourism Advisory Committee.

**DATE AND TIME:** Wednesday, October 29, 2003, 10:00 a.m. until adjournment

**PLACE:** VISIT FLORIDA Corporate Offices, 661 East Jefferson Street, Suite 300, Tallahassee, FL 32301, Phone: (850)488-5607

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss the adoption of the new VISIT FLORIDA Council/Committee structure.

For further information contact Jill Rutli at VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, or at (850)488-5607, ext. 347. Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD)

---

#### **FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** ("FAJUA") announces a public meeting to which all persons are invited:

FAJUA Claim Review Committee

**DATES AND TIME:** Wednesday and Thursday, November 12-13, 2003, 8:00 a.m. – 5:00 p.m.

**PLACE:** Embassy Suites Hotel, 555 North Westshore Boulevard, Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review Servicing Carrier performance in claim handling of the PIP Unit located in Tampa and any 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](mailto:lstoutamire@fajua.org).

---

#### **CLERK OF COURT**

The **Clerk of Court** Operations Conference announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 23, 2003, 1:00 p.m.

**PLACE:** Leon County Courthouse, County Commission Chambers, 301 S. Adams, Tallahassee, Florida 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Organizational Operations and Review of Clerks' Budgetary Operations.

A copy of the agenda may be obtained by contacting Beth Allman at the Florida Association of Court Clerks, (850)921-0808.

---

#### **FLORIDA PORTS CONFERENCE**

The **Florida Ports Conference** announces a public meeting to which all interested persons are invited.

**DATE AND TIME:** October 30, 2003, 7:30 a.m.

**PLACE:** DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business Meeting

A copy of the Agenda may be obtained by contacting James C. Massie, General Counsel, (850)222-8021 or JMassie41@aol.com. Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with provisions of the American with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise James C. Massie, (850)222-8021 or at JMassie41@aol.com.

---

## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on October 2, 2003, from W.W. Schaefer Engineering & Consulting, P.A., with regards to the requirements of Section 1609.4.3, Item 2, Florida Building Code, Building Volume (2001, as amended on June 30, 2003), pertaining to allowable stress increase and wind load duration increase as applied to anchoring of windows and doors.

It has been assigned the number DCA03-DEC-270.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

---

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

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

---

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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 the Board of Chiropractic Medicine has GRANTED a Petition for Declaratory Statement received from Henry M. Rubinstein, D.C. The Final Order was filed on September 23, 2003, and was given the number DOH-03-1035-105-MQA. No comments were received.

Petitioner requested the declaratory statement, which states that a Chiropractic physician who is also an attorney may provide legal services as described in the Petition to chiropractic patients without violating paragraph 460.413(1)(n), Florida Statutes.

A copy of the Petition for Declaratory Statement and Final Order may be obtained by writing: Joe R. Baker, Jr., Executive Director, Board of Chiropractic Medicine, Department of Health, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

---

NOTICE IS HEREBY GIVEN THAT the Board of Massage Therapy issued a Final Order on September 23, 2003 dismissing a petition for declaratory statement received from Stuart Fox, by and through his attorney Cris Evan Boyar.

Petitioner requested a declaratory statement concerning a licensed massage therapist's scope of practice under Section 480.033(3), Florida Statutes, in regards to motion exercises, movements and stretching. The Board held that not only did Petitioner not comply with the minimum requirements of Section 120.565, Florida Statutes, but that Petitioner was also seeking a broad policy statement of general applicability from the Board. Therefore, the Board dismissed the Petition without issuing an opinion.

A copy of the Petition for Declaratory Statement and Final Order may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399.

---

NOTICE IS HEREBY GIVEN THAT the Board of Massage Therapy issued a Final Order on September 24, 2003 dismissing a petition for declaratory statement received from Adele J. Carr, by and through her attorney Moyle Flanigan Katz Raymond & Sheehan, P.A.

Petitioner requested a declaratory statement concerning a licensed massage therapist's scope of practice under section 480.033(3), Florida Statutes, in regards to neuromuscular reeducation, direct therapeutic activities and therapeutic exercise. The Board held that Petitioner was seeking to obtain a broad policy statement of general applicability and that Petitioner did not demonstrate that she is a substantially affected person. Therefore, the Board dismissed the Petition without issuing an opinion.

A copy of the Petition for Declaratory Statement and Final Order may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399.

The Board of Optometry hereby gives notice that on October 2, 2003, it received a Petition for Declaratory Statement filed on behalf of Jennifer L. Loar, O.D. The petition seeks the Board's interpretation of Section 463.014, Florida Statutes, and Rule 64B13-3.008, F.A.C. The petition specifically asks whether Dr. Jennifer L. Loar, a Florida-licensed optometrist in private practice, may enter into a written lease agreement with a corporation which provides for rent to be based on percentage of revenue from exam fees.

The Board will consider this petition at its meeting on November 14, 2003 in Orlando, Florida.

Copies of the petition may be obtained from: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN THAT ON September 15, 2003, the Board of Orthotists and Prosthetists received a Petition for Declaratory Statement from Angela Mitchem and M\*A\*S\*H, Inc. The Petition seeks the agency's interpretation of Chapter 468, Florida Statutes, specifically the scope of practice of Orthotic Fitter Assistants. The Petition seeks a statement indicating whether or not it is within the scope of practice for a Florida Licensed Orthotic Fitter Assistant (OFA) to fit Apex Diabetic Shoes. The Petition seeks a statement indicating whether or not fitting a "cock up wrist splint" is within the scope of practice of an Orthotic Fitter Assistant. The Petition also seeks clarification as to whether an OFA can work independently without an Orthotic Fitter on staff so long as the OFA works within the scope of their practice.

A copy of the Petition for Declaratory Statement may be obtained by writing: Joe R. Baker, Board Executive Director, Board of Orthotists and Prosthetists, Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

The Board of Psychology hereby gives notice that it has issued a Final Order on the Petition for Declaratory Statement filed by Robert Klein, Ph.D. The Notice of Petition for Declaratory Statement was published on August 8, 2003 in Vol. 29, No. 32 of the Florida Administrative Weekly. The Board considered the Petition at its meeting held on August 22, 2003. The Board's Final Order, filed September 16, 2003, grants the Petition for Declaratory Statement. However, the Board finds that Petitioner, who is in the private practice of psychology, shall not allow for a psychologist who has treated a minor or any of the adults involved in a custody or visitation action to perform forensic evaluation for the purpose of recommending

with which adult the minor should reside, which adult should have custody, or what visitation should be allowed pursuant to Rule 64B19-18.006, F.A.C.

A copy of the Board's Final Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3753.

### Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

### Section IX Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

**NONE**

### Section X Announcements and Objection Reports of the Joint Administrative Procedures Committee

**NONE**

### Section XI Notices Regarding Bids, Proposals and Purchasing

**DEPARTMENT OF EDUCATION**

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 04L-129, W/O 589330, Substation #2-Switchgear, Replace 10-5KV Breakers, estimated budget: \$210,000-\$230,000, to be opened November 13, 2003, at 2:00 P.M., local time, in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Labor,

supervision, material, equipment, and field services required to complete the replacement of the 10 existing power circuit breakers. All equipment and components shall be consistent with 60 KV BIL rating of the substations indoor bus. Due to the extremely sensitive nature of the load served by Substation #2, Contractor will be required to adhere to the schedule set by PPD during the initial stages of work. All work shall be completed by January 30, 2004. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, Telephone (352)392-1331. A Mandatory Pre-bid Meeting will be held October 28, 2003, at 10:00 AM in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed to A.J. Sontag, C.P.M., Assistant Director, UF Purchasing (352)392-1331 Ext. 306. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331 ext. 303 within three (3) days of the event.

#### 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 Name and Number: Lakeview Housing, University Park, BT-836

Project Location: The project consists of site development and construction of a multi story student housing facility sited south of the Charles Perry Building, and immediately east of the existing University Housing Quad. The Lakeview Housing project is the first phase of a multi-phase expansion and will consist of an eight hundred and twenty six bed residential facility designed to serve undergraduate student housing requirements with an approximate total gross square footage of 236,000. The total project cost for Lakeview Housing phase I is estimated at \$39 million. Substantial completion for this project is expected by June 2006.

The selected firm will provide design development, construction documents, and construction administration. Blanket professional liability insurance will be required in the amount of \$1,000,000 and will be provided as a part of Basic Services.

#### INSTRUCTIONS:

Firms and Joint Ventures 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. The MBE point scale in the PQS is no longer used. 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 seven (7) 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. State of Florida Minority Business Enterprise certification is no longer requested. 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, a 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 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.

Professional Qualifications Supplement forms and the Project Fact Sheet may be obtained by mail from Facilities Planning & 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 & Construction, Florida International University, Campus Support Complex, Room #236, University Park, Miami, Florida 33199, by 2:00 p.m. local time, on November 17, 2003. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES

##### FOR ARCHITECTURE-ENGINEERING

The Florida School for the Deaf and the Blind (FSDB) announces that professional services are required for the project listed below.

PROJECT NUMBER: FSDB-20040009

PROJECT NAME: Wartmann Hall Renovations

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084-2799

SERVICES TO BE PROVIDED: Architectural and engineering services including, but not limited to, structural, mechanical, plumbing, electrical and the complete preparation of construction documents necessary for the renovation of a



two-story, 13,773 SF masonry dormitory building. This facility's renovation is to be completed prior to August 1, 2004. Basic construction administrative services will be required.

CONSTRUCTION BUDGET: \$2,400,000

FSDDB PROJECT MANAGER: Lloyd Jenkins

PHONE NUMBER: (904)827-2363

RESPONSE DUE DATE: November 7, 2003, no later than 3:00 p.m.

#### INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Please include a stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Applicants are advised that plans and specifications for A/E projects may be reused.

Applications are to be sent or delivered to the Florida School for the Deaf and the Blind, Attn: Mr. Lloyd Jenkins, 207 N. San Marco Ave., Building #27, St. Augustine, FL 32084-2799. Applicants will be short-listed on November 14, 2003. Following the short-list selection, a pre-interview workshop will be held on November 20, 2003 for all short-listed firms. Interviews will be conducted on December 9, 2003. A final selection will be made after the interviews have taken place. Selections will be made in accordance with Chapter 287.055, Florida Statutes. The selected firm will be given official notice of selection results by FAX and/or mail.

The results of the short-list and final selection will be posted at FSDDB, 207 N. San Marco Ave., Building #27, St. Augustine, FL and can be viewed during regular working days between the hours of 7:00 a.m. through 4:00 p.m. beginning 24 hours after the selection. Any protests of the selection must be made

within 72 hours of the posting. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Final selection results will also be posted in the Florida Administrative Weekly.

DUVAL COUNTY  
PUBLIC SCHOOLS  
ADVERTISEMENT FOR BIDS  
Invitation To Bid (ITB)

For a  
General or Building Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, Florida 32207, until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, 5th Floor, Room 513D, Jacksonville, Florida.

BIDS ARE DUE ON OR BEFORE NOVEMBER 18, 2003  
AND WILL BE ACCEPTED UNTIL 2:00 PM

OFFICIAL PROJECT TITLE: New SED Building at Terry Parker High School No. 86 DCPS PROJECT NO. C-90920

SCOPE OF WORK: This project will include construction of a new 15,000 square foot building with six classrooms, three resource rooms, administration area, and site improvements to include a parent pick up and bus loop.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on November 4, 2003; 10:00 a.m., Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, 5th Floor, Room 513D, Jacksonville, Florida. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$150.00 at the office of:

Bhide and Hall Architects, P.A.  
1329 Kingsley Avenue, Suite C  
Orange Park, Florida 32073

DCSB Point of Contact: Tony Gimenez – 390-2279

Contract documents for bidding may be examined at the office of Bhide and Hall Architects.

MBE Participation Goal: 20% overall

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. Effective May 31, 2003, all Contractors submitting

bids must be prequalified with Duval County Public Schools. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan at 1701 Prudential Dr., Jacksonville, FL 32207; Ph. (904)390-2358 or (904)390-2922, Fax: (904)390-2265, Email: beaudoinr@educationcentral.org or faganr@educationcentral.org.

The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

---

## DEPARTMENT OF TRANSPORTATION

**INVITATION TO BID:** The Department of Transportation District Seven announces sealed bids will be received in the Conference Room (B-1) of the District Seven, Florida Department of Transportation Headquarters Building, 11201 North McKinley Drive, Tampa, Florida 33612, until 2:30 p.m. (Local Time) on Wednesday, November 12, 2003, for the work described below. Bids will be publicly opened and read aloud on:

**DATE AND TIME:** November 12, 2003, at 2:30 p.m. (Local Time)

**PLACE:** Conference Room (B-1) of the Florida Department of Transportation Headquarters Building, 11201 North McKinley Drive, Tampa, Florida 33612

Request for Plans, Specifications, and/or Bid Documents should be directed to John D. Ellis, District Contracts Administrator, 11201 North McKinley Drive, Tampa, Florida 33612; phone (813)975-6036. Proposal documents will not be issued after 2:30 p.m. (Local Time) on November 11, 2003. Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions, which may be obtained from the District Seven Contracts Office

**FINANCIAL PROJECT NUMBER:** 40415625201, 40415735201 DCN: E-7B69

The Project is the construction of a new sewer system for the Department's Pinellas Maintenance Yard. The work consists of locating and removing all septic tank structures (including tank, conveyance pipe, drain field pipes). Contractor shall construct sewer system according to plans (connecting to existing building and to public utility). Contractor shall also restore surface to pre-construction condition including asphalt and sod.

**MINORITY BUSINESS ENTERPRISE PARTICIPATION GOAL:** There is no MBE Participation Goal established for this project however, MBE participation is always encouraged.

**PREQUALIFICATION:** Each bidder shall submit a current state contractor's license certification or registration issued by the State of Florida and, if the bidder is a Florida corporation, a

copy of the Corporate Charter Registration as Prequalification of its eligibility to submit bids prior to the Department releasing the Bid Proposal package. After the bid opening, the lowest responsible bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Bid Proposal package.

