

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLES:	RULE NOS.:
Placement of Races on Primary Ballots	1S-2.002
Revocation of Certification for Committees of Continuous Existence	1S-2.020
Revocation of Registration of Political Committees	1S-2.021
Electronic Transmission of Absentee Ballots	1S-2.030

PURPOSE AND EFFECT: To consider amendments to the Rules listed above.

SUBJECT AREA TO BE DISCUSSED: Placement of Races on Primary Ballots, Revocation of Certification of Committees of Continuous Existence, Revocation of Registration of Political Committees, Electronic Transmission of Absentee Ballots.

SPECIFIC AUTHORITY: 101.015, 101.697, 106.03(7), 106.04(7) FS.

LAW IMPLEMENTED: Art. VI, Section 5(b), Fla. Const., 101.697, 106.03, 106.04(7) FS.

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

TIME AND DATE: 9:00 a.m., Thursday, July 24, 2003
PLACE: Room 102, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 5 calendar days before the hearing by contacting Sarah Jane Bradshaw, (850)245-6200.

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

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

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLES:	RULE NOS.:
Applications Forms, Procedures and Requirements	3C-560.102
Requirements	3C-560.201

PURPOSE AND EFFECT: These rules provide for a fingerprint card processing fee of \$39 which includes processing through the Florida Department of Law Enforcement and the Federal Bureau of Investigations. The purpose of the proposed amendments to Rules 3C-560.102 and

3C-560.201, F.A.C., is to change the fee for processing fingerprint cards through the Florida Department of Law Enforcement in accordance with the statutory provisions of Chapter 943.053(3)(b), Florida Statutes, which increases the processing fee from \$15 to \$23 per name submitted. As a result the amended rule will provide for a fingerprint card processing fee of \$47.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments specify the fee for processing fingerprint cards through the Florida Department of Law Enforcement.

SPECIFIC AUTHORITY: 215.405, 560.105(3), 560.118(2), 560.205(1), 560.205(2), 560.403(1) FS.

LAW IMPLEMENTED: 215.405, 560.102, 560.118, 560.127, 560.129, 560.204, 560.205, 560.303(1), 560.305, 560.306, 560.307, 560.403 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.

Requests for the rule development workshop should be addressed to: Pamela P. Epting, Bureau Chief, 200 East Gaines Street, Fletcher 526, Tallahassee, Florida 32399-0379, (850)410-9805.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pamela P. Epting, Bureau Chief, 200 East Gaines Street, Fletcher 526, Tallahassee, Florida 32399-0379, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-560.102 Applications Forms, Procedures and Requirements.

(1) through (4) No change.

(5) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, executive officer, principal, member and all controlling shareholders, unless exempt under Sections 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL921050Z) accompanied by a nonrefundable \$47 ~~39~~ processing fee. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. If that card cannot be processed, it will be necessary to submit a third card along with a nonrefundable fee of \$24 to cover the cost of processing the card. The Department reserves the right to require as many submissions of fingerprint cards and fees as may be necessary until such time as the card can be properly processed by the appropriate law enforcement agency. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(6) through (9) No change.

Specific Authority 215.405, 560.105(3), 560.118(2), 560.205(1), 560.205(2), 560.403(1) FS. Law Implemented 215.405, 560.102, 560.118, 560.129, 560.204, 560.205, 560.303(1), 560.305, 560.306, 560.307, 560.403 FS. History—New 9-24-97, Amended 11-4-01, _____.

3C-560.201 Requirements.

Notices of change of control will be processed pursuant to Section 560.127, F.S.

(1) No change.

(2) The responsible person who will be in charge of the applicant’s business activities in this state, each existing or proposed director, executive officer, principal, member and all controlling shareholders, unless exempt under Sections 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL921050Z) accompanied by a \$47 ~~39~~ nonrefundable processing fee. No fingerprint card will be required from any person described above who has been reported to the Department by the registrant and for whom the Department has received the required Biographical Form (Form DBF-MT-7-01) prior to October 1, 2001. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. If that card cannot be processed, it will be necessary to submit a third card along with a nonrefundable fee of \$24 to cover the cost of processing the card. The Department reserves the right to require as many submissions of such fingerprint cards and fees as may be necessary until such time as the card can be properly processed by the appropriate law enforcement agency. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(3) through (4) No change.

Specific Authority 215.405, 560.105(3) FS. Law Implemented 215.405, 560.127, 560.204, 560.205, 560.303(1), 560.305, 560.306, 560.307 FS. History—New 9-24-97, Amended 11-4-01, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES:	RULE NOS.:
Application Procedure for Mortgage Broker License	3D-40.031
Application Procedure for Mortgage Brokerage Business License	3D-40.051
Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender	3D-40.100
Application Procedure for Mortgage Lender License	3D-40.200
Application Procedure for Correspondent Mortgage Lender License	3D-40.220

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 3D-40.031, 3D-40.051, 3D-40.100, 3D-40.200, and 3D-40.220, F.A.C., is to change the fee for processing fingerprint cards through the Florida Department of

Law Enforcement in accordance with the statutory provisions of Chapter 943.053(3)(b), Florida Statutes, which increases the processing fee from \$15 to \$23 per name submitted.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments specify the fee for processing fingerprint cards through the Florida Department of Law Enforcement.

SPECIFIC AUTHORITY: 215.405, 494.0011(2), 494.0061(3), 494.0062(3) FS.

LAW IMPLEMENTED: 120.60(1), 494.0031, 494.0033, 494.035, 494.0061, 494.0062, 494.0065 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.

Requests for the rule development workshop should be addressed to: Pamela P. Epting, Bureau Chief, 200 East Gaines Street, Fletcher 526, Tallahassee, Florida 32399-0379, (850)410-9805.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pamela P. Epting, Bureau Chief, 200 East Gaines Street, Fletcher 526, Tallahassee, Florida 32399-0379, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-40.031 Application Procedure for Mortgage Broker License.

(1) Each person desiring to obtain licensure as a mortgage broker shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Mortgage Broker, Form DBF-MB-101, revised ____ ~~40/99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 Gaines Street, Tallahassee, Florida 32399-0350. The application must be completed and signed within thirty (30) days prior to receipt by the Department;

(b) The statutory, non-refundable application fee required by Section 494.0033, F.S., which shall be the fee for the biennial period beginning September 1 of each odd-numbered year or any part thereof;

(c) A completed fingerprint card accompanied by a \$23 ~~15~~ non-refundable processing fee; and

(d) Evidence that the applicant has completed the mortgage broker education requirements of Section 494.0033(3), F.S.

(2) through (7) No change.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 120.60(1), 494.0033 FS. History—New 10-30-86, Amended 1-30-89, 5-23-89, 11-28-89, 10-1-91, 6-8-92, 6-3-93, 6-6-93, 4-25-94, 5-14-95, 9-3-95, 11-24-97, 8-22-99, 12-12-99, _____.

3D-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage brokerage business, shall submit a completed fingerprint card and Biographical Summary, Form MBB-BIO-1 (revised 10/99), to the Department along with a ~~\$23~~ \$23 nonrefundable processing fee. Form MBB-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, “chief executive officer” means the person primarily responsible for the operation of the business, and a “financial institution” means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker’s license with the Department, they are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership interest since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 494.0031, 494.035 FS. History—New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, _____.

3D-40.100 Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage lender licensed pursuant to the savings clause, shall submit a completed fingerprint card and Biographical Summary, Form ML-BIO-1 (revised 10/99), to the Department along with a ~~\$23~~ \$23 nonrefundable processing fee. Form ML-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, “chief executive officer” means the person primarily responsible for the overall activities of the business, and a “financial institution” means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker’s license with the Department, he or she are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (7) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.0061(1), 494.0065 FS. History—New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, 12-9-01, 12-8-02, _____.

3D-40.200 Application Procedure for Mortgage Lender License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage lender, shall submit a completed fingerprint card and Biographical Summary, Form ML-BIO-1 (revised 10/99), to the Department along with a ~~\$23~~ \$23 nonrefundable processing fee. Form ML-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, “chief executive officer” means the person primarily responsible for the overall activities of the business, and a “financial institution” means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker’s license with the Department, they are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) when it applies for a different type of license,

unless there has been a change of control of 50% or more of the ownership since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0061(3) FS. Law Implemented 494.0061 FS. History--New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02,_____.

3D-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a correspondent mortgage lender, shall submit a completed fingerprint card and Biographical Summary, Form CL-BIO-1 (revised 10/99), to the Department along with a \$23 ~~45~~ nonrefundable processing fee. Form CL-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker's license with the Department, they are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0062(3) FS. Law Implemented 494.0062 FS. History--New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02,_____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE:	RULE NO.:
Application for Registration as	
Associated Person	3E-600.002

PURPOSE AND EFFECT: This rule provides for a fingerprint card processing fee of \$39 which includes processing through the Florida Department of Law Enforcement and the Federal Bureau of Investigations. The purpose of the proposed amendment to Rule 3E-600.002, F.A.C., is to change the fee for processing fingerprint cards through the Florida Department of Law Enforcement in accordance with the statutory provisions of Chapter 943.053(3)(b), Florida Statutes which increases the processing fee from \$15 to \$23 per name submitted. As a result the amended rule will provide for a fingerprint card processing fee of \$47.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments specify the fee for processing fingerprint cards through the Florida Department of Law Enforcement.

SPECIFIC AUTHORITY: 517.03, 517.12 FS.

LAW IMPLEMENTED: 120.53, 120.60 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.

Requests for the rule development workshop should be addressed to: Pamela P. Epting, Bureau Chief, 200 East Gaines Street, Fletcher 526, Tallahassee, Florida 32399-0379, (850)410-9805.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pamela P. Epting, Bureau Chief, 200 East Gaines Street, Fletcher 526, Tallahassee, Florida 32399-0379, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or agent shall be filed on Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised 03/02), which hereby is incorporated by reference, and shall include all information required by such form, any other information the Department may require, and payment of the statutory fees required by Section 517.12(10), F.S. Except as otherwise provided in Rules 3E-600.0091, 3E-600.0092, 3E-600.0093, F.A.C., the Department shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Banking and Finance. For dealers that are members of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Department through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 3E-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Department through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 3E-600.0092, F.A.C. For investment adviser applicants and registrants who

file via the IARD, such application may be filed with the Department through the CRD of the NASD in accordance with Rule 3E-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised 03/02). As used on the Form U-4 (Revised 03/02), the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. For dealers that are members of the NASD, such application shall be filed with the Department through the CRD of the NASD.

2. Statutory fee in the amount of \$40, for each registration sought, as required by Section 517.12(10), F.S.

3. When specifically requested by the Department, full documentation and details pertaining to affirmative responses. The Department may require such documentation to be certified by its issuer based upon the Department's review of the nature and substance of this disciplinary history and experience of the applicant. For purposes of this rule, "certified" means that there must be a certification or attestation by the issuer of the record that the document was a true copy of a record contained in his office and his seal, if any.

4. Evidence of examination/qualifications set forth in subsection 3E-600.005(2), F.A.C.

5. Florida Fingerprint Card (FL92150Z) when required under Section 517.12(7), F.S., and Rule 3E-600.006, F.A.C., accompanied by a \$47 ~~39~~ processing fee. If the fingerprint card cannot be processed by the Federal Bureau of Investigation because of illegible fingerprints, a second card must be submitted. If that card also cannot be processed, it will be necessary to submit a third card along with a fee of \$24 to cover the cost of processing the card charged by the FBI.

(c) If the information contained in any Uniform Application Form U-4 (Revised 03/02) becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information in thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Uniform Application Form U-4 (Revised 03/02), the associated person through the dealer or investment adviser shall also provide the Department with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in Rule 3E-600.010, F.A.C. For associated persons who have filed by using the CRD of the NASD, such amendments shall be made through the CRD of the NASD.

(2) A dealer or investment adviser shall be responsible for the acts, practices, and conduct of their registered associated persons in connection with the purchase and sale of securities or in connection with the rendering of investment advice until such time as they have been properly terminated as provided in Rule 3E-600.008, F.A.C.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6),(7),(10), 517.1205 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02,_____.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Uniform Fire Safety Standards for 4A-41
Residential Child Care Facilities

RULE TITLES: RULE NOS.:

Scope 4A-41.101

Definitions 4A-41.102

Standards of the National Fire Protection 4A-41.103
Association Adopted

Occupancy Capacity of Each Facility 4A-41.104

Emergency Egress and Relocation Drills 4A-41.105

Inspections 4A-41.106

Cooking Equipment; Exception 4A-41.107

Special Requirements 4A-41.108

PURPOSE AND EFFECT: Provide firesafety standards for residential child care homes for facilities with five or fewer children, based upon changes to Chapter 409, Florida Statutes, and Rule Chapter 65C-14, Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Provides firesafety standards for residential child care homes for facilities with five or fewer children.

SPECIFIC AUTHORITY: 409.175(6)(f), 633.01(1) FS.

LAW IMPLEMENTED: 409.175(6)(f), 633.022 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., July 21, 2003

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4A-41.101 Scope.

(1) These rules apply to any residential child care facility required to be licensed by the Florida Department of Children and Family Services, pursuant to Section 409.175, Florida Statutes, in which full-time residence is provided to five or fewer children who are unrelated to the proprietor and who are under age 18. Programs which use such a facility include, for example, group homes which are administered by an agency, wilderness camps, maternity homes, emergency shelters, and runaway shelters.

(2) These rules address life safety during fires and similar emergencies. They address particular matters of construction, protection, and occupancy of buildings to minimize danger to life from fire, smoke, fumes or panic before buildings are vacated.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

4A-41.102 Definitions.

As used in this part of these rules:

(1) “Facility” means a residential child caring agency, a child placing agency, or a “Family Foster Home” as defined in Section 409.175(2), Florida Statutes.

(2) “Agency” means a residential child caring agency or a child-placing agency.

(3) “AHJ” means the local authority having firesafety and fire prevention jurisdiction which employs or contracts with at least one firesafety inspector certified under Chapter 633, Florida Statutes.

(4) “Division” means the Division of State Fire Marshal of the Department of Insurance.

(5) “NFPA” means the National Fire Protection Association.

(6) “Child” means any unmarried person under the age of 18 years.

(7) “Owner” means the person who is licensed to operate the child-placing agency, family foster home, or residential child-caring agency.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022 FS. History—New _____.

4A-41.103 Standards of the National Fire Protection Association Adopted.

(1) The following portions of NFPA 101, known as the Life Safety Code, 2003 edition, are hereby adopted and incorporated herein by reference:

(a) Section 24.2.1;

(b) Section 24.2.2, except that an approved means of escape shall be equivalent to an outside window or door which shall be openable from the inside, without the use of tools or a key and shall provide a clear opening of not less than 22 inches

in the least dimension and a minimum of 5 square feet in area. The bottom of the opening shall be not more than 48" above the finished floor;

(c) 24.2.3, 24.2.4, 24.3.4, 24.3.4.1, and 24.3.4.3.

(2) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

4A-41.104 Occupancy Capacity of Each Facility.

The total number of children shall be as determined in accordance with Section 409.175(3)(a), Florida Statutes.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

4A-41.105 Emergency Egress and Relocation drills.

(1) An emergency egress & relocation drill shall be conducted by each owner at each facility at least three (3) times per year. Each emergency egress & relocation drill shall be conducted at least 90 days after the previous emergency egress & relocation drill. The AHJ is permitted to require an additional emergency egress & relocation drill in conjunction with an annual firesafety inspection.

(2) The purpose of each emergency egress & relocation drill is to familiarize each occupant with the procedures required for the safe, orderly, and expeditious exiting of the building or structure. All occupants shall exit the building or structure to a predetermined area of safety. The climate and weather conditions shall be taken into consideration when scheduling any emergency egress & relocation drill.

(3) Each emergency egress & relocation drill shall be conducted at an unexpected time and under varying conditions that may occur in the case of fires.

(4) During each emergency egress & relocation drill, all occupants shall evacuate the building independently or with staff assistance or any other available assistance, as needed.

(5) Each emergency egress & relocation drill shall be applicable to all occupants of the facility with emphasis on the safe, orderly, and expeditious exiting under proper discipline.

(6) Any occupant subject to an emergency egress & relocation drill shall proceed to a predetermined location outside the building and remain there until all occupants are accounted for. Occupants are permitted to return to the building only when allowed by the person conducting the emergency egress & relocation drill.

(7) The owner shall keep a record of each emergency egress & relocation drill on Form DI4-1557, (rev. 02/2003), Record of Emergency egress & relocation drill, which is hereby adopted and incorporated into these rules by reference. Copies of the form may be obtained by writing to the Department of Insurance, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342. The record shall list as a minimum:

- (a) The date the drill was conducted.
- (b) The time of day the drill was conducted.
- (c) The amount of time, in minutes and seconds, that were required for all occupants to safely exit the building.
- (d) Any unusual circumstance, in narrative or outline form, affecting the safe, orderly and expeditious exit from the building.

(8) If the owner does not keep the record required by subsection (6), or keeps it in a manner that is incomplete, incorrect, or otherwise does not contain the required information, another emergency egress & relocation drill must be performed as soon as possible and the results correctly recorded. In addition, the firesafety inspector shall advise the licensing agency that the facility is not maintaining compliance with the firesafety requirements.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

4A-41.106 Inspections.

(1) The appropriate firesafety inspector shall conduct a firesafety inspection, which must be determined to be satisfactory for each facility prior to its initial licensure and prior to the annual renewal of its license.

(2) The owner shall request from the AHJ a firesafety inspection at least 30 days in advance of license expiration.

(3) The AHJ or the Division is permitted to require additional firesafety inspections.

(4) The owner shall be responsible for requesting all required firesafety inspections in writing or electronic format, except for any additional firesafety inspections which may be required as provided in subsection (3). All verbal inspection requests shall be followed by a written or electronic verification.

(5) Each required firesafety inspection shall be completed by the AHJ, where available.

(6) Any time there is no AHJ to perform a firesafety inspection, the owner shall notify the Division in writing or in an electronic format. The Division shall inspect or cause the facility to be inspected in accordance with Section 633.022, Florida Statutes.

(7) A local firesafety inspector, or if no local firesafety inspector is available, a special state firesafety inspector, certified in accordance with Chapter 633, Florida Statutes, shall complete each required firesafety inspection.

(8) The inspecting authority shall provide a copy of each inspection report to the licensing agency within thirty days after completing the inspection.

(9) For the purpose of meeting the fire safety inspection requirements of this subsection, a family foster home shall comply with the following:

(a) Install smoke detectors in accordance with section 24.3.4.1 of NFPA 101, 2003 edition;

(b) Fireplaces, heaters, radiators and other hot surfaces shall be shielded against accidental contact;

(c) Sleeping rooms shall have a primary and secondary means of escape in accordance with Rule 4A-41.103(1)(b), Florida Administrative Code;

(d) All heating appliances and other heating devices shall be properly vented;

(e) Emergency evacuation instructions must be posted in a conspicuous location;

(f) Conduct emergency egress & relocation drills in accordance with Rule 4A-41.105, Florida Administrative Code;

(g) Be free of improperly stored combustible materials;

(h) All exits and stairs shall be free of storage or obstructions affecting its use;

(i) Be free of temporary electrical wiring;

(j) Have at least one working flashlight for each sleeping room;

(k) Comply with Rules 4A-41.107 and 4A-41.108, Florida Administrative Code, of this rule chapter;

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

4A-41.107 Cooking Equipment; Exception.

Notwithstanding any previous construction or interpretation of any law, rule, or code provision, any time a single domestic range or stove is used in an arrangement similar to that of a single family residence, the facility shall not be required to comply with NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

4A-41.108 Special Requirements.

(1) Each facility shall have installed at least one portable fire extinguisher with a minimum rating of 2A-10BC.

(2) No unvented fuel-fired heaters shall be permitted unless the heater is listed and approved for such use.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Communications Services Tax	12A-19
RULE TITLE:	RULE NO.:
Transactions Involving Internet Access Service, Electronic Mail Services, Similar On-line Computer Services, and Information Services	12A-19.002

PURPOSE AND EFFECT: The purposes of the proposed creation of Rule 12A-19.002, F.A.C. (Transactions Involving Internet Access Service, Electronic Mail Services, Similar On-line Computer Services, and Information Services), are to: (1) provide that exempt transactions from the state communications services tax and the local communications services tax include only those communications services set forth in Chapter 202, F.S.; (2) define the terms “communications services,” “information services,” “Internet access service,” “Internet,” “Internet Service Provider or Internet Access Provider” “Digital Subscriber Line (DSL),” “cable modem,” “Intranet,” and “Wireless Application Protocol” for purposes of the rule; (3) provide that only charges to end customers for services excluded from the definition of “communications services,” as defined in the rule, are not subject to tax; (4) provide that dealers who separately state the charge to end consumers for the communications services from those charges excluded from the definition of communications services may purchase the communications services tax-exempt for purposes of resale; (5) provide guidance on the taxability of charges to the end-consumer for transmission, conveyance, or routing services that are not separately stated from the charge for tax-exempt communications services; (6) provide guidance on the taxability of the underlying communications services used to transmit signals and data as part of the Internet infrastructure; (7) provide guidance on when tax is due on the “cost price,” as defined by the rule, for dealers that provide communications services for their own use or to their affiliates and for all other dealers; and (8) provide examples of the taxability of dial-up Internet Access, DSL technology, cable modem technology, IP Port technology, and Wireless Application Protocol.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the application of the state communications services tax and the local communications services tax to transactions involving Internet access services, electronic mail services, similar on-line services, and information services.

SPECIFIC AUTHORITY: 202.26(3)(c), 213.06(1) FS.

LAW IMPLEMENTED: 202.105(1), 202.11(3),(7),(14), 202.12(1),(2), 202.13(2), 202.19(1),(2),(4),(5), 202.34, 202.35(4) FS.

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

TIME AND DATE: 9:00 a.m., July 31, 2003

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Nancy Purvis, (850)488-0712. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4727

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.002 Transactions Involving Internet Access Service, Electronic Mail Services, Similar On-line Computer Services, and Information Services.

(1) IMPOSITION OF TAX. The State Communications Services Tax and the Local Communications Services Tax are levied on the sales price of communications services for each taxable transaction; exempt transactions include only those communications services set forth in Chapter 202, F.S., as exempt from such taxes to the extent that such exemptions are in accordance with the constitutions of the State of Florida and of the United States.

(2) “COMMUNICATIONS SERVICES” means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The term does not include: information services, Internet access services, electronic mail services, electronic bulletin board services, or similar on-line computer services.

(3) APPLICATION OF TAX.

(a) A separately stated charge for Internet access service, electronic mail service, electronic bulletin board service, similar on-line computer services, or information services is not subject to tax.

(b) A separately stated charge for a transmission, conveyance, or routing service that is used and consumed in providing Internet access service, electronic mail service, electronic bulletin board service, similar on-line computer services, or information services is taxable. Dealers that separately state the charge to the end customer for the

communications services from the charge for Internet access service, electronic mail service, electronic bulletin board service, similar on-line computer services, or information services may purchase the communications services that are resold to the end customer without payment of tax by issuing the dealer's Communications Services Tax Annual Resale Certificate.

(c) If the charge for transmission, conveyance, or routing service is not separately stated to the end customer from the price for Internet access service, electronic mail service, electronic bulletin board service, similar on-line computer services, or information services, the cost price of the transmission, conveyance, or routing service that is used and consumed in providing Internet access service, electronic mail service, electronic bulletin board service, similar on-line computer services, or information services is taxable to the service provider.

(d) The underlying communications services used to transmit signals and data to the Internet or as part of the Internet infrastructure are taxable. Only charges to end customers are charges for Internet access service, electronic mail service, electronic bulletin board service, similar on-line computer services, or information services, and only when such service comes within the definitions provided by this rule. Charges to Internet Service Providers and Internet Access Providers for the transmission, conveyance, or routing services necessary to provide Internet access services, electronic mail service, electronic bulletin board service, similar on-line computer services, or information services to their end customers are not charges for Internet access. Internet access services, electronic mail services, electronic bulletin board services, similar on-line computer services, or information services are not communications services, and Communications Services Tax Annual Resale Certificates can not be used to purchase the underlying communications services in lieu of the payment of tax unless the end customer will pay a separate charge for those communications services.

(4) DEFINITIONS. For purposes of this rule, the following definitions apply:

(a) "Cost Price" means:

1. For dealers that provide communications services for their own use or to their affiliates, "cost price" is determined by reference to the regularly kept books and records that document the provision of transmission, conveyance, or routing services used and consumed by the dealer or its affiliates in providing Internet access services, electronic mail services, electronic bulletin board services, similar on-line computer services, or information services. If the amount charged to unrelated third parties for such services is customarily greater than the amount determined by reference to the books and records, then the cost price is the amount customarily charged to third parties.

2. For all other dealers, the "cost price" is the sales price paid for the purchase of the transmission, conveyance, or routing services used and consumed in providing Internet access services, electronic mail services, electronic bulletin board services, similar on-line computer services, or information services.

(b) "Information services" means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, using, or making available information via communications services, including, but not limited to, electronic publishing, web-hosting service, and end-user 900 number service. The term does not include:

1. The provision of any communications services, including any transmission, conveyance, or routing service.

2. The provision of any video, audio, or other programming service that uses point-to-multipoint distribution by which programming is delivered, transmitted, or broadcast by any means, including any interaction that may be necessary for selecting and using the service, regardless of whether the programming is delivered, transmitted, or broadcast over facilities owned or operated by the seller or another, or whether denominated as cable service or as basic, extended, premium, pay-per-view, digital, music, or two-way cable service.

(c) "Internet access service" refers to the service of connecting users to the Internet. It is a service that enables end customers to access content, information, electronic mail, or other services that are offered over the Internet. The service is generally supplied by an Internet Service Provider or Internet Access Provider. For purposes of Chapter 202, F.S., the determination whether a charge is for Internet access will be based upon the definition of Internet access provided in this rule. The term does not include the provision of any communications services, and Internet access service does not include the underlying transmission paths necessary to reach the Internet. Only charges to end customers can be considered as charges for Internet access service. Charges to providers of Internet access services for the transmission services necessary to provide Internet access to their end customers are not included in the definition of Internet access service.