**MANDATORY PRE-BID MEETING:** There is no Mandatory Pre-bid Meeting for this project.

**BID BOND:** If a bid on a project exceeds \$100,000, the bidder must provide with the bid a good faith deposit in the amount of five percent of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as a surety, a certified check made payable to Florida Department of Transportation, a cashier's check, a treasurer's check, or a bank draft of any national or state bank. A bid bond, a check, or a draft in an amount less than five percent of the actual bid will invalidate the bid. Bid bonds shall conform to Department of Transportation Form 375-020-09 furnished with the proposal forms. For bids over \$100,000, a letter of intent to provide a Performance Bond in an amount equal to 100 percent of the bid amount will be required at the time of bid.

**PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract bid amount exceeds \$100,000, a Performance Bond and a Labor and Material Payment Bond for the full award amount will be required.

**BID POSTING:** Unless otherwise notified in writing, the Summaries of Bids and Notices of Intent will be posted in the main lobby of the offices of District Seven, Florida Department of Transportation, 11201 North McKinley Drive, Tampa, Florida 33612, at 2:30 p.m. on December 3, 2003. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified mail or express delivery, return receipt requested. Information concerning the posted projects can be obtained by calling the District Contracts Office, (813)975-6036, during the posting period.

**BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS:** Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Section 120.569 and 120.57, Florida Statutes. The required notice of protest and formal protest must each be timely filed

with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, MS 58, Room 550, Tallahassee, Florida 32399-0458. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

The Department reserves the right to reject any or all bids.

---

### **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**

#### **DIVISION OF FACILITIES MANAGEMENT AND BUILDING CONSTRUCTION PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR CONTINUING AREA CONTRACTS AREA 2**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from construction management firms to provide services in Area 2, counties of Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and other counties as may be determined necessary by the owner.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction." [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

---

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

---

### **FLORIDA HOUSING FINANCE CORPORATION**

#### **Request for Qualifications 2003/04 Arbitrage Rebate Services**

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Arbitrage Rebate Services to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Time, Friday, November 21, 2003, to the attention of Robin Grantham, Contract Administrator, Florida Housing Finance

Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Robin Grantham at (850)488-4197 or [robin.grantham@floridahousing.org](mailto:robin.grantham@floridahousing.org). To obtain a copy of the Request for Qualifications, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Qualifications from the Florida Housing Finance Corporation web site at:

<http://www.floridahousing.org/ViewPage.aspx?page=77>.

Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the deadline.

---

### **CITY OF FORT LAUDERDALE**

#### **NOTICE TO CONTRACTORS**

Sealed bids will be received until 9:00 A.M. on Wednesday, November 12, 2003 in the Office of the City Engineer, Public Services Department (Engineering and Architectural Services), City Hall, 100 North Andrews Avenue, 4th Floor, City of Fort Lauderdale, Florida and opened immediately thereafter in the Conference Room, for Project 10711 – Wastewater Collection System Rehabilitation – Sub-basin A 27.3.

The work includes: The rehabilitation of mainline sewers, laterals, manholes, and lift stations identified in the contract documents by using the cured-in-place pipe method for the sewer pipes and coating compounds systems for the manholes and lift stations. The work includes pre and post television survey, flow monitoring, flow bypass, traffic control, site restoration, and related operations resulting in complete and satisfactory rehabilitation of the wastewater collection system in sub-basin A27.3.

Bidding blanks may be obtained at the Office of the City Engineer. Bid specifications are on file in the Office of the City Engineer.

A pre-bid meeting will be held at 2:00 p.m. on Wednesday, October 29, 2003 at the Program Management Team Office at 200 North Andrews Avenue, Suite 300 (third floor), Fort Lauderdale, Florida. The pre-bid meeting is recommended but not mandatory.

It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the City prior to the bid opening date and time listed.

A certified check, cashier's check, bank officer's check or bid bond for 5% of the amount bid, made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

This project is funded in whole or in part by the Florida Department of Environmental Protection, State Revolving Fund. Bidders are encouraged to become familiar with the provisions of the Supplementary Conditions contained in these documents and in particular the requirements of Article 20, Equal Employment Opportunity.

The City of Fort Lauderdale reserves the right to waive any informality in any bid and to reject any or all bids. Information on bid results and projects currently out to bid can be obtained by calling the pre-recorded City of Fort Lauderdale Bid Information Line at (954)828-5688. For general inquiries – please call (954)828-5772, Lucy Kisela, City Clerk

**OSCEOLA COUNTY COALITION FOR SCHOOL READINESS**

Invitation for ITN

Notice is hereby given that the Osceola County Coalition for School Readiness will receive sealed ITN’s up to 3:00 p.m. on Monday, February 24, 2004 for the delivery of School Readiness Early Care and Education Services. The purpose of the ITN is to provide comprehensive school readiness early care and education services designed to enhance the cognitive, social, and physical development of children.

A Letter of Intent to submit an Application is due Friday, October 22, 2003 by 5:00 p.m., Eastern Standard Time.

A mandatory Applicant’s conference will be held on Friday, November 7, 2003 at 1:00 p.m. at the Tompkins Conference Room, 1637 E. Vine Street, Kissimmee, Florida 34744.

ITN specifications may be requested by email at osceolacoalitoi@earthlink.net. The Letter of Intent and sealed proposal should be submitted via mail services or hand delivery ONLY to:

Osceola County Coalition for School Readiness  
ATTN: Procurement Committee  
1633 E. Vine Street, Ste. 108  
Kissimmee, Florida 34744

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA03-OR-272

STATE OF FLORIDA

In re: CITY OF MARATHON LAND  
DEVELOPMENT REGULATIONS  
ADOPTED BY ORDINANCE NO. 2003-16

**FINAL ORDER**

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.

2. On September 29, 2003, the Department received for review City of Marathon Ordinance No. 2003-16 which was adopted by the City of Marathon Board of City Commissioners on September 23, 2003 (“Ord. 2003-16”). Ord. 2003-16 implements a temporary moratorium on accepting new residential Rate of Growth Ordinance (ROGO) applications. This moratorium will further the City’s ability to review, revise, adopt and implement new comprehensive regulations for residential development.

3. Ord. 2003-16 is consistent with the City’s 2010 Comprehensive Plan.

**CONCLUSIONS OF LAW**

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2002). The regulations adopted by Ord. 2003-16 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff’d, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2003-16 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 2003-16 is not inconsistent with the remaining Principles. Ord. 2003-16 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2003-16 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
VALERIE J. HUBBARD, DIRECTOR

Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED

REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of October, 2003.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable John Bartus, Mayor  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

Katherine V. Selchan, City Clerk  
City of Marathon  
210 University Drive  
Coral Springs, Florida 33071

Scott Janke, City Manager  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

John R. Herin, Jr.  
Weiss, Serota, Helfman, Pastoriza and Guedes, P.A.  
City Attorneys, City of Marathon  
2665 South Bayshore Drive, Suite 420  
Miami, Florida 33133

DCA Final Order No.: DCA03-OR-271

In re: CITY OF MARATHON LAND  
DEVELOPMENT REGULATIONS  
ADOPTED BY ORDINANCE NO. 2003-20

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.