(d) "Internet" refers to the network of networks that: uses Transmission Control Protocol (TCP)/Internet Protocol (IP) to transmit information; employs IP addresses to identify each location; has no central access or repository of information or location of control; and has the three basic components consisting of end users, Internet Service Providers or Internet Access Providers, and backbone providers. Backbone providers exchange the transmissions that are being carried with each other at Network Access Points (NAPs). An individual transmission may be routed through several service providers to reach its destination. The host computers are interconnected, allowing access by points on the network.

Transmissions are regulated by routers at each connection point, and data is rerouted around points of congestion or failure.

(e) "Internet Service Provider" (ISP) or "Internet Access Provider" (IAP) means a provider that supplies access to the Internet to end customers. The ISP/IAP provides the Internet Protocol (IP) address assigned to each user. The IP address is much like a street address, in that it provides an identifiable location associated with each user. End customers reach an ISP by using either their phone line or a dedicated connection. Providers offer access to the Internet and may include other services (such as electronic mail and instant messaging) and their own proprietary content. Some ISPs may also be backbone providers that connect their end customers to the Internet over their own backbone.

(f) "Digital Subscriber Line" (DSL) refers to the transportation of high-speed digital data across an analog local loop providing a dedicated point-to-point connection to a network. DSL describes a transmission, conveyance, or routing service that can be used in connection with the provision of Internet access service, among other things. The technology permits the transmission, conveyance, and routing of the signals from the end customer's network termination (commonly referred to as a DSL modem or DSL transceiver) to the line termination at the network end of the transmission path. DSL technology may include the use of a DSL access multiplexer to transmit more than one signal over a transmission path prior to connection to the Internet.

(g) "Cable modem" describes a transmission, conveyance, or routing service that can be used in connection with the provision of Internet access service, among other things. The technology permits the transmission, conveyance, and routing of signals from the end customer's termination point to the signal origination point in a cable system and includes the use of a cable modem termination system to route the signals to the ISP/IAP for connection to the Internet.

(h) "Intranet" means a private network. It typically uses Internet software and Internet standards, including a web browser to act as a user interface. An Intranet is generally a private Internet for use only by the people who have been authorized to access the network. Charges for the transmission, conveyance, or routing of signals through an Intranet are charges for communications services and are not considered to be charges for Internet Access service, regardless of the technology or protocol used to provide the Intranet.

(i) "Wireless Application Protocol" (WAP) describes a transmission, conveyance, or routing service that can be used in connection with the provision of Internet Access service, among other things. The technology permits the transmission, conveyance, and routing of the signals from the end customer's device to the ISP/IAP.

(j) "Internet Protocol (IP) port charges" are charges for the physical interface between a customer's dedicated connection and a provider's Internet backbone. This is a charge for Internet access, as defined in this rule, when charges are separately made for the transmission, conveyance, or routing service used to transmit the signals to and from the customer's physical location to the IP port.

(5) Tax that is due from a provider on the cost price of communications services is not to be separately stated to the end customer. Tax that is due on the sale of communications services to the end customer must be separately stated to the end customer.

(6) EXAMPLES.

(a) Dial-Up Internet Access. Customer A desires to obtain Internet Access from her residence. She purchases a dial-up modem for her computer and contracts with her local telephone company for a second telephone line to run to her computer. She contracts with Provider I for Internet access service, as defined in this rule. The communications services purchased from the telephone company provide the transmission, conveyance, and routing necessary to reach Provider I's connection to the Internet. The charges made by the telephone company to Customer A are subject to tax. The charges made by Provider I to Customer A for Internet access service, as defined by this rule, are not subject to tax. The result would be the same in any case where one provider supplies the Internet access service and another provider supplies the communications services used to reach the other provider's connection to the Internet.

(b) DSL Technology.

1. Customer B desires to obtain high-speed DSL Internet access service from his home. Provider X makes a single charge to Customer B for "DSL Internet Access," with no separately stated charge for the transmission, conveyance, and routing services used to connect the customer's home to Provider X's connection to the Internet. Tax is due from Provider X on the cost price of the transmission, conveyance, or routing of the signals. No tax should be separately stated on the bill to Customer B for "DSL Internet Access."

2. Customer B desires to obtain high-speed DSL Internet access service from his home. Provider X makes two charges to Customer B for this service. One charge is for Internet access service, as defined by this rule. The other charge is a separately stated charge for the transmission, conveyance, and routing services used to connect the customer's home to Provider X's connection to the Internet. Tax is due and should be separately stated on Customer B's bill for the charge for the transmission, conveyance, or routing of the signals. Tax is not due on the charge for Internet access service, as defined in this rule.

(c) Cable Modem Technology.

1. Customer C desires to obtain high-speed cable modem Internet access service from her office. Provider X makes a single charge to Customer C for “Cable Modem Internet Access.” with no separately stated charge for the transmission, conveyance, and routing services used to connect the customer’s office to Provider X’s connection to the Internet. Tax is due from Provider X on the cost price of the transmission, conveyance, or routing of the signals. Tax should not be separately stated on Customer’s C’s bill for “Cable Modem Internet Access.”

2. Customer C desires to obtain high-speed cable modem Internet access service from her office. Provider X makes a charge to Customer C for Internet access service, as defined by this rule. Provider X also makes a separately stated charge for the transmission, conveyance, and routing services used to connect the customer’s office to Provider X’s connection to the Internet. Tax is due on the charge for the transmission, conveyance, or routing of the signals. Tax is not due on the charge for Internet access service, as defined in this rule.

(d) IP Port Technology.

1. Business M desires to obtain high-speed data transmission Internet access services. Provider X makes two charges to Business M. One charge is for the IP Port and another charge is for the transmission, conveyance, and routing services between Business M’s location and Provider X’s connection to the Internet. Tax is due on the charge for the transmission, conveyance, or routing of the signals. Tax is not due on the IP Port charge that is for Internet access service, as defined in this rule.

2. Business M desires to obtain high-speed data transmission Internet access services. Provider X makes a single charge to Business M for the IP Port and the transmission, conveyance, and routing services used to connect Business M’s location to Provider X’s connection to the Internet. Tax is due from Provider X on the cost price of the transmission, conveyance, or routing of the signals. No tax should be separately stated on the bill to Business M.

(e) Wireless Application Protocol (“WAP”) Technology.

1. Customer D desires to obtain wireless Internet access service from her cell phone. Provider X makes a single charge to Customer D for “WAP Internet Access,” with no separately stated charge for the transmission, conveyance, and routing used to connect the customer’s cell phone to Provider X’s connection to the Internet. Tax is due from Provider X on the cost price of the transmission, conveyance, or routing of the signals. No tax should be stated on Customer D’s bill for the charge for “WAP Internet Access.”

2. Customer D desires to obtain wireless Internet access service from her cell phone. Provider X makes two charges to Customer D. One charge is for Internet access service, as defined by this rule. The other charge is for the transmission, conveyance, and routing services used to connect the customer’s cell phone to Provider X’s connection to the

Internet. Tax is due on the charge for the transmission, conveyance, or routing of the signals. Tax is not due on the charge that is for Internet access service, as defined in this rule. Cross Reference: Rule 12A-19.060, F.A.C.

Specific Authority 202.26(3)(c), 213.06(1) FS. Law Implemented 202.105(1), 202.11(3),(7),(14), 202.12(1),(2), 202.13(2), 202.19(1),(2),(4),(5), 202.34, 202.35(4) FS. History—New _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Communications Services Tax	12A-19
RULE TITLES:	RULE NOS.:
Tax Due at Time of Sale; Tax	
Returns and Regulations	12A-19.020
Substitute Communications Systems	12A-19.036
Homes for the Aged and Religious and	
Educational Organizations Exemptions	
from the Communications Services Tax	12A-19.043
Public Use Forms	12A-19.100

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), is to: (1) provide that form DR-700016, Florida Communications Services Tax Return (R. 06/03), is to be used to report communications services tax on services billed from June 1, 2003, through June 30, 2003; (2) provide that form DR-700016, Florida Communications Services Tax Return (R. 07/03), is to be used to report communications services tax on services billed on or after July 1, 2003; and (3) incorporate 2003 legislative changes to the communications services tax return.

The purpose of the creation of Rule 12A-19.036, F.A.C. (Substitute Communications Systems), is to: (1) provide guidance concerning the application of communications services taxes to substitute communications systems; (2) provide that state and local communications services taxes are imposed on the actual costs of operating a substitute communications system; (3) provide that operators are required to register with the Department to report and remit taxes annually; (4) provide that substitute communications systems operated by governmental entities are not subject to tax on their operating costs; (5) provide definitions for purposes of the rule for the terms “substitute communications systems,” “switched service,” “dedicated facility,” and “actual cost”; (6) provide the characteristics of a substitute communications systems; (7) provide examples of communications systems and guidance on whether such systems are “substitute communications systems”; and (8) provide examples of the taxable costs of operating a substitute communications system.

The purpose of the proposed amendments to Rule 12A-19.043, F.A.C., is to: (1) change the title to “Homes for the Aged and Religious and Educational Organizations Exemptions from the Communications Services Tax”; (2) implement 2003

legislative changes providing for an exemption from the Florida communications services tax and the local communications services tax for qualified homes for the aged; (3) define the term “homes for the aged” for purposes of the exemption; (4) provide that a qualified home for the aged is required to issue an exemption certificate to the selling dealer to purchase communications services tax-exempt; and (5) provide a suggested exemption certificate for such purchases. The purpose of proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to adopt, by reference, changes to form DR-700016, Florida Communications Services Tax Return.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is: (1) the adoption of changes to the Florida Communications Services Tax Return; (2) the proposed guidelines to implement the exemption from the Florida communications services tax and the local communications services tax for qualified homes for the aged; and (3) the proposed guidelines for the application of the communications services taxes to substitute communications systems.

SPECIFIC AUTHORITY: 202.15, 202.151, 202.16(2), 202.26(3)(a),(c),(d), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(2), 202.11(1),(4), (11),(12),(16), 202.12(1), 202.125, 202.13(2), 202.15, 202.151, 202.16, 202.17(6), 202.19(1),(7), 202.22(6), 202.26(2), 202.27, 202.28(1),(2), 202.30(3), 202.33(2), 202.34(3),(4)(c), 202.35(1), 213.37 FS.

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

TIME AND DATE: 9:00 a.m., August 1, 2003

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Nancy Purvis, (850)488-0712. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, (850)922-4729; Jennifer Silvey, Senior Attorney, (850)922-4727, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.020 Tax Due at Time of Sale; Tax Returns and Regulations.

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

(c) Form DR-700016, Florida Communications Services Tax Return, contains current tax rates for each local taxing jurisdiction. These rates are also contained on the Department’s Internet site at the address shown inside the parentheses (www.myflorida.com/dor/taxes/local_tax_rates.html). The Department’s Internet site and form DR-700016 are revised when the tax rate in any local jurisdiction changes.

(d) The following versions of form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
07/03	July 2003 –	July 1, 2003 –
06/03	June 2003 2003 –	June 1, 2003 – June 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

(4) through (8) No change.

Specific Authority 202.15, 202.151, 202.26(3)(a) FS. Law Implemented 202.12(1), 202.15, 202.151, 202.16, 202.19(1), 202.22(6), 202.27, 202.28(1),(2), 202.30(3), 202.33(2), 202.35(1) FS. History–New 1-31-02, Amended 4-17-03,_____.

12A-19.036 Substitute Communications Systems.

(1) SCOPE OF RULE. This rule provides guidance concerning the application of communications services taxes to substitute communications systems, the determination whether a person is operating a substitute communications system, and the calculation of state and local communications services taxes on the actual costs of operating a substitute communications system.

(2) GENERAL. State and local communications services taxes are imposed on the actual costs of operating a substitute communications system. Operators of substitute communications systems are required to register with the Department and to report and remit taxes annually. See Rules 12A-19.010 and 12A-19.020, F.A.C., for guidance on registration and reporting requirements. Substitute communications systems operated by governmental entities are not subject to tax on the operating costs. If a substitute communications system provides a communications service

that would be exempt under Section 202.125, F.S., if purchased from a dealer of communications services, the costs of operating that system are not taxable.

(3) DEFINITIONS. For purposes of this rule, the following terms have the meanings set forth in this subsection.

(a) “Substitute communications system” means any system capable of providing communications services that are a substitute for any switched service or dedicated facility that a dealer would use to provide communications services. A substitute communications system must be capable itself of providing switched service. A substitute communications system may be operated on a “stand alone” basis or may be interconnected to communications services or systems provided by a dealer of communications services. A substitute communications system has all of the following characteristics:

1. The system consists of tangible personal property, facilities, and/or equipment capable of providing the user with its own communications services.

2. The system provides the capability to switch communications signals between or among points.

3. The system does not depend on any communications services provided by a dealer of communications services, although it may interconnect with a dealer’s system.

4. The system is operated exclusively for a taxpayer’s own use, it is not for hire or for resale, and no excess capacity of the system is sold or provided to any third party in any manner.

(b) “Switched service” means any service that uses a mechanical, electrical, optical, or other device that opens or closes circuits, completes or breaks an electrical or other path along which signals travel, or selects paths or circuits to allow for the transmission, conveyance, or routing of communications signals between and among points.

(c) The term “dedicated facility” means any equipment or equipment system that provides a specific user the exclusive use of transmission channels or circuits to carry communications signals.

(d) The term “actual cost” includes materials, labor, and other costs that are directly attributable to the operation and maintenance of a substitute communications system. Examples of costs that may be directly attributable to operation of a substitute communications system are depreciation of equipment and facilities, lease or rental expenses associated with equipment and facilities, repair and maintenance, storage costs, insurance costs, tools and equipment used to maintain the system, utilities used to operate the system, taxes, licensing and franchising costs, interest expense, and employee salaries and benefits.

1. For purposes of this rule, the term “actual cost” does not include the initial purchase price of equipment that is capitalized and comprises or is part of the system. It does, however, include lease or rental expenses for equipment and

facilities and depreciation costs associated with equipment and facilities. Depreciation costs are the amounts claimed for federal income tax purposes.

2. Subsequent purchases of equipment and materials used to maintain or repair the system are included in the term “actual cost” when such items are accounted for as expense items rather than capitalized.

3. If the substitute communications system is located in more than one state, the actual cost of such system for purposes of this rule shall be the actual costs directly attributable to the system’s equipment or components that are physically located in the State of Florida.

4. Certain costs may have to be allocated between the operation of a substitute communications system and other operations. For example, a repair technician may be responsible for maintaining equipment dedicated to a substitute communications system and for other equipment not related to the substitute communications system. Only the amount of the total cost of the technician allocated to the substitute system is taxable under Chapter 202, F.S.

(4) EXAMPLES OF COMMUNICATIONS SYSTEMS. The following examples illustrate the application of this rule.

(a) A taxpayer acquires and operates a telephone system with switching and routing capabilities allowing for intercom and other self-contained communications at the taxpayer’s facility. The taxpayer’s system connects to the local exchange carrier’s system, and the taxpayer pays the local exchange carrier and a long distance carrier for communications services between the taxpayer’s facility and other locations. The taxpayer is operating a substitute communications system, because the system performs routing and transmission operations at the taxpayer’s facility using switching capabilities that a telephone company would use to provide telephone services. The taxpayer owes communications services tax on the actual cost of operating the system. The purchases of external communications services from local and long distance carriers are not part of the costs of the operating the taxpayer’s substitute system.

(b) A taxpayer acquires and operates a computer local area network (LAN) system that uses a router to provide switching capabilities necessary to connect the multiple computers used by the taxpayer’s employees. The taxpayer is providing transmission, switching, and routing services for its own use. The taxpayer is operating a substitute communications system, and it owes communications services tax on the actual costs to operate and maintain the system.

(c) A taxpayer acquires and operates all of the equipment necessary for a wireless dispatch system that transmits and switches voice or data signals to provide a communications path between and among remote receivers and a central base station. Communications services dealers would use similar

equipment and switching capabilities to provide wireless communications services. The taxpayer owes communications services taxes on the actual costs of operating the system.

(d) A taxpayer acquires and uses equipment for a wireless dispatch system that does not have switching capabilities and does not provide communications channels between and among remote receivers. The taxpayer purchases the switching services or "airtime" from a communications services provider and pays communications services tax to the provider. The system is not a substitute communications system.

(e) A taxpayer purchases telephone transmission and receiving equipment located at various sites where the taxpayer does business and acquires and installs a tower for the purpose of providing communications services between and among those sites in lieu of using a local exchange provider and long distance provider. The taxpayer owes communications services taxes on the actual costs of operating the system.

(f) A taxpayer acquires and operates the equipment necessary to transmit, route, and switch data to permit monitoring the activities and operations of manufacturing equipment, pipelines, rail systems, or utilities. The taxpayer owes communications services taxes on the actual cost of operating the system.

(g) An individual has two home personal computers and purchases and installs the equipment that allows the two computers to be connected to each other. The connection allows the two computers to share a single printer, use a single Internet connection, share files and documents, and play games. The equipment consists of a "router" that receives the signal from one computer and sends it to the other computer over a cable that connects each computer to the router. This system is a substitute communications system, because it provides its own switching between two computers. The individual is not entitled to depreciation deductions and incurred no labor costs to install the connection. In addition, there are no other costs that can be identified as directly attributable to the operation of the system. The individual therefore has no substitute communications system liability. If there were any actual costs identifiable to operating the system, the individual would be liable for 2.37 percent gross receipts tax and local communications services tax. The individual would be exempt from the 6.8 percent state portion under the residential exemption in Section 202.125, F.S.

(h) A small business has five computers, each connected to a central router. The connection allows the computers to share printers, files and documents, and other business related activities. This system is a substitute communications system, because it provides its own switching between the five computers. The business owes communications services tax on the actual cost of operating the system.

(i) An individual purchases a "walkie-talkie" set for his two grandsons. The set permits direct voice contact between two handsets and all other handsets using the same channel or

frequency so long as they are within a certain distance of each other. The walkie-talkie is not a substitute communications system, because it does not have switching capabilities.

(j) An individual purchases a citizens band (CB) radio. CB radios broadcast and capture radio-frequency signals. CB radios permit direct voice contact between two radios and all other CB radios using the same channel or frequency, so long as they are within a certain distance of each other. The CB radio is not a substitute communications system, because it does not have switching capabilities.

(k) An individual acquires the amateur radio equipment necessary to operate as a "Ham" operator under a license from the Federal Communications Commission under Section 47, C.F.R. As with CB radios, Ham operators broadcast radio signals in all directions. Ham operator equipment is not a substitute communications system, because it does not have its own switching capabilities.

(l) Provider A sells or leases Company X a specialized mobile radio system. Company X is a plumbing company. The radio system includes a base station and several mobile radio units. The radio system uses Provider A's switching capabilities, and Provider A charges Company X a fee for the transmission of its signals, typically referred to as "airtime." The radio system acquired by Company X is not a substitute communications system, because it uses Provider A's switching services, and Provider A charges Company X a fee for the transmission or the airtime that is subject to communications services tax.

(m) Provider A sells or leases Company X a private two-way mobile radio system. Company X is a plumbing company. The radio system includes a base station, a central tower used for signal switching by Company X, and several mobile radio units. Provider A does not provide Company X with airtime or switching services. The equipment Company X acquired provides it with services that are dedicated and exclusively used by Company X for its internal use. The two-way radio system does not have any excess channel capacity and cannot be used by any third party. The two-way mobile radio system is a substitute communications system, and Company X must pay communications services tax on the actual cost of maintaining the system.

(5) EXAMPLES OF TAXABLE COSTS. The following examples illustrate the taxable costs of operating a substitute communications system.

(a)1. Provider A sells Utility X a private two-way mobile radio system on June 1, 2002. Utility X provides electricity to its customers and uses the system for dispatch and communication between and among service vehicles and base offices. The radio system includes a base station, a central tower used for signal switching by Utility X, and several mobile radio units. Provider A does not provide Utility X with airtime or switching services. The two-way radio system is dedicated and exclusively used by Utility X for its internal use.

Utility X is located in an unincorporated area of a county with a local communications services tax rate of 2.8 percent. The initial purchase price for the two-way mobile radio system, including equipment and installation totals \$1,000,000. During the 2002 calendar year, Utility X incurred the following expenses attributable to the two-way mobile radio system:

a. One service technician with an annual salary of \$60,000 (includes annual salary and benefits) who spent 50 percent of his time maintaining the system during the period July 1, 2002, to December 31, 2002.

b. Depreciation expense of \$200,000 for the system equipment claimed on Utility X's 2002 federal income tax return.

c. Two additional mobile units were purchased in October 2002 for \$2,000.

d. Several mobile units were repaired in November 2002. The cost to repair the units totaled \$1,000.

e. Interest expense claimed on Utility X's 2002 federal income tax return for the loan used for the purchase of and secured by the system was \$20,000.

f. Miscellaneous parts, tools, and equipment purchased by Utility X to maintain and repair the system during the year totaled \$3,500.

2. The initial purchase price of the two-way mobile radio system for \$1,000,000 and the two additional mobile units purchased in October 2002, for \$2,000, is not part of the "actual cost" of a substitute communications system and therefore not subject to communications services tax. In this example, the items subject to communication services tax include: (1) the portion of the service technician's salary and benefits attributable to maintaining the system totaling \$15,000 (50 percent of the salary and benefits for 6 months), (2) the depreciation expense for the system (\$200,000), (3) the repair to several mobile units (\$1,000), (4) the interest expense directly attributable to the system (\$20,000), and (5) the miscellaneous parts, tools and equipment (\$3,500). Utility X should remit \$21,962.15 Florida communications services tax (\$239,500 x .0917) and \$6,706.00 local communications services tax (\$239,500 x .028), for a combined payment totaling \$28,668.15 to the Florida Department of Revenue.

(b) Company B is a small theme park located in a municipality with a local communications service tax rate of 2.8 percent. Company B enters into a lease agreement on January 1 for equipment that constitutes a substitute communications system from Provider Y. Company B's lease payment to Provider Y for the system is \$20,000 per month or \$240,000 per year, which includes sales tax. The lease payments for the system are subject to communications services tax. Company B, in this example, should remit \$22,008.00 Florida communications services tax (\$240,000 x .0917) and \$6,720.00 local communications services tax (\$240,000 x .028), for a combined payment totaling \$28,728.00 to the Florida Department of Revenue.

Specific Authority 202.26(3)(c), 213.06(1) FS. Law Implemented 202.11(1)(16), 202.12(1)(b), 202.125, 202.15, 202.19(7) FS. History—New

12A-19.043 Homes for the Aged and Religious and Educational Organizations Exemptions ~~Exemption~~ from the Communications Services Tax.

(1)(a) The sale of communications services, as defined in Section 202.11(3), F.S., is subject to the Florida communications services tax and the local communications services tax, unless specifically exempt.

(b) This rule provides guidelines regarding sales by religious institutions and the documentation and recordkeeping requirements regarding the exemption for sales to homes for the aged and to religious or educational organizations from the communications services taxes.

(2) SALES TO HOMES FOR THE AGED.

(a) The sale of communications services to a home for the aged, as defined by Section 202.125(4), F.S., is exempt from the Florida communications services tax and the local communications services tax when the home for the aged is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, holds a valid Consumer's Certificate of Exemption (form DR-14) issued by the Department for sales and use tax purposes, and meets one of the following provisions:

1. The home for the aged is licensed as a nursing home or an assisted living facility under Chapter 400, F.S.; or

2. At least 75 percent of the occupants in the home for the aged are 62 years of age or older or totally and permanently disabled and the home for the aged qualifies for an ad valorem property tax exemption under Section 196.196, 196.197, or 196.1975, F.S.

(b) DOCUMENTATION REQUIREMENTS.

1. To be entitled to exemption as a home for the aged at the time of purchase, the purchaser must issue to the selling dealer a certificate signed by an authorized representative stating that the purchases are for a home for the aged, as defined by Section 202.125(4), F.S., that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code. Dealers are not required to obtain copies of Internal Revenue Service determination letters granting homes for the aged exemption under s. 501(c)(3) of the Internal Revenue Code.

2. The following is a suggested format to be provided by a home for the aged to the selling dealer.

EXEMPTION CERTIFICATE FOR PURCHASES OF COMMUNICATIONS SERVICES BY HOMES FOR THE AGED

DATE: _____
 TO: _____ (Selling Dealer's Business Name)
 _____ (Selling Dealer's Address)

I, the undersigned, am a representative of the exempt home for the aged identified below. The purchases of communications services made on or after _____ from the business identified above are for use by the home for the aged identified below.

The charges for the purchases of communications services from the dealer identified above will be billed to and paid directly by the exempt home for the aged identified below. These purchases are exempt from the Florida communications services tax and the local communications services tax because the entity is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, holds a valid Florida Consumer's Certificate of Exemption, and is a "home for the aged," as defined by Section 202.125(4), F.S.

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

AUTHORIZED SIGNATURE ON BEHALF OF THE EXEMPT HOME FOR THE AGED

PRINTED NAME OF AUTHORIZED SIGNATORY AND TITLE

NAME OF THE EXEMPT HOME FOR THE AGED

ADDRESS OF EXEMPT HOME FOR THE AGED

(2) through (4) renumbered (3) through (5) No change.

Specific Authority 202.26(3)(c) FS. Law Implemented 92.525(2), 202.125(4), 202.13(2), 202.16(4), 202.26(2), 202.34(3), 213.37 FS. History--New 1-31-02, Amended 4-17-03, _____.

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

Effective Date

Form Number	Title	Effective Date
(2) No change.		
(3)(a) DR-700016	Florida Communications Services Tax Return (R. 07/03)	_____

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

(4) through (7) No change.