2. On September 29, 2003, the Department received for review City of Marathon Ordinance No. 2003-20 which was adopted by the City of Marathon Board of City Commissioners on September 23, 2003 ("Ord. 2003-20"). Ord. 2003-20 amends Section 9.5-22 of the City of Marathon Code, by establishing an advisory planning commission, including its powers and duties, membership qualifications, member appointment and removal, and procedural guidelines for meetings, hearings, and voting.

3. Ord. 2003-20 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2002). The regulations adopted by Ord. 2003-20 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2003-20 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 2003-20 is not inconsistent with the remaining Principles. Ord. 2003-20 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2003-20 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

VALERIE J. HUBBARD, DIRECTOR  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE

ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL

PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of October, 2003.

\_\_\_\_\_  
Paula Ford, Agency Clerk  
By U.S. Mail:

Honorable John Bartus, Mayor  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

Katherine V. Selchan, City Clerk  
City of Marathon  
210 University Drive  
Coral Springs, Florida 33071

Scott Janke  
City Manager  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

John R. Herin, Jr.  
Weiss, Serota, Helfman, Pastoriza and Guedes, P.A.  
City Attorneys, City of Marathon  
2665 South Bayshore Drive, Suite 420  
Miami, Florida 33133

NOTICE OF APPROVAL FOR FLORIDA  
FOREVER FUNDS

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Florida Forever Program, Series FF1 funding cycle. The project plans listed below were approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project site and all other documents necessary to close the project and that funds be released as follows:

Project: 01-065-FF1/Shoreside Park

Grantee: Town of Palm Shores

Amount of Approved Funds: the lesser of 98.95% of the final total project costs or \$564,000.00

Project: 01-067-FF1/Sheraton Plaza Preserve

Grantee: St. Lucie County

Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$606,000.00

Project: 01-138-FF1/Kings Bay Linear Park

Grantee: City of Crystal River

Amount of Approved Funds: the lesser of 100.00% of the final total project costs or \$782,000.00

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.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTION OF COMMUNICATIONS  
SERVICES TAX

ADDRESS/JURISDICTION DATABASE

Section 202.22(2), F.S., requires the Department of Revenue to create and maintain an electronic situsing database that assigns customer service addresses to local taxing jurisdictions for purposes of the communications services tax. The update to the database, as posted on October 3, 2003, becomes effective on January 1, 2004. The situsing database can be accessed at <http://geotax.state.fl.us>. The next update to the database will be effective July 1, 2004, and is required to be posted 90 days in advance of the effective date. Local governments are required to submit changes and additions for inclusion in the July 1, 2004, update no later than March 3, 2004. Additional information concerning procedures for requesting changes and additions to the database is available from the Department of Revenue Communications Services Tax Local Government Unit by telephone at (850)921-9181 (Suncom 291-9181) or by e-mail at: [cs-tax@dor.state.fl.us](mailto:cs-tax@dor.state.fl.us). Hearing and speech-impaired persons may call the TDD line at (800)367-8331 or (850)922-1115 (Suncom 292-1115).

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
VEHICLES

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer

in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Southeast Toyota Distributors, LLC, intends to allow the establishment of UAG Royal Palm, LLC d/b/a Toyota of Royal Palm Beach an additional dealership for the sales and service of Toyota automobiles and trucks on the south side of Belvedere Road, approximately 2,000 feet east of the intersection of State Road 7, on Belvedere Road, in Palm Beach County, Florida. The proposed dealership will open on or after March 2004.



This location is more particularly described as: All that certain piece parcel or tract of land situate lying and being in section 31, Township 43 South, range 42 East of Tallahassee Base Meridian and being a portion of lot 8, Royal Palm Town Center, as recorded in plat book 95, pages 193 through 195, of the public records of Palm Beach County, Florida. Said lands being more particularly bounded and described as follows, to wit: Commencing at the Northeast corner of said lot 8; Thence, bearing S 88°59'17" W, along the North line of said lot 8, a distance of 397.33 feet to the point of beginning of the lands described herein; Thence, leaving said North line, bearing S 01°00'00" E, a distance of 75.00 feet to a point; Thence bearing S 88°59'05" W, a distance of 47.00 feet to a point; Thence bearings 01°00'00" E, a distance of 264.99 feet to a point; Thence bearing S 89°01'09" W, along the North line of said tract a and the Easterly extension thereof, a distance of 1615.56 feet to point on the West line of said lot 8; Thence bearing N 01°00'43" W, along said West line, a distance of 339.11 feet to a point on the North Line of said lot 8; Thence bearing N 88°59'17" E, along said North line, a distance of 1662.63 feet to the point of beginning;

Less and except for the following:

All that certain piece parcel or tract of land situate lying and being in section 31, township 43 south, range 42 east of Tallahassee Base Meridian and being a portion of Lot 8, Royal Palm Town Center, as recorded in plat book 95, pages 193-195, of the public records of Palm Beach County, Florida. Said lands being more particularly bounded and described as follows, to Wit: Commencing at the Northeast corner of said lot 8; Thence bearing S 88°59'17" W, along the North line of said lot 8, a distance of 1418.46 feet to the point of beginning of the lands described herein; Thence bearing S 01°00'43" E, parallel to the West line of said lot 8, a distance of 339.46 feet, to a point of intersection with the North line of tract A of said plat; Thence bearing S 89°01'09" W, along the North line of said tract A, a distance of 641.50 feet to the West line of said lot 8; Thence bearing N 01°00'43" W, along the West line of said Lot 8, a distance of 339.11 feet to the North line of said lot 8; Thence bearing N 88°59'17" E, along the North line of said lot 8, a distance of 641.50 feet to the point and place of beginning.

The principal investor of UAG Royal Palm, LLC d/b/a Toyota of Royal Palm Beach is United Auto Group, Inc. at 3150 Steve Reynolds Blvd., Suite 200 Duluth, Georgia, 30096. United Auto Group, Inc. is a publicly held corporation. The individual, who manages United Auto Group, Inc. is Roger Penske, Chairman, 2555 Telegraph Road, Bloomfield Hills, Michigan 48302. The individual who will manage UAG Royal Palm, LLC d/b/a Toyota of Royal Palm Beach is Roger Carter, Responsible Executive, and dealer operator whose address is: 3150 Steve Reynolds Blvd., Suite 200, Duluth, Georgia, 30096.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research. Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635. A copy of such petition or complaint must also be sent by US Mail to: John O'Donoghue, Sr. Market Representation Manager, Southeast Toyota Distributors, LLC, 100 Jim Moran Blvd., Deerfield Beach, FL 33442.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

---

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

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

---

#### **STATE BOARD OF ADMINISTRATION**

Florida Prepaid College Board  
Notice of 2003-2004 Contract Filing and Payment Due Dates  
for the Florida Prepaid College Plan

The Florida Prepaid College Board hereby gives notice that the enrollment period and contract filing dates for the 2003-2004 year are as follows for the Florida Prepaid College Plan:

November 3, 2003 – Beginning of 2003-2004 enrollment period.

January 30, 2004 – Last day of 2003-2004 enrollment period.

March 26, 2004 – Last day of contract change period.