Specific Authority 202.16(2), 202.26(3)(c), (d) FS. Law Implemented 202.11(4),(11),(12), 202.13(2), 202.16(2),(4), 202.17(6), 202.34(3),(4)(c) FS. History--New 4-17-03, Amended _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER TITLE: Communications Services Tax RULE CHAPTER NO.: 12A-19

RULE TITLES:	RULE NOS.:
Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods	12A-19.070
Department of Revenue Electronic Database	12A-19.071
Certification of Service Address Databases	12A-19.072
Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions	12A-19.073

PURPOSE AND EFFEECT: The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. Use of certain methods to assign service addresses, including use of a database that has been certified by the Department of Revenue as meeting statutory accuracy standards, entitles a dealer to a higher collection allowance and to protection against liability for taxes, interest, and penalties resulting from erroneous service address assignments. The promulgation of these proposed rules ensures the following: 1) that communications services tax dealers are informed of their obligations concerning the assignment of customer service addresses, of the methods of assigning addresses that will entitle dealers to protection against liability, and of the methods of assigning addresses that will entitle a dealer to a higher collection allowance; 2) that the procedures for the Department and local governments to maintain the accuracy of the database on an on-going basis are available; 3) that the procedures for application for certification by the Department of databases used by communications services tax dealers are available; and 4) that interested parties are aware that the applicable forms have been incorporated into Rule 12A-19.100, F.A.C.

The purposes of the proposed creation of Rule 12A-19.070, F.A.C. (Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods), are to provide guidelines on: 1) the requirement that communications services dealers assign customer service addresses to local taxing jurisdictions; 2) the use of certain databases to avoid liability for errors in customer service address assignments; 3) the due diligence standard applicable to dealers using databases that provide protection from liability for errors in

assigning customer service addresses; and 4) the collection allowance available depending on the database used by a communications services dealer.

The purposes of the proposed creation of Rule 12A-19.071, F.A.C. (Department of Revenue Electronic Database), are to provide guidelines on: 1) the electronic customer service database maintained by the Department of Revenue; 2) the procedures for local taxing jurisdictions to request changes to the Department of Revenue database; and 3) procedures for any substantially affected person to object to the assignment of a customer service address in the Department of Revenue database.

The purpose of the proposed creation of Rule 12A-19.072, F.A.C. (Certification of Service Address Databases), is to provide guidelines on the standards and procedures for certification of a customer service address database developed by a communications services dealer or a vendor.

The purpose of the proposed creation of Rule 12A-19.073, F.A.C. (Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions), is to provide guidelines on the use of an enhanced zip code method to assign customer service addresses.

These proposed rules adopt and incorporate by reference two (2) sets of instructions that are incorporated into the on-line Department of Revenue service address database. The on-line instructions incorporated by reference are the "Guide for Address Change Requests" and the "Instructions for Preparing and Submitting Customer Address Files for Certification Testing." These proposed rules also reference the incorporation of four (4) forms required for administration of the Communications Services Tax Simplification Law in Rule 12A-19.100, F.A.C. The forms are: DR-700012, "Application for Certification of Communications Services Database"; DR-700020, "Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax)"; DR-700022, "Local Communications Services Tax Notification of Jurisdiction Change"; and DR-700025, "Objection to Communications Services Tax Electronic Database Service Address Assignment."

SUBJECT AREA TO BE DISCUSSED: The subject of this rule development workshop is to develop the requirements to be used by the Department regarding siting service addresses to the appropriate local taxing jurisdiction and the procedures for certification of databases.

SPECIFIC AUTHORITY: 202.26(3)(b),(f),(g),(4), 202.28(1) FS.

LAW IMPLEMENTED: 202.22, 202.23, 202.28, 202.34(1)(a) FS.

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

TIME AND DATE: 1:30 p.m., July 31, 2003

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Nancy Purvis, (850)488-0712. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Office of the General Counsel, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4727

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.070 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods.

(1)(a) Dealers of communications services that are required to collect local communications services taxes must assign each customer service address to a specific local taxing jurisdiction for purposes of determining the appropriate local communications services tax rate to be applied to sales made to that address. Local communications services taxes must be collected and remitted for each service address in accordance with the service address assignments in the latest version of the communications services tax Address/Jurisdiction Database, which is the electronic database maintained by the Department that is updated and adopted every January 1 and July 1, as discussed in Rule 12A-19.071, F.A.C. Except as otherwise provided in subsection (2), a dealer is liable for any additional local communications services taxes, interest, and penalties that are due as a result of assigning service addresses to incorrect local taxing jurisdictions when the correct local taxing jurisdiction's tax rate exceeds the incorrectly assigned local taxing jurisdiction's tax rate.

(b) In determining the liability for any additional local communications services taxes, interest, and penalties of a dealer who has failed to assign a service address to the correct local taxing jurisdiction, the Department will take into account any amount of local communications services tax that was collected and erroneously assigned by the dealer to another local taxing jurisdiction. The Department will reallocate and redistribute such amounts between the local taxing jurisdictions involved to apply the payment of any additional local communications services taxes to the correct local taxing jurisdiction. Interest and penalties will be applied to the additional local communications services taxes due on the sale

after crediting the dealer with the amount of local communications services tax collected that was erroneously based on an assignment to an incorrect local taxing jurisdiction. In addition, a specific penalty of 10 percent of any tax collected but reported to an incorrect jurisdiction as a result of an incorrect address assignment, not to exceed \$10,000 per return, will be imposed on any dealer that does not use a database described in paragraph (2)(a).

(2)(a) A dealer will not be liable for any additional local communications services taxes, interest, or penalty due solely because of an error in assigning a service address to a local taxing jurisdiction if the dealer exercised due diligence in employing one of the following methodologies in assigning that service address:

1. The Address/Jurisdiction Database;

2. A database that has been certified by the Department, as provided in Rule 12A-19.072, F.A.C.;

3. An enhanced zip code method, as discussed in Rule 12A-19.073, F.A.C.; or

4. A database that, upon audit by the Department, is determined to have met the accuracy rate criterion required for certification under Rule 12A-19.072, F.A.C., at the time of the sale on which local communications services taxes are due.

(b) A dealer must timely notify the Department of the method or methods to be used in assigning service addresses on form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (incorporated by reference in Rule 12A-19.100, F.A.C.). If a dealer changes the method or methods to be used, the dealer must notify the Department on form DR-700020 of the change in method or methods and of the effective date of the change.

(c) Due Diligence. In order to avoid liability for any additional local communications services tax, penalty, and interest resulting from errors in the assignment of customer service addresses to local taxing jurisdictions under paragraph (a), a dealer must exercise due diligence in employing one of the methodologies described. The dealer must exercise the care and attention that is expected from and ordinarily exercised by a reasonable and prudent person when ascertaining the correct amount of tax due on sales made by that person.

1. A dealer is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement a method described in paragraph (a) and maintains adequate internal controls in the assignment of service addresses.

a. Internal controls in the assignment of service addresses are adequate if the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates to its database at least once every six months and corrects errors in assignments of service addresses within 120 days from discovering or being notified of such errors. A dealer's internal controls must ensure that, when the dealer is notified of an

error, the error is corrected and the error is not repeated when a subsequent update is obtained. A dealer may choose to update its database more frequently than once every six months as long as the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates. The auxiliary file described in paragraph (1)(b) of Rule 12A-19.071, F.A.C., that is maintained by the Department and available to dealers and local government users may be used by the dealer to update the dealer's database more frequently than the minimum of at least once every six months.

b. Internal controls in the assignment of service addresses are not adequate if corrected assignments of service addresses are not maintained or are incorrectly replaced with the previous incorrect assignment. Once notified by any person of an error, the dealer must ensure that the corrected information is preserved in its database. In the event that the error reoccurs, the dealer will not be considered to have exercised due diligence as required for the protection described in paragraph (a).

2. A communications services dealer must maintain records establishing that the dealer has exercised due diligence for the period of time during which the Department is authorized to assess taxes on sales of communications services by that dealer. Such records include instructions or procedures provided to employees, contracts and correspondence with third-party vendors or service providers concerning the acquisition or maintenance of data, documentation establishing that the data was consistently updated at least once every six months, records concerning customer or local taxing jurisdiction objections to the assignment of service addresses and responses to those objections, records of changes made to the assignment of service addresses and when the changes were made, and any other records that pertain to the acquisition, maintenance, and revision of the data upon which service address assignments are based.

3. If a communications services dealer uses a certified database provided by a third party vendor, the communications services dealer must exercise due diligence in its own conduct in using the database. A dealer using a certified database provided by a third party vendor is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement the third party vendor's certified database and maintains adequate internal controls in the assignment of service addresses. For example, the dealer must follow the vendor's instructions on use of the database and promptly incorporate any updates supplied by the vendor. As part of its due diligence, the dealer has a duty to take reasonable steps to ascertain that the vendor maintains the database so as to ensure continuing qualification for certification. For example, if a vendor failed to provide an update to the database when scheduled to do so, a reasonable and prudent dealer relying on that vendor's database would contact the vendor and make inquiry. A dealer that uses a third party vendor's certified

database must ensure that, when the dealer discovers or is notified of errors in assignments of service addresses, the errors are corrected within 120 days from discovering or being notified of such errors and the error is not repeated when a subsequent update is obtained from the vendor.

(d) If a communications services dealer uses multiple databases or methodologies, such dealer is protected from liability for any additional local communications services tax, interest, and penalty only as to service addresses assigned as specified in paragraph (a) of this subsection. Such a dealer is liable as provided in subsection (1) for any additional local communications services taxes, interest, and penalties in regard to erroneous jurisdictional assignments for any service address assigned by any other methodology. A dealer that uses multiple databases must maintain documents demonstrating that a service address has been assigned employing a methodology described in paragraph (a) in order to be held harmless for any additional local communications services taxes resulting from erroneous assignment of that service address.

(e)1. Employing a method described in paragraph (a) protects a dealer from liability for any additional local communications services taxes and related interest and penalties that would otherwise have been due to a local taxing jurisdiction. A dealer's employment of a method described in paragraph (a) does not deprive a purchaser of the right to a refund of overpayment of local communications services taxes resulting from an erroneous assignment of that customer's service address to a local taxing jurisdiction with a higher rate than that in effect in the correct local taxing jurisdiction. If a purchaser complies with the procedural requirements of Section 202.23, F.S., and establishes that the dealer has incorrectly assigned the purchaser's service address and that an overpayment of local communications services tax has resulted, the dealer must refund the amount of the overpayment to the purchaser. Upon making such refund, the dealer would be entitled to an equal credit or refund from the Department upon proper reporting to the Department of the amount and jurisdictions involved. Dealers are not entitled to retain or take credits for taxes collected from any customers assigned to an incorrect local taxing jurisdiction in excess of the taxes due to the correct local taxing jurisdiction unless a refund or credit has been provided to the customer.

2. For purposes of this paragraph, a purchaser that establishes that a dealer has assigned the purchaser's service address to a different local taxing jurisdiction from the one to which that address was assigned in the latest version of the Address/Jurisdiction Database as of the date of the sale has established a presumption that the dealer's assignment was erroneous. If a dealer believes that the assignment of the purchaser's address in the Department's database is incorrect, the dealer should refer that refund claim to the Department for a determination in accordance with the procedures in Section

202.23, F.S. A dealer who assigned a purchaser's service address in accordance with the latest version of the Address/Jurisdiction Database at the time of the sale on which the purchaser asserts that tax was overpaid is not required to make a refund to the purchaser unless the Department has subsequently revised the assignment of that address to correct an error and such revision had retroactive effect as of the date of the sale involved pursuant to paragraph (3)(c) of Rule 12A-19.071, F.A.C.

(3) Collection Allowance.

(a) Any communications services dealer that employs a methodology described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .75 percent on taxes collected on service addresses assigned using the described methodologies. Any communications services dealer that employs any methodology that is not described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .25 percent on taxes collected on service addresses assigned using such other methodology. A communications services dealer who is not liable for an assessment of additional local communications services taxes, interest, and penalties by reason of employing a database that is found upon audit to meet the accuracy criteria for certification, as described in subparagraph (2)(a)4., is entitled to a collection allowance of .25 percent until such time as an application for certification of the database is made and approved.

(b) A communications services dealer must maintain adequate records to demonstrate that a .75 percent collection allowance was claimed only in regard to taxes that were collected for service addresses that were assigned employing a methodology that qualifies for that allowance. If a communications services dealer's records do not clearly establish the correct collection allowance for each service address, the dealer shall be entitled to only a .25 percent collection allowance on sales made to any service address that the dealer cannot establish was assigned using a database or methodology that qualifies for the .75 percent collection allowance.

(c) A communications services dealer must also timely and correctly remit all tax and meet all the other requirements of Section 202.28, F.S., in order to be entitled to any collection allowance. This rule deals only with determining the amount of collection allowance available to a dealer who otherwise qualifies to receive the allowance. It does not create any separate entitlement to an allowance other than that set forth in Section 202.28, F.S.

Specific Authority 202.26(3)(b),(f),(g),(4), 202.28(1) FS. Law Implemented 202.22(1),(4),(5),(6),(8), 202.23, 202.28(1),(2), 202.34(1)(a) FS. History—New

12A-19.071 Department of Revenue Electronic Database.

(1)(a) The Department maintains an electronic database that assigns service addresses to local taxing jurisdictions in a format that satisfies the requirements of Section 202.22(2)(a), F.S. The electronic database, referred to as the communications services tax Address/Jurisdiction Database, is maintained on the Department's website at the address inside the parentheses (www.myflorida.com/dor). Local taxing jurisdictions and communications services providers are provided with access codes to permit them to register as users of the database. Registered local taxing jurisdictions and communications services dealers have the capability of downloading databases of addresses assigned to each local taxing jurisdiction. A file of addresses in the format adopted by the Federation of Tax Administrators and the Multistate Tax Commission in accordance with the federal Mobile Telecommunications Sourcing Act is available. Local taxing jurisdictions also have access to an on-line form for requesting changes in service address assignments. The database has a single address lookup feature that permits any person to enter an address and ascertain to which local jurisdiction it is assigned. Use of the single address lookup feature does not require an access code or registration. The Department will allow other persons to download from the database, if permitting such access is practicable and the Department determines that such access will further efficient administration of the taxes for which the Department is responsible. The Department will also use the database for other purposes when the Department determines that such use will promote the correct collection of the taxes it administers, such as situsing sales tax dealers to the correct county.

(b) When a change to the Address/Jurisdiction Database has been approved, it is stored in an auxiliary file pending its inclusion in the next scheduled update of the database, which occurs every January 1 and July 1. The auxiliary file is maintained by the Department and contains the most recent service address local taxing jurisdictional assignment information. Dealers may use this auxiliary file to update their service address assignments between the January 1 and July 1 updates to the Address/Jurisdiction Database even though such use of this auxiliary file is not required to satisfy due diligence requirements. The individual address lookup feature searches this auxiliary file as well as the current database and may therefore reflect information that has not yet been incorporated into the database available for downloading and use by local taxing jurisdictions and communications services dealers. In such cases, the individual address lookup page carries a statement notifying the viewer that it reflects a pending change to the database.

(c) The availability and effective date of the initial database was announced in the Florida Administrative Weekly. The availability and effective date of subsequent updates are also announced in the Florida Administrative Weekly. Updates

incorporate corrections of any errors discovered since the last preceding update as well as changes in addresses or jurisdictional boundaries based on information provided by local taxing jurisdictions. Each updated version of the Address/Jurisdiction Database is posted on the Department's website at least 90 days prior to the effective date of the updated version and is also available to dealers of communications services, vendors of databases, and other persons authorized to download the database in magnetic or electronic media for a fee not to exceed the cost of furnishing the updated version in such media. Requests for electronic or magnetic media copies should be addressed to: Florida Department of Revenue, Communications Services Tax, Local Government Jurisdiction Unit, Post Office Box 5885, Tallahassee, Florida 32314-5885.

(d) To fulfill its statutory responsibility to maintain the database, the Department will when practicable initiate procedures to correct apparent errors, such as an address being assigned to two jurisdictions or not being assigned to any jurisdiction. The Department will in such cases initiate an objection to the database in accordance with the provisions of subsection (3).

(2)(a) Local taxing jurisdictions have a continuing obligation to provide the Department with information to update the Address/Jurisdiction Database, such as changes in service addresses or address ranges, annexations, incorporations, reorganizations, and any other changes to jurisdictional boundaries. Local taxing jurisdictions must inform the Department of the identity of the jurisdictions' officers or employees who are authorized to act as contact persons with the Department on database matters. Local taxing jurisdictions are limited to two (2) authorized contact persons; however, local taxing jurisdictions may provide updated contact person information as frequently as necessary to ensure that the appropriate contact person can be reached by the Department to administer database matters.

(b) Local taxing jurisdictions must submit information requesting changes to the Address/Jurisdiction Database electronically following the on-line Guide for Address Change Requests (hereby incorporated by reference). Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media. The information must also be submitted on form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change (incorporated by reference in Rule 12A-19.100, F.A.C.).

(c) In the event that a local taxing jurisdiction improperly formats its batch submission, the Department will notify the requesting jurisdiction of its error and designate the file as a pending submission until such time as a corrected submission is received. If the corrected submission is not received in time to be included in the next update, the pending submission will

be denied and the local taxing jurisdiction should provide a new submission for those addresses or address ranges. Local taxing jurisdictions should not submit jurisdiction changes between the last date of submission for the next update and the official adoption of the update. Submissions initiated during this time frame will be denied and a new submission will be necessary.

(d) The local taxing jurisdiction must specify the effective date of any information to be incorporated in the Address/Jurisdiction Database. The effective date must be the next January 1 or July 1 after the date of submission of the information to the Department. Changes must be submitted no later than the date that is 120 days prior to the January 1 or July 1 on which changes are to be effective.

(e)1. Any requested changes or additions to the Address/Jurisdiction Database must be supported by competent evidence. Competent evidence to support a change to the Address/Jurisdiction Database is documentation establishing that the service addresses affected by the requested change or addition are located in the local taxing jurisdiction indicated on the request. Examples of competent evidence include annexation ordinances, articles of incorporation of a new municipality, the plat filed for a newly approved subdivision, or the enhanced 911 Master Street Address Guide (MSAG) database information relating to local law enforcement responders issued by the local jurisdiction coordinator's office. Competent evidence must clearly designate the service addresses or address ranges that are affected.

2. If a requested change is to move an address from one local taxing jurisdiction to another, competent evidence includes the consent of the local taxing jurisdiction that did not request the change. To facilitate processing of the change, the local taxing jurisdiction requesting the change should attempt to obtain a written consent to the change signed by an authorized contact person of the non-requesting jurisdiction. Form DR-700022 contains an authorization statement that will serve as the written consent of the non-requesting local taxing jurisdiction when signed by that jurisdiction's authorized contact person. The Department will consider the receipt of a form DR-700022 containing the signatures of the authorized contact persons of both the initiating and affected jurisdictions to be sufficient competent evidence only when the form is submitted with supporting documentation that identifies the service addresses involved and includes the documentation on which the authorized contact person of the non-requesting jurisdiction relied when giving consent. Identification of the batch number associated with the address changes is insufficient by itself to demonstrate competent evidence establishing that the service addresses are located in the local taxing jurisdiction indicated on the request. If the requesting jurisdiction has not obtained the written consent of the non-requesting jurisdiction, the Department will contact the

non-requesting jurisdiction before making the change. Based upon the response of the non-requesting jurisdiction, the Department will take the following action in regard to the requested change:

a. If the non-requesting jurisdiction consents in writing, the Department will accept and process the change.

b. If the non-requesting jurisdiction objects in writing, the Department will treat the requested change as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

c. If the non-requesting jurisdiction fails to either consent or object in writing within 20 days after the date on which the Department notified that jurisdiction of the requested change, the Department will accept and process the change. This will not preclude the non-requesting jurisdiction from subsequently objecting to the new address assignments after they have been processed.

(f) Examples.

1. A local taxing jurisdiction approves the plat and grants the permits necessary for development of a new subdivision on February 1, 2005. The plat indicates street names but no address numbers have yet been assigned by the postal authorities. In order for the addresses to be added to the electronic database effective the following July 1, the local taxing jurisdiction must file form DR-700022 with a copy of the approved subdivision plat and submit on-line address change information by March 3, 2005. If that deadline is not met, the earliest date on which the new service addresses can be added to the database is January 1, 2006. In order to meet the deadline and be certain that the actual address numbers are included, the contact person for the local taxing jurisdiction may request the addition of a range of numbers that is certain to include the actual numbers. Because the development of the subdivision affects only the requested jurisdiction, no consent from any other jurisdiction is required.

2. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation will be effective July 1, 2003. The municipality's database contact person timely enters address change requests for 1525 addresses on-line and files a form DR-700022 on February 15, 2003. Included with the form are a copy of the annexation ordinance and a map with the annexed area outlined with street address ranges included in the annexed area noted. The county database contact person has not signed the form DR-700022 or otherwise given written consent to the changes. On February 20, 2003, the Department notifies the county of the requested changes and provides copies of the municipality's form DR-700022, annexation ordinance, and map. The county does not respond with written consent or a written objection. On March 14, 2003, the Department processes the changes, and they are included in an update available on April 1, 2003, to take effect July 1, 2003. The county's database contact person notifies the Department

on July 15, 2003, that the county believes the database now incorrectly assigns 25 service addresses to the municipality. The Department will handle this as an objection to the database as discussed in subsection (3).

3. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation will be effective July 1, 2003. The municipality's contact person timely enters address change requests for the 1500 addresses on-line and writes a letter to the county's contact person requesting that consent be indicated by signing a form DR-700022 that has been prepared by the municipality and enclosed with the letter. Also enclosed with the letter is a copy of the annexation ordinance and a street map on which the annexed area is outlined. The county contact person signs the form DR-700022. The municipality submits the form and copies of the letter, annexation ordinance, and map to the Department on February 15, 2003. The Department will approve the changes and include them in the July 1, 2003 update to the Address/Jurisdiction database.

(3)(a) Any substantially affected party may object to information contained in the Address/Jurisdiction Database by submitting form DR-700025, Objection to Communications Services Tax Electronic Database Service Address Assignment (incorporated by reference in Rule 12A-19.100, F.A.C.), along with competent evidence to support the party's objection. Local taxing jurisdictions should use form DR-700022 to create addresses in the Address/Jurisdiction Database or to request address assignment changes resulting from changes in jurisdictional boundaries, but may use form DR-700025 to object to existing address assignments that the local taxing jurisdiction believes are incorrect. Regardless of which form is used to request changes to the Address/Jurisdiction Database, the consent of an affected jurisdiction will be required. Examples of substantially affected parties include purchasers of communications services who pay local communications services taxes, dealers who are required to collect local communications services taxes, the Department of Revenue, and local taxing jurisdictions that object to a change to the Address/Jurisdiction Database proposed by another local taxing jurisdiction.

(b) Multiple address submissions affecting multiple jurisdictions should be segregated, based on the specific combinations of the affected jurisdictions, in a manner that segregates the changes from City A to City B from the changes from City B to City A.

(c) When a dealer that is required to collect local communications services tax objects to information contained in the Address/Jurisdiction Database, the dealer must use form DR-700025. In the event the dealer objects to the assignment of multiple addresses or address ranges, the dealer should electronically submit the addresses in the form used to apply for certification of databases by following the on-line Instructions for Preparing and Submitting Customer Address

Files for Certification Testing, as provided in paragraph (2)(a) of Rule 12A-19.072, F.A.C. In the event that the dealer is unable to submit its objection electronically, the dealer should contact the Department to request authorization to submit changes through alternative electronic media.

(d) Examples of competent evidence that supports an inquiry into a substantially affected party's objection include an electric utility bill from a provider that operates only within a particular local taxing jurisdiction, a voter registration card indicating the voter residing at a service address is entitled to vote in municipal elections or only in county elections, the enhanced 911 MSAG database, or a map that includes the boundaries of a local taxing jurisdiction and clearly places a service address inside or outside those boundaries. For example, if a map shows that a street is entirely within the boundaries of a municipality, that map is competent evidence that a service address on that street should be assigned to that municipality in the database. The Department will notify the substantially affected party of any deficiencies in the objection or competent evidence.

(e) When the Department believes that addresses or address ranges have been assigned to an incorrect local taxing jurisdiction, the Department will initiate the change by using form DR-700025. The Department will use any information at its disposal, including E911 address information and information supplied by any dealer, as a basis for initiating an objection; however, in no event, will the Department change any address assignment without providing notice to affected jurisdictions in manner provided in subsection (3)(f).

(f) Upon receipt of an objection on a completed form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation to the database contact person in each affected taxing jurisdiction. The Department will when practicable provide the information electronically for review by the local taxing jurisdictions. The local taxing jurisdiction should review the specific address at issue as well as the address range that will be impacted by the change to ensure that the local taxing jurisdiction retains all of the addresses that it believes are within its local taxing jurisdiction. The Department will instruct each local taxing jurisdiction to indicate in writing its determination in regard to the objection. If the affected local taxing jurisdictions each indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have indicated agreement with the objection. If either local taxing jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately assign the address with a special designation that

indicates that the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

1. The Department receives written notification from the local taxing jurisdiction that did not agree with the change requested in the objection that such local taxing jurisdiction has subsequently determined that the change should be made;

2. The Department receives written notification from the party that filed the form DR-700025 that the objection was erroneous and the assignment in the database was correct; or

3. The Department is provided with a copy of a final order, judgment, or other binding written determination resolving the jurisdictional assignment of the contested address.

(g) No communications services provider who relies on the assignment of a service address in the Address/Jurisdiction Database will be held liable for any additional local communications services tax, interest, or penalty in regard to that service address if the assignment is later determined to be erroneous under this subsection. For purposes of making refunds to purchasers, a correction to the Address/Jurisdiction Database will have retroactive effect to the July 1 or January 1 on which the erroneous assignment took effect if the form DR-700025 objecting to the assignment is filed no later than the August 31 following an assignment that took effect on July 1 or the February 28 (February 29 in a leap year) following an assignment that took effect on January 1.