Purchasers of Florida Prepaid College Plan advance payment contracts must have their application postmarked on or before January 30, 2004. All applications must be submitted to the following address: Florida Prepaid College Board, P. O. Box 6448, Tallahassee, Florida 32314-6448.

APPLICATIONS FOR THE FLORIDA PREPAID COLLEGE PLAN MUST INCLUDE ONE OF THE FOLLOWING NON-REFUNDABLE APPLICATION FEES:

- \$80, if the application is for the Florida Prepaid College Plan and the Florida College Investment Plan.
- \$50, if the application is only for the Florida Prepaid College Plan.
- \$30, if the purchaser named on the application has a Florida College Investment Plan for the same beneficiary.

PAYMENTS FOR THE FLORIDA PREPAID COLLEGE PLAN

For Florida Prepaid College Plan applications received during the 2003-2004 enrollment period, payments may be made under any one of the following schedules:

- (a) Lump-sum payments due in full on April 20, 2004;
- (b) Monthly payments, beginning on April 20, 2004, and due on the 20th of each and every month thereafter until October of the anticipated enrollment year of the qualified beneficiary, as indicated on the application; or
- (c) Fifty-five (55) month payment option beginning on April 20, 2004, and due on the 20th of each and every month thereafter for 55 continuous months.

An implied interest rate of 5.1 percent (weighted average using spot yield curve based on the July 31, 2003 U.S. Treasury curve) for the purchasers of the Florida Prepaid College Plan advance payment contracts during the 2003-2004 enrollment period has been calculated for the installment payment plans indicated above.

Persons whose substantial interests are affected by the 2003-2004 notice on contract filing and payment due dates may request an administrative hearing within 21 days of publication of this notice pursuant to Chapter 120, F.S.

Florida Prepaid College Board  
 Notice of 2003-2004 Florida Prepaid College Plan  
 Advance Payment Contract Prices

The Florida Prepaid College Board hereby gives notice of the adoption at a duly called meeting on September 18, 2003 of the 2003-2004 advance payment contract prices for the Florida Prepaid College Plan.

PREPAID PLAN TUITION CONTRACT  
 FOUR-YEAR STATE UNIVERSITY  
 PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-year (55 month) Installment Plan
12	2004	\$9,870.41	\$1,416.68	
11	2005	\$10,186.22	\$544.86	
10	2006	\$10,380.74	\$345.66	
9	2007	\$10,466.44	\$256.20	
8	2008	\$10,503.87	\$205.44	\$205.44
7	2009	\$10,488.11	\$172.48	\$205.13

6	2010	\$10,444.35	\$149.44	\$204.27
5	2011	\$10,379.67	\$132.42	\$203.01
4	2012	\$10,305.76	\$119.43	\$201.56
3	2013	\$10,216.91	\$109.09	\$199.82
2	2014	\$10,114.41	\$100.65	\$197.82
1	2015	\$10,011.87	\$93.69	\$195.81
K	2016	\$9,903.78	\$87.84	\$193.70
Age 4	2017	\$9,811.46	\$83.01	\$191.89
Age 3	2018	\$9,727.31	\$78.92	\$190.25
Age 2	2019	\$9,654.07	\$75.45	\$188.81
Age 1	2020	\$9,603.22	\$72.58	\$187.82
Infant	2021	\$9,573.67	\$70.22	\$187.24
Newborn	2022	\$9,567.37	\$68.28	\$187.12

PREPAID PLAN TUITION CONTRACT  
 TWO YEAR COMMUNITY COLLEGE PLUS TWO YEARS STATE UNIVERSITY  
 PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-year (55 month) Installment Plan
12	2004	\$8,416.34	\$1,207.98	
11	2005	\$8,578.71	\$458.87	
10	2006	\$8,672.83	\$288.79	
9	2007	\$8,707.82	\$213.15	
8	2008	\$8,703.61	\$170.23	\$170.23
7	2009	\$8,658.05	\$142.38	\$169.33
6	2010	\$8,591.74	\$122.93	\$168.04
5	2011	\$8,511.34	\$108.58	\$166.47
4	2012	\$8,424.91	\$97.63	\$164.77
3	2013	\$8,325.02	\$88.89	\$162.82
2	2014	\$8,212.61	\$81.72	\$160.62
1	2015	\$8,105.39	\$75.85	\$158.53
K	2016	\$7,997.83	\$70.93	\$156.42
Age 4	2017	\$7,902.04	\$66.85	\$154.55
Age 3	2018	\$7,812.58	\$63.38	\$152.80
Age 2	2019	\$7,733.20	\$60.44	\$151.25
Age 1	2020	\$7,676.10	\$58.02	\$150.13
Infant	2021	\$7,637.78	\$56.02	\$149.38
Newborn	2022	\$7,614.71	\$54.35	\$148.93

PREPAID PLAN TUITION CONTRACT  
 COMMUNITY COLLEGE – TWO YEARS  
 PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-year (55 month) Installment Plan
12	2004	\$3,286.25	\$471.67	
11	2005	\$3,374.40	\$180.50	
10	2006	\$3,422.17	\$113.95	
9	2007	\$3,445.70	\$84.34	
8	2008	\$3,450.40	\$67.48	\$67.48
7	2009	\$3,432.06	\$56.44	\$67.12
6	2010	\$3,400.61	\$48.66	\$66.51
5	2011	\$3,357.66	\$42.84	\$65.67
4	2012	\$3,310.28	\$38.36	\$64.74
3	2013	\$3,261.79	\$34.83	\$63.79
2	2014	\$3,212.82	\$31.97	\$62.84
1	2015	\$3,156.75	\$29.54	\$61.74

K	2016	\$3,093.84	\$27.44	\$60.51
Age 4	2017	\$3,039.23	\$25.71	\$59.44
Age 3	2018	\$2,989.25	\$24.25	\$58.46
Age 2	2019	\$2,941.93	\$22.99	\$57.54
Age 1	2020	\$2,896.20	\$21.89	\$56.64
Infant	2021	\$2,855.37	\$20.94	\$55.85
Newborn	2022	\$2,827.24	\$20.18	\$55.30

**PREPAID PLAN LOCAL FEE CONTRACT  
TWO-YEAR COMMUNITY COLLEGE PLUS TWO-YEAR  
STATE UNIVERSITY  
PRICE SCHEDULE**

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2004	\$1,743.23	\$250.20	
11	2005	\$1,761.46	\$94.22	
10	2006	\$1,767.97	\$58.87	
9	2007	\$1,762.55	\$43.14	
8	2008	\$1,749.85	\$34.22	\$34.22
7	2009	\$1,730.16	\$28.45	\$33.84
6	2010	\$1,707.36	\$24.43	\$33.39
5	2011	\$1,683.01	\$21.47	\$32.92
4	2012	\$1,658.03	\$19.21	\$32.43
3	2013	\$1,629.97	\$17.40	\$31.88
2	2014	\$1,599.02	\$15.91	\$31.27
1	2015	\$1,570.86	\$14.70	\$30.72
K	2016	\$1,543.97	\$13.69	\$30.20
Age 4	2017	\$1,519.00	\$12.85	\$29.71
Age 3	2018	\$1,495.12	\$12.13	\$29.24
Age 2	2019	\$1,473.55	\$11.52	\$28.82
Age 1	2020	\$1,457.44	\$11.02	\$28.50
Infant	2021	\$1,445.31	\$10.60	\$28.27
Newborn	2022	\$1,435.08	\$10.24	\$28.07