Specific Authority 202.26(3)(b),(g),(4) FS. Law Implemented 202.22(2), 202.23 FS. History—New

12A-19.072 Certification of Service Address Databases.

(1) A communications services dealer that develops and maintains its own database for assigning service addresses to local taxing jurisdictions or a third party vendor that provides a database for sale to communications services dealers or uses such a database in providing billing or other services to communications services dealers may apply to the Department for certification of the database. A database will be certified if it assigns street addresses, address ranges, post office boxes, and post office box ranges to the proper local taxing jurisdictions with an overall accuracy rate of 95 percent with a 95 percent level of confidence, based on a statistically reliable sample. Accuracy must be measured based on the entire geographic area within the state of Florida covered by the database for which certification is sought.

(2)(a) Application for certification must be made to the Department on form DR-700012, Application for Certification of Communications Services Database (incorporated by reference in Rule 12A-19.100, F.A.C.) and in accordance with the on-line Instructions for Preparing and Submitting Customer Address Files for Certification Testing (available at the Department's website, www.myflorida.com/dor, and hereby incorporated by reference). All applicable portions of the application must be completed.

(b) The Department will notify the applicant of any errors or omissions in the application and of all additional information or documentation required within 90 days of receipt of the application. The Department will review the application and contact the individual designated in the application concerning any additional information required and the format in which such information must be submitted. The applicant shall provide access to all records, facilities, and processes reasonably required to review, inspect, or test the database within 10 working days of the Department's request for such access.

(c) The Department will test the applicant's database by comparing the assignments of service addresses to the assignments of service addresses in the Address/Jurisdiction Database, which is the Department's on-line database described in Rule 12A-19.071, F.A.C. The Department will notify the applicant of all service addresses that do not match the Department's database regardless of whether the applicant's database meets the accuracy criterion for certification.

(d) Within 180 days of receipt of a completed application, the Department will issue a written determination.

1. If the notice grants certification, it will specify the expiration date, which will be three years from the date of the notice.

2. If the notice denies certification, it must specify the grounds, inform the applicant of any available remedy, and set forth procedures for protesting the denial. If the applicant cures the defects that formed the basis for denial and upon retesting the database meets the requirements for certification, the Department will issue a notice certifying the database. If the defects forming the basis of the denial are based on a sample, correction of the errors identified in the sample does not constitute correction of the database. The Department is authorized to grant certification of the database even in cases where the applicant has filed a petition and a proceeding is pending under Chapter 120, F.S.

(3) An application for recertification of a database must be submitted on form DR-700012 when the certification period expires. If an application for recertification is received prior to the stated expiration date of the certification period, the prior certification will not expire until the Department takes final action on the application for recertification. In such cases, if the Department denies recertification, the prior certification will remain in effect until the time for administrative or judicial review of the Department's denial of recertification has expired or, if later, the date fixed by order of the reviewing court.

(4) Certification or recertification of a database is effective upon the date of the Department's notice approving the application. The notice approving the application is in the form of a letter stating that the database is certified and that an application for renewal should be applied for by a specified

date. Except when extended as provided under subsection (3), when a timely application for recertification has been filed, a certification or recertification is effective through the date stated on the notice, which shall be three years from the date of the notice.

(5) In determining whether a database qualifies for certification, the Department will consider whether the applicant will implement procedures designed to maintain the accuracy level required for certification throughout the certification period. If the Department obtains information indicating that a certified database is not being properly maintained and updated to insure on-going accuracy at the required levels, the Department will notify the applicant and review the operation and maintenance of that database. If the Department determines that a database no longer qualifies for certification and remedial steps are not promptly taken, the Department will revoke the certification. The Department shall first provide notice to the applicant of its intent to revoke the certification as provided in Section 120.60, F.S., and afford the applicant a point of entry under Chapter 120, F.S., to contest the notice of intent.

(6) Certification is contingent upon there being no material changes to the database or procedures for its updating and maintenance. If there are such changes, the applicant should inform the Department and request a determination whether a new form DR-700012 should be submitted. If practicable, the Department will test the effect of the changes rather than require a new certification procedure for the entire database. A material change is any change that could reasonably be expected to affect whether the database would still meet the 95 percent accuracy level required for certification. Examples of changes that could be material would be an expansion of the service area covered by a database, the merger of two or more databases, a change in the sources from which information for the database is obtained, or alteration of the methods by which service addresses are assigned, updated, or corrected. Changes to the assignment of service addresses or address ranges that are made in the course of consistently followed procedures to obtain and incorporate accurate updates and to correct errors in assignments of service addresses as required to satisfy the due diligence standards set forth in paragraph (2)(c) of Rule 12A-19.070, F.A.C., are not material address changes that require Department review of a database.

Specific Authority 202.26(3)(g),(4) FS. Law Implemented 202.22(3) FS. History—New _____.

12A-19.073 Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions.

(1) An enhanced zip code method is a method of assigning service addresses to local taxing jurisdictions based on United States postal zip codes of at least nine digits.

(2) A communications services dealer may avoid liability as provided in Rule 12A-19.070, F.A.C., for any additional local communications services tax, penalty, and interest

resulting from errors in assigning service addresses to an incorrect local taxing jurisdiction when the correct local taxing jurisdiction has a higher local tax rate by employing an enhanced zip code method only if the requirements of this rule are satisfied.

(3) The dealer or the vendor providing the database is not permitted to rely solely on the location of the post office to which an enhanced zip code is assigned by the United States Postal System if the area covered by the enhanced zip code is not entirely located within the same local taxing jurisdiction as the post office. In some cases, the area included in an enhanced zip code overlaps local jurisdictional boundaries or is outside the local taxing jurisdiction where the post office to which a zip code is assigned is located. In addition, a dealer may provide services to customer service addresses for which an enhanced zip code is not available, because the service address is in a rural area or is without postal delivery. The dealer or the vendor must use a reasonable methodology that accurately assigns service addresses to the correct local taxing jurisdictions in such circumstances. The dealer or vendor will be considered to have used a reasonable methodology if it relies on information obtained from one or more of the following sources:

1. The Address/Jurisdiction Database, described in Rule 12A-19.071, F.A.C.;

2. A database that has been certified by the Department as provided in Rule 12A-19.072, F.A.C.;

3. Representatives of relevant local taxing jurisdictions whose responsibilities entail knowledge of the location of addresses as within or without their jurisdictions;

4. The United States Census Bureau; or

5. The United States Post Office.

(b) The dealer must maintain records that establish the methodology used to assign service addresses as provided in this subsection.

(4) The dealer employing an enhanced zip code method to assign service addresses to local jurisdictions must satisfy the notification and due diligence requirements set forth in paragraphs (2)(b) and (c) of Rule 12A-19.070, F.A.C. For purposes of due diligence requirements, a communications services dealer or an enhanced zip code database vendor is deemed to have expended reasonable resources to accurately and reliably implement an enhanced zip code method if the requirements of subsection (3) have been met. The due diligence requirement includes the requirement to correct errors in the assignments of service addresses within 120 days of discovering or being notified by any person of such errors. The database vendor or dealer must also maintain adequate internal controls to assure the on-going accuracy of an enhanced zip code database as described in subparagraph (2)(c)1. of Rule 12A-19.070, F.A.C.

(5) Mobile communications services providers using an enhanced zip code method are subject to the safe harbor provisions of Title 4 U.S.C. s. 120. Such providers will be held harmless from liability for additional local communications services tax, penalty, and interest resulting from erroneous assignments of customer service addresses to local taxing jurisdictions as provided in the federal Mobile Communications Sourcing Act. However, on May 23, 2003, the Department provided notice, as required by Title 4 United States Code (U.S.C.) section 119(b), that the Department of Revenue's Address/Jurisdiction Database complies with the formatting requirements of Title 4 U.S.C. section 119(a)(2) of the Mobile Telecommunications Sourcing Act.

(6) In order to be entitled to the .75 percent collection allowance, a communications services dealer that employs an enhanced zip code method to assign service addresses must satisfy the requirements of subsection (3) of this rule and the requirements of subsection (3) of Rule 12A-19.070, F.A.C.

Specific Authority 202.26(3)(b),(f),(g),(4), 202.28(1) FS. Law Implemented 202.22(1),(4),(6),(7), 202.28(1)(b)2. FS. History--New _____.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

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

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

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

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

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

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

- TIME AND DATE: 9:30 a.m., Tuesday, July 22, 2003
- PLACE: Capital Complex Center, Building C-1, Room D/E, 5050 W. Tennessee St. (U.S. Hwy. 90 West), Tallahassee, Florida
- TIME AND DATE: 9:30 a.m., Thursday, July 24, 2003
- PLACE: Orlando Public Library, Albertson Room, Third Floor, 101 E. Central Blvd., Orlando, Florida

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-8.0082 Florida Uniform Market Area Guidelines.

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

Florida Uniform Market Area Guidelines New 12/03
Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 and may be found on the Internet at <http://www.myflorida.com/dor/property/>.

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

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

RULE CHAPTER TITLE: Containers, Packs, Stamping and Labeling of Fresh Fruit

RULE CHAPTER NO.: 20-39

RULE TITLE: Approved Boxes

RULE NO.: 20-39.003

PURPOSE AND EFFECT: This rule would provide for two new containers to be added to the list of containers approved for use in shipping fresh Florida Citrus.

SUBJECT AREA TO BE ADDRESSED: Approved containers for use in shipping fresh Florida Citrus.

SPECIFIC AUTHORITY: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Cost of Service Load Research

RULE NO.: 25-6.0437

PURPOSE AND EFFECT: To update the rule to reflect current need for information, to reduce the frequency of filing the load research studies, and eliminate reporting data that are no longer used.

SUBJECT AREA TO BE ADDRESSED: Cost of service load research rule changes.

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

LAW IMPLEMENTED: 350.117, 366.03, 366.04(2)(f), 366.05(1), 366.06(1), 366.82(3),(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: 10:00 a.m., August 21, 2003

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

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (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: David Wheeler, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6670

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.0437 Cost of Service Load Research.

(1) Applicability. This rule shall apply to all investor owned electric utilities over which the Commission has jurisdiction and which provide electric service to more than 50,000 retail customers at the end of any calendar year ~~had gross annual retail sales of 500 GWH or more in 1983.~~

(2) Purpose. The primary purpose of this rule is to require that load research that supports cost of service studies used in ratemaking proceedings is of sufficient precision to reasonably assure that tariffs are equitable and reflect the true costs of

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Promotional and Advertising Services Contracts

RULE CHAPTER NO.: 20-104

RULE TITLE: Competition Announcement

RULE NO.: 20-104.003

PURPOSE AND EFFECT: This rule would exempt Department of Citrus' promotional and advertising service vendors from the fee and registration requirements imposed by the Department of Management Services (DMS) on all state contracted vendors.

SUBJECT AREA TO BE ADDRESSED: Exemption of advertising and promotional contracts from required registration and fee imposed by DMS.

SPECIFIC AUTHORITY: 601.10(1),(12), 601.15(2) FS.

LAW IMPLEMENTED: 601.10(12) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

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

servicing each class of customer. Load research data gathered and submitted in accordance with this rule will also be used by the Commission to allocate costs to the customer classes in cost recovery clause proceedings, in evaluating proposed and operating conservation programs, for research, and for other purposes consistent with the Commission’s responsibilities.

(3) Sampling Plan. Within 90 days of becoming subject to this rule, each utility ~~All utilities subject to this rule shall, within 90 days of the effective date of this rule,~~ shall submit to the Commission a proposed load research sampling plan. The plan shall provide for sampling all rate classes that account for more than 1 percent of a utility’s annual retail sales. The plan shall provide that all covered rate classes shall be sampled within two years of the effective date of this rule. The sampling plan shall be designed to provide estimates of ~~the summer and winter peak demand by class and the averages of the 12 monthly coincident peaks for each class within plus or minus 10 percent at the 90 percent confidence level.~~ The sampling plan shall also be designed to provide estimates of the summer and winter peak demands for each rate class within plus or minus 10 percent at the 90 percent confidence level, except for the General Service Non-Demand rate class. The sampling plan shall be designed to provide estimates of the summer and winter peak demands for the General Service Non-Demand rate class within plus or minus 15 percent at the 90 percent confidence level. Any utility subject to this rule may apply to the Commission to waive the requirements hereof for any specific covered rate class.

(4) Review of Proposed Plan. Except where a utility has requested a formal ruling by the Commission, within 90 days after submission, the Commission’s Division of Economic Regulation ~~Electric and Gas Department~~ shall review each utility’s plan to determine whether it satisfies the criteria set forth in Section 3. above and shall notify the utility in writing of its decision accepting or rejecting the proposed sampling plan. If a proposed plan is rejected, the written notice of rejection shall state clearly the reasons for rejecting the proposed plan. If a utility’s proposed plan is rejected the utility shall submit a revised sampling plan to the Commission within 60 days after receiving the notice of rejection. Where a utility has requested staff review of its sampling plan and the plan has been rejected the utility may petition the Commission for approval of the plan. If a utility has not submitted a satisfactory sampling plan within 6 months following the submission of the initially proposed plan, the Commission may prescribe by order a sampling plan for the utility.