**PREPAID PLAN TUITION CONTRACT  
TWO-YEAR COMMUNITY COLLEGE  
FOUNDATION SCHOLARSHIP PRICE SCHEDULE**

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-year (55 month) Installment Plan
12	2004	\$3,943.50	\$566.00	
11	2005	\$4,049.28	\$216.59	
10	2006	\$4,106.61	\$136.74	
9	2007	\$4,134.84	\$101.21	
8	2008	\$4,140.48	\$80.98	\$80.98
7	2009	\$4,118.47	\$67.73	\$80.55
6	2010	\$4,080.73	\$58.39	\$79.81
5	2011	\$4,029.20	\$51.40	\$78.80
4	2012	\$3,972.34	\$46.03	\$77.69
3	2013	\$3,914.15	\$41.79	\$76.55
2	2014	\$3,855.38	\$38.36	\$75.40
1	2015	\$3,788.09	\$35.45	\$74.09
K	2016	\$3,712.61	\$32.93	\$72.61
Age 4	2017	\$3,647.08	\$30.85	\$71.33
Age 3	2018	\$3,587.10	\$29.10	\$70.16
Age 2	2019	\$3,530.32	\$27.59	\$69.05
Age 1	2020	\$3,475.44	\$26.27	\$67.97
Infant	2021	\$3,426.44	\$25.13	\$67.01
Newborn	2022	\$3,392.69	\$24.21	\$66.35

**PREPAID PLAN LOCAL FEE CONTRACT  
TWO-YEAR COMMUNITY COLLEGE  
PRICE SCHEDULE**

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2004	\$313.04	\$44.93	
11	2005	\$321.43	\$17.19	
10	2006	\$325.99	\$10.85	
9	2007	\$328.23	\$8.03	
8	2008	\$328.67	\$6.43	\$6.43
7	2009	\$326.93	\$5.38	\$6.39
6	2010	\$323.93	\$4.63	\$6.34
5	2011	\$319.84	\$4.08	\$6.26
4	2012	\$315.33	\$3.65	\$6.17
3	2013	\$310.71	\$3.32	\$6.08
2	2014	\$306.04	\$3.05	\$5.99
1	2015	\$300.70	\$2.81	\$5.88
K	2016	\$294.71	\$2.61	\$5.76
Age 4	2017	\$289.51	\$2.45	\$5.66
Age 3	2018	\$284.75	\$2.31	\$5.57
Age 2	2019	\$280.24	\$2.19	\$5.48
Age 1	2020	\$275.88	\$2.09	\$5.40
Infant	2021	\$271.99	\$1.99	\$5.32
Newborn	2022	\$269.31	\$1.92	\$5.27

**PREPAID PLAN LOCAL FEE CONTRACT  
FOUR-YEAR STATE UNIVERSITY  
PRICE SCHEDULE**

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-year (55 month) Installment Plan
12	2004	\$2,803.58	\$402.39	
11	2005	\$2,850.25	\$152.46	
10	2006	\$2,872.18	\$95.64	
9	2007	\$2,874.35	\$70.36	
8	2008	\$2,863.17	\$56.00	\$56.00
7	2009	\$2,837.56	\$46.66	\$55.50
6	2010	\$2,804.61	\$40.13	\$54.85
5	2011	\$2,766.40	\$35.29	\$54.11
4	2012	\$2,726.13	\$31.59	\$53.32
3	2013	\$2,682.43	\$28.64	\$52.46
2	2014	\$2,635.67	\$26.23	\$51.55
1	2015	\$2,589.42	\$24.23	\$50.64
K	2016	\$2,542.24	\$22.55	\$49.72
Age 4	2017	\$2,499.65	\$21.15	\$48.89
Age 3	2018	\$2,459.64	\$19.95	\$48.11
Age 2	2019	\$2,422.80	\$18.94	\$47.39
Age 1	2020	\$2,391.94	\$18.08	\$46.78
Infant	2021	\$2,366.63	\$17.36	\$46.29
Newborn	2022	\$2,347.32	\$16.75	\$45.91

PREPAID PLAN LOCAL FEE CONTRACT  
TWO-YEAR COMMUNITY COLLEGE  
FOUNDATION SCHOLARSHIP PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2004	\$375.65	\$53.92	
11	2005	\$385.72	\$20.63	
10	2006	\$391.18	\$13.03	
9	2007	\$393.87	\$9.64	
8	2008	\$394.41	\$7.71	\$7.71
7	2009	\$392.31	\$6.45	\$7.67
6	2010	\$388.72	\$5.56	\$7.60
5	2011	\$383.81	\$4.90	\$7.51
4	2012	\$378.39	\$4.38	\$7.40
3	2013	\$372.85	\$3.98	\$7.29
2	2014	\$367.25	\$3.65	\$7.18
1	2015	\$360.84	\$3.38	\$7.06
K	2016	\$353.65	\$3.14	\$6.92
Age 4	2017	\$347.41	\$2.94	\$6.79
Age 3	2018	\$341.70	\$2.77	\$6.68
Age 2	2019	\$336.29	\$2.63	\$6.58
Age 1	2020	\$331.06	\$2.50	\$6.47
Infant	2021	\$326.39	\$2.39	\$6.38
Newborn	2022	\$323.18	\$2.31	\$6.32

PREPAID PLAN DORMITORY CONTRACT  
TWO-YEAR  
PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2004	\$7,150.60	\$1,026.31	
11	2005	\$7,342.39	\$392.74	
10	2006	\$7,446.35	\$247.95	
9	2007	\$7,497.54	\$183.52	
8	2008	\$7,507.77	\$146.84	\$146.84
7	2009	\$7,467.86	\$122.81	\$146.06
6	2010	\$7,399.42	\$105.87	\$144.72
5	2011	\$7,305.98	\$93.21	\$142.89
4	2012	\$7,202.89	\$83.47	\$140.87
3	2013	\$7,097.37	\$75.78	\$138.81
2	2014	\$6,990.81	\$69.56	\$136.73
1	2015	\$6,868.80	\$64.28	\$134.34
K	2016	\$6,731.92	\$59.70	\$131.66
Age 4	2017	\$6,613.11	\$55.95	\$129.34
Age 3	2018	\$6,504.35	\$52.77	\$127.21
Age 2	2019	\$6,401.39	\$50.03	\$125.20
Age 1	2020	\$6,301.88	\$47.63	\$123.25
Infant	2021	\$6,213.04	\$45.57	\$121.51
Newborn	2022	\$6,151.83	\$43.91	\$120.32

PREPAID PLAN DORMITORY CONTRACT  
ONE-YEAR  
PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2004	\$3,516.88	\$504.77	
11	2005	\$3,633.72	\$194.37	
10	2006	\$3,708.67	\$123.49	
9	2007	\$3,737.68	\$91.49	
8	2008	\$3,759.86	\$73.54	\$73.54
7	2009	\$3,747.91	\$61.64	\$73.30
6	2010	\$3,719.95	\$53.23	\$72.75
5	2011	\$3,679.47	\$46.94	\$71.96
4	2012	\$3,626.51	\$42.03	\$70.93
3	2013	\$3,576.38	\$38.19	\$69.95
2	2014	\$3,521.00	\$35.04	\$68.86
1	2015	\$3,469.81	\$32.47	\$67.86
K	2016	\$3,398.99	\$30.15	\$66.48
Age 4	2017	\$3,332.94	\$28.20	\$65.19
Age 3	2018	\$3,280.17	\$26.61	\$64.15
Age 2	2019	\$3,224.18	\$25.20	\$63.06
Age 1	2020	\$3,177.21	\$24.01	\$62.14
Infant	2021	\$3,124.67	\$22.92	\$61.11
Newborn	2022	\$3,088.37	\$22.04	\$60.40

PREPAID PLAN DORMITORY CONTRACT  
THREE-YEAR  
PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2004	\$10,859.27	\$1,558.61	
11	2005	\$11,080.07	\$592.67	
10	2006	\$11,206.21	\$373.14	
9	2007	\$11,245.45	\$275.26	
8	2008	\$11,227.72	\$219.59	\$219.59
7	2009	\$11,147.33	\$183.32	\$218.02
6	2010	\$11,025.94	\$157.76	\$215.65
5	2011	\$10,882.36	\$138.83	\$212.84
4	2012	\$10,723.89	\$124.27	\$209.74
3	2013	\$10,567.19	\$112.83	\$206.67
2	2014	\$10,389.80	\$103.39	\$203.20
1	2015	\$10,201.74	\$95.47	\$199.53
K	2016	\$10,012.10	\$88.80	\$195.82
Age 4	2017	\$9,837.29	\$83.22	\$192.40
Age 3	2018	\$9,681.56	\$78.55	\$189.35
Age 2	2019	\$9,526.06	\$74.45	\$186.31
Age 1	2020	\$9,390.25	\$70.97	\$183.65
Infant	2021	\$9,276.50	\$68.04	\$181.43
Newborn	2022	\$9,197.31	\$65.64	\$179.88

PREPAID PLAN DORMITORY CONTRACT  
FOUR-YEARS  
PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2004	\$14,596.95	\$2,095.08	
11	2005	\$14,839.93	\$793.78	
10	2006	\$14,954.12	\$497.94	
9	2007	\$14,965.40	\$366.32	
8	2008	\$14,907.19	\$291.56	\$291.56
7	2009	\$14,773.85	\$242.96	\$288.95
6	2010	\$14,602.31	\$208.93	\$285.59
5	2011	\$14,403.36	\$183.75	\$281.70
4	2012	\$14,193.70	\$164.48	\$277.60
3	2013	\$13,966.18	\$149.13	\$273.15
2	2014	\$13,722.74	\$136.55	\$268.39
1	2015	\$13,481.91	\$126.16	\$263.68
K	2016	\$13,236.28	\$117.39	\$258.88
Age 4	2017	\$13,014.50	\$110.10	\$254.54
Age 3	2018	\$12,806.23	\$103.90	\$250.46
Age 2	2019	\$12,614.43	\$98.59	\$246.71
Age 1	2020	\$12,453.71	\$94.13	\$243.57
Infant	2021	\$12,321.97	\$90.37	\$240.99
Newborn	2022	\$12,221.43	\$87.23	\$239.03

PREPAID PLAN DORMITORY CONTRACT  
FIVE-YEARS  
PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2004	\$18,356.81	\$2,634.72	
11	2005	\$18,587.84	\$994.26	
10	2006	\$18,674.07	\$621.81	
9	2007	\$18,644.87	\$456.39	
8	2008	\$18,533.70	\$362.48	\$362.48
7	2009	\$18,350.22	\$301.77	\$358.89
6	2010	\$18,123.31	\$259.31	\$354.46
5	2011	\$17,873.17	\$228.02	\$349.56
4	2012	\$17,592.69	\$203.87	\$344.08
3	2013	\$17,299.11	\$184.72	\$338.34
2	2014	\$17,002.91	\$169.19	\$332.54
1	2015	\$16,706.09	\$156.33	\$326.74
K	2016	\$16,413.49	\$145.57	\$321.02
Age 4	2017	\$16,139.17	\$136.54	\$315.65
Age 3	2018	\$15,894.60	\$128.95	\$310.87
Age 2	2019	\$15,677.89	\$122.53	\$306.63
Age 1	2020	\$15,499.18	\$117.15	\$303.13
Infant	2021	\$15,346.09	\$112.55	\$300.14
Newborn	2022	\$15,230.32	\$108.70	\$297.88

Florida Prepaid College Board  
Notice of 2003-2004 Maximum Account Balance Limit  
Florida Prepaid College Plan & Florida College Investment Plan

The Florida Prepaid College Board hereby gives notice that the maximum account balance limit for the Florida Prepaid College Plan and for the Florida College Investment Plan is \$287,000 for the period November 3, 2003 until November 2, 2004, or until subsequently revised by the Board. The redemption value of an advance payment contract under the Florida Prepaid College Plan, plus the account balance of an account in the Florida College Investment Plan, for the same beneficiary may not exceed the maximum account balance limit.

Florida Prepaid College Board  
Notice of 2003-2004 Administrative Fee  
for the  
Florida College Investment Plan

The Florida Prepaid College Board hereby gives notice that the administrative fee applicable to accounts in the Florida College Investment Plan is 3/4 of 1% (0.0075% or 75 basis points) of the account balance for the period November 3, 2003 until November 2, 2004, or until subsequently revised by the Board.

**PUBLIC SERVICE COMMISSION**

The Florida Public Service Commission will consider at its November 3, 2003, Agenda Conference, Docket No. 030944-EI, Application of Tampa Electric Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$400 million, during the twelve month period, ending December 31, 2004. The Company also seeks approval pursuant to Section 366.04, Florida Statutes, to issue, sell, exchange and/or assume short-term debt securities with the maximum amount of short-term debt outstanding at any one time being \$400 million, during the twelve month period, ending December 31, 2004. Additionally, the Company seeks authority to enter into interest rates swaps or other derivative instruments related to debt securities.

DATE AND TIME: Monday, November 3, 2003. The Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301.

PURPOSE: To take final action in Docket No. 030944-EI. Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD). For additional information, please contact Katherine Fleming, Office of the General Counsel, (850)413-6218.

**FLORIDA SPACE AUTHORITY**

**EMPLOYMENT OPPORTUNITY**

**MANAGER, TECHNICAL OPERATIONS**

The Florida Space Authority (FSA) is seeking expressions of interest and qualification for the position of Manager, Technical Operations. The expression should include qualifications of individual, resume, and references. This position is intended to provide support to the various aerospace customers wanting to do business in the State of Florida. The individual will provide technical and operational expertise to both launch and non-launch customers. The Manager, Technical Operations will report to the Director, Planning and Customer Support and perform the following duties: daily coordination with FSA customers, provide technical support, interact with appropriate federal agencies, manage FSA's off-site technical facilities, and integrate strategic programs. A four-year engineering, science, or technical degree and at least five years experience with civilian, military, or commercial space programs are mandatory. A background investigation will be conducted. The individual must be a U.S. citizen and be eligible for a DoD SECRET security clearance. It is highly desirable that the individual have two years experience at the Cape Canaveral Spaceport or other active spaceport or range and two years of management experience. The job will require some travel. The Florida Space Authority is an Equal Opportunity Employer.

Interested persons must submit three copies of their expression of interest, resume, and list of references in a sealed envelope to Mr. E. Keith Witt, Director of Business Operations, The Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003. Applications must be received no later than 1:00 p.m. EST, November 7, 2003. Questions should be addressed to Mr. E. Keith Witt, (321)730-5301, ext 1223.

The Florida Space Authority reserves the right to accept or reject any and all responses in the best interest of the state.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF LITIGATION**

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on October 6, 2003, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 28-5.111 and 28-5.207, F.A.C. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON#	INITIAL DECISION,	PROJECT,	CTY,
	APPLICANT,	PARTY REQUEST HEARING (PRH)	
9684	Denial, establish a hospice program, Duval County, Heartland Hospice Services of Florida, Inc., (PRH) same as applicant		
9685	Denial, establish a hospice program, Volusia County, Heartland Hospice Services of Florida, Inc., (PRH) same as applicant		
9692	Denial, establish a hospice program, Charlotte County, Hope of Southwest Florida, Inc., (PRH) same as applicant		
9693	Denial, establish a hospice program, Charlotte County, Heartland Hospice Services of Florida, Inc., (PRH) same as applicant		

- 9693 Supports Denial, establish a hospice program, Charlotte County, Heartland Hospice Services of Florida, Inc., (PRH) Hospice of Southwest Florida, Inc.
- 9693 Support Denial, establish a hospice program, Charlotte County, Heartland Hospice Services of Florida, Inc., (PRH) Hope of Southwest Florida, Inc.
- 9694 Approval, establish a hospice inpatient program, Charlotte County, Hospice of Southwest Florida, Inc., (PRH) Hope of Southwest Florida, Inc.
- 9695 Denial, establish a hospice program, Collier County, Hope of Southwest Florida, Inc., (PRH) same as applicant
- 9696 Denial, establish a hospice program, Collier County, Heartland Hospice Services of Florida, Inc., (PRH) same as applicant
- 9696 Support Denial, establish a hospice program, Collier County, Heartland Hospice Services of Florida, Inc., Hope of Southwest Florida, Inc.

The Agency for Healthcare Administration has received an application for services exemption from Parkway Regional Medical Center, Miami, Florida pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.207, Florida Administrative Code. The services category for which the exemption is requested is Otolaryngology, Pediatric General Surgery, Thoracic Surgery and Neurological Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination exemption status.

Additional information may be obtained by writing to the Agency for Health Care Administration, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mailing Julio Gonzalez, Hospital and Outpatient Services Unit at [gonzalej@fdhc.state.fl.us](mailto:gonzalej@fdhc.state.fl.us)

**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 October 2, 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 Deborah McCabe, R.N., license number RN 3104162. 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 October 7, 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 Arlene Verizzo, R.Ph., license number PS 14994. 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.

---

**DEPARTMENT OF FINANCIAL SERVICES**

**NOTICE OF FILINGS**

**Office of Financial Regulation**

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 Chapter 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., November 7, 2003:

**APPLICATION FOR CONVERSION OF AN  
INTERNATIONAL BANK AGENCY OFFICE TO AN  
INTERNATIONAL BANK BRANCH**

Applicant and Location: Banco de Chile, 200 S. Biscayne Boulevard, 27th Floor, Miami, Florida 33131

Correspondent: Bowman Brown, Esquire, 1500 Miami Center, 201 South Biscayne Boulevard, Miami, Florida 33131

Received: October 3, 2003

---



**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN September 29, 2003  
 and October 3, 2003**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF INSURANCE**

**Division of Workers' Compensation**

4L-24.0221	9/30/03	10/20/03	29/34	
------------	---------	----------	-------	--

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

5J-9.002	10/1/03	10/21/03	28/41	29/35
5J-9.006	10/1/03	10/21/03	28/41	29/35
5J-10.002	10/1/03	10/21/03	28/41	29/35

**Division of Agricultural Water Policy**

5M-3.001	10/3/03	10/23/03	29/27	29/34
5M-3.002	10/3/03	10/23/03	29/27	29/34
5M-3.003	10/3/03	10/23/03	29/27	29/34
5M-3.004	10/3/03	10/23/03	29/27	
5M-3.005	10/3/03	10/23/03	29/27	
5M-3.006	10/3/03	10/23/03	29/27	29/34
5M-3.007	10/3/03	10/23/03	29/27	
5M-3.008	10/3/03	10/23/03	29/27	
5M-3.009	10/3/03	10/23/03	29/27	

**DEPARTMENT OF EDUCATION**

**University of West Florida**

6C6-2.028	9/30/03	10/20/03	Newspaper	
-----------	---------	----------	-----------	--

**Florida International University**

6C8-11.007	10/2/03	10/22/03	Newspaper	
------------	---------	----------	-----------	--

**Commission for Independent Education**

6E-2.0042	9/30/03	10/20/03	29/29	
-----------	---------	----------	-------	--

**DEPARTMENT OF CITRUS**

20-39.003	10/1/03	10/21/03	29/33	
20-104.003	10/1/03	10/21/03	29/33	
20-114.001	10/1/03	10/21/03	29/33	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

20-114.002	10/1/03	10/21/03	29/33	
20-114.003	10/1/03	10/21/03	29/33	
20-114.004	10/1/03	10/21/03	29/33	
20-114.005	10/1/03	10/21/03	29/33	

**DEPARTMENT OF CORRECTIONS**

33-203.201	9/30/03	10/20/03	29/34	
33-404.103	9/29/03	10/19/03	29/34	
33-404.201	9/29/03	10/19/03	29/34	
33-404.202	9/29/03	10/19/03	29/34	

**DEPARTMENT OF ELDER AFFAIRS**

**Long-term Care Ombudsman Program**

58L-2.001	9/30/03	10/20/03	29/30	
58L-2.005	9/30/03	10/20/03	29/30	
58L-2.007	9/30/03	10/20/03	29/30	29/36
58L-2.009	9/30/03	10/20/03	29/30	

**DEPARTMENT OF HEALTH**

**Board of Medicine**

64B8-3.002	9/29/03	10/19/03	29/34	
64B8-3.003	9/29/03	10/19/03	29/34	
64B8-9.013	9/29/03	10/19/03	29/34	
64B8-30.003	9/29/03	10/19/03	29/21	

**Board of Osteopathic Medicine**

64B15-13.005	9/29/03	10/19/03	29/26	
--------------	---------	----------	-------	--

**Board of Pharmacy**

64B16-28.904	9/29/03	10/19/03	29/30	
--------------	---------	----------	-------	--

**Board of Respiratory Care**

64B32-6.005	10/2/03	10/22/03	29/34	
-------------	---------	----------	-------	--