(5) No change.

(6) Revised Sampling Plans. Each utility subject to this rule shall submit a current, revised sampling plan to the Commission no less often than every three ~~two~~ years after the most recent initial sampling plan was required to be submitted is approved. Any new or revised plan shall be developed using data from the utility’s most current load research to determine

the required sampling plan to achieve the precision required in Section 3 of this rule. New or revised plans shall be reviewed by the Commission pursuant to Section 4. of this rule.

(7) Load Research Data to be Reported. Each utility subject to this rule shall perform a complete load research study in accordance with the specifications of this rule ~~by December 31, 1985 and~~ no less often than every three years ~~two years thereafter~~. Each utility shall, within 120 days following completion of the study, submit to the Commission the results of each load research study completed after the effective date of this rule. The submission shall include a detailed calculation of the average 12 coincident peak and class load factors for each covered rate class based upon the load research results ~~This submission shall include the hourly load data described in Section (8) for the residential class. The load research results of each study shall be submitted in a form prescribed by the Commission.~~

(8) Hourly Data to be Available Upon Request. Each utility subject to this rule shall make available within 30 ~~90~~ days of a request by the Commission the estimated hourly demands by class for all ~~8760~~ hours in the year derived from this Load Research.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 350.117, 366.03, 366.04(2)(f), 366.05(1), 366.06(1), 366.82(3),(4) FS. History—New 3-11-84, Formerly 25-6.437, Amended.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Tomoka Community Development District

RULE CHAPTER TITLE:	Tomoka Community Development District	RULE CHAPTER NO.:	42LL-1
RULE TITLES:	Establishment	RULE NOS.:	42LL-1.001
	Boundary		42LL-1.002
	Supervisors		42LL-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (“CDD”), the Tomoka Community Development District (“Tomoka CDD”), pursuant to Chapter 190, F.S. The petition to establish the District, filed by ICI Homes, Inc., on behalf of PlanMore, Inc., collectively referenced as (“Petitioner”), requests that the Florida Land and Water Adjudicatory Commission establish by rule the Tomoka CDD. A Notice of Receipt of Petition for the Tomoka CDD was published in the May 2, 2003, edition of the Florida Administrative Weekly. The land area proposed to be served by the District will consist of approximately 2,100 acres, located in an area west of Interstate 95, northeast of U.S. Highway 1, south of Old Dixie Highway, and bounded on the east by the Florida Power and Light utility easement. The effected property comprises only Westlake Phases I & II. All the lands in the proposed Tomoka CDD are within the unincorporated area of Flagler County, Florida. There are two (2) out-parcels located within the external boundaries of the

proposed Tomoka CDD which are to be excluded from the Tomoka CDD. The future general distribution, location and extent of the public and private land uses within the proposed Tomoka CDD are consistent with the Flagler County Comprehensive Plan and include residential and recreational elements. The proposed land uses within the proposed Tomoka CDD are subject to the approved Plantation Bay Development of Regional Impact Development Approval issued by Flagler and Volusia Counties. Approximately 2,500 residential units are planned for development within the Tomoka CDD. There is no commercial or retail development planned. The Petitioner either owns or has written consent to establish the Tomoka CDD from the owners of 100% of the real property located within the proposed Tomoka CDD. The Tomoka CDD, if established, intends to participate in the construction of certain road and entranceway improvements. The Tomoka CDD is also expected to provide certain stormwater and recreational amenity improvements for the lands within the District, as well as wetland restoration and funding for roadway planning, development, and engineering study.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Tomoka Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., Wednesday, July 30, 2003

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-7917, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, (850)222-7500 or Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:
Rural Health Clinic Services

RULE NO.:
59G-4.280

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

SUBJECT AREA TO BE ADDRESSED: Rural Health Clinic Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., July 21, 2003

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.280 Rural Health Clinic Services.

(1) No change.

~~(2) Payment Methodology for Covered Services:~~

~~(a) Provider-based clinics shall be reimbursed for rural health clinic services on the basis of a fixed all inclusive rate per visit, calculated by the Medicare Part A carrier that services the provider.~~

~~(b) Independent clinics shall be reimbursed for rural health clinic services at a cost based all inclusive rate per visit, calculated by the Medicare Part A carrier Blue Cross/Blue Shield of Chattanooga, Tennessee.~~

~~(c) Medicaid will utilize the annual rate established by the Medicare Part A carrier for reimbursement of rural health clinics with the exception of immunizations, emergency services, radiology, services rendered in a hospital, Norplant kits, intrauterine devices and DepoProvera, which are reimbursed based on a fee schedule established by Medicaid.~~

~~(d) In lieu of retroactive payment to a clinic, a percentage allowance will be added to the per encounter rate as of July 1 of each year based on the clinic's last year-end cost report. The percentage allowance will be based on the Consumer Price Index (CPI) estimated for the month of the clinic's fiscal year end divided into the CPI projected for December of the same rate period. The established rate multiplied by this ration will determine the clinic's rate per encounter for each subsequent twelve-month period. The effective date of each rate change will be July 1 of each year.~~

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

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 4-14-80, Amended 12-28-80, Formerly 10C-7.51, Amended 8-11-91, 1-19-93, Formerly 10C-7.051, Amended 6-29-94, 6-10-96, 6-24-98, 12-4-00, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing Home Services

RULE NO.: 59G-6.010

The Agency is in the process of amending its Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology effective July 1, 2003.

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective July 1, 2003. The proposed rates for Medicaid nursing home reimbursement will be rates resulting from the current methodology used to calculate per diem rates in the Long-Term Care Reimbursement Plan including the 2003-04 General Appropriations Act, Senate Bill 2-A, Specific Appropriation 198.

Due to non-recurring funds, the \$26,925,842 provided in fiscal year 2002-03 for the purpose of rebasing the operating cost component of the Medicaid nursing home per diem rate will be repealed. These funds were used to address to increased cost of general and professional liability insurance.

SUBJECT AREA TO BE ADDRESSED: Repeal of \$26,925,842 in the operating cost component of the Medicaid nursing home per diem.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED IN WRITING, A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD).

TIME AND DATE: 3:00 p.m., July 23, 2003

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Outpatient Hospital Services

RULE NO.: 59G-6.030

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology. Effective July 1, 2003, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the current methodology used to calculate per diems including appropriations from the 2003-04 General Appropriations Act, Senate Bill 2-A, Specific Appropriation 173.

1. \$45,385,063 is provided to increase the outpatient cap for adults from \$1,000 to \$1,500 per year and to eliminate the outpatient reimbursement ceilings for teaching, specialty and Community Health Education Program hospitals.
2. \$2,728,087 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. The Agency shall use the average of the 1997, 1998 and 1999 audited DSH data available as of March 1, 2003. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1997, 1998 and 1999 that is available. For those hospitals with only one year of audited DSH data, the Agency shall eliminate the inpatient reimbursement ceilings for only those hospitals with 1999 audited DSH data.
3. \$3,626,006 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 9.6%, and are trauma centers. The Agency shall use the average of the 1997, 1998 and 1999 audited DSH data available as of March 1, 2003. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1997, 1998 and 1999 that is available.
4. A delay in the price level increase until October 1, 2003.

Other changes to the Plan unrelated to Senate Bill 2-A are:

- a. Adding a provision limiting the period of time an audited cost report may be reopened.
- b. The prior authorization of certain outpatient surgical procedures in Plan Section III. 7 is deleted.
- c. The 6% outpatient reimbursement rate reduction in Plan Section V.B 7 is deleted.

The effect of the proposed amendment will be: Effective July 1, 2003, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the current methodology used to calculate per diems including appropriations from the 2003-04 General Appropriations Act, Senate Bill 2-A, Specific Appropriation 173.

- 1. \$45,385,063 is provided to increase the outpatient cap for adults from \$1,000 to \$1,500 per year and to eliminate the outpatient reimbursement ceilings for teaching, specialty and Community Health Education Program hospitals.
- 2. \$2,728,087 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. The Agency shall use the average of the 1997, 1998 and 1999 audited DSH data available as of March 1, 2003. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1997, 1998 and 1999 that is available. For those hospitals with only one year of audited DSH data, the Agency shall eliminate the inpatient reimbursement ceilings for only those hospitals with 1999 audited DSH data.
- 3. \$3,626,006 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 9.6%, and are trauma centers. The Agency shall use the average of the 1997, 1998 and 1999 audited DSH data available as of March 1, 2003. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1997, 1998 and 1999 that is available.
- 4. A delay in the price level increase until October 1, 2003.

Other changes to the Plan unrelated to Senate Bill 2-A are:

- a. Adding a provision limiting the period of time an audited cost report may be reopened.
- b. The prior authorization of certain outpatient surgical procedures in Plan Section III. 7 is deleted.
- c. The 6% outpatient reimbursement rate reduction in Plan Section V. B 7 is deleted.

SUBJECT AREA TO BE ADDRESSED: The methodology underlying the establishment of the proposed rates for Medicaid Outpatient Hospitals will be rates resulting from the current methodology used to calculate per diems including the 2003-04 General Appropriations Act, Senate Bill 2-A, Specific Appropriation 173.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., July 23, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert C. Butler, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2756

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:	RULE NO.:
Payment Methodology for Services in Facilities Not Publicly Owned or Operated (Facilities Formerly Known as ICF/DD Facilities)	59G-6.045

The Agency is in the process of amending its Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated Reimbursement Plan (the Plan) to incorporate changes to the reimbursement methodology.

PURPOSE AND EFFECT: The purpose and the effect of the proposed amendment is: Effective July 1, 2003, the proposed rates for Medicaid ICFs not publicly owned and not publicly operated will be rates resulting from the current methodology used to calculate per diem rates except for the following:

A modification to the calculation of the total per diem to reflect incentives as an uninflated add-on to the operating and resident care cost component.

SUBJECT AREA TO BE ADDRESSED: The proposed rates for Medicaid ICFs not publicly owned and not publicly operated will be rates resulting from the current methodology used to calculate per diem rates except for the following:

A modification to the calculation of the total per diem to reflect incentives as an uninflated add-on to the operating and resident care cost component.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 11:00 a.m., July 23, 2003

PLACE: Agency For Health Care Administration 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert Butler, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2759

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Federally Qualified Health Centers (FQHC) Services
 RULE NO.: 59G-6.080

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

1. Each Rural Health Clinic (RHC) entering the Florida Medicaid RHC Program on or after January 1, 2001 may be required to submit a Rural Health Clinic Form 222-Medicare cost report postmarked or accepted by a common carrier no later than 3 calendar months after the close of its cost reporting year. A complete, legible copy of the cost report shall be submitted to AHCA.
2. Inclusion of Rural Health Clinic (RHC) in the title of the Federally Qualified Health Center Reimbursement Plan and addition of RHC references where applicable through the reimbursement plan.
3. For RHCs, Medicaid will accept the annual audited cost report established by the Medicare carrier.
4. For FQHCs, the Bureau of Primary Health Care (BPHC) should approve an increase or decrease in the scope of services (s).
5. For FQHCs, decreases in scope of service(s) that do not require BPHC approval should be reported to AHCA.
6. For both FQHCs and RHCs, the approval date for scope of service increases will be the latter of the date the service was implemented or 75 days prior to the date the request was received. The approval date for scope of service decreases will be the date the service was terminated.
7. For both FQHCs and RHCs, the effective date for scope of service increases will be the first day of the month following the approval date.
8. For both FQHCs and RHCs, the providers' Fiscal Year End (FYE) audit must be submitted before the scope of services can be approved.
9. For both FQHCs and RHCs, the financial data submitted for the scope of service increase or decrease must contain at least six months of actual cost information.

10. For both FQHCs and RHCs, if no financial data for the scope of service increase or decrease has been received within 12 months after the FYE in which costs were first incurred, the scope of service request shall be denied.
11. For RHCs who experience an increase or decrease in its scope of service(s) of greater than 1 percent and request an adjustment to their rate must meet the following criteria:
 - a. The AHCA approval date for scope of service increases will be the latter of the date the service was implemented or 75 days prior to the date the request was received. The AHCA approval date for scope of service decreases will be the date the service was terminated.
 - b. A copy of the most recent audited Medicare cost report must be filed with the request.
 - c. Submit a budgeted cost report (RHC Form 222-Medicare), which contains the increase or decrease costs associated with the scope of services.
 - d. If no financial data for the scope of service increase or decrease has been received within 12 months after the RHC's FYE in which the costs were first incurred, the scope of service request shall be denied.
12. For both FQHCs and RHCs, a new provider entering the Medicaid program on or after January 1, 2001, the initial rate shall be the lesser of rates established in Section V.A(2) and V.A.(3) of the reimbursement plan.
13. Each rural health clinic encounter rate will be determined by using the current Medicare rate established by the Title XVIII Medicare carrier.
14. Establish the prospective encounter rate for each RHC as the lower of the prospective encounter rates or the ceiling.
15. Incorporation of Rural Health Clinics to Rule 59G-6.080, F.A.C., Payment Methodology for Federally Qualified Health Center Services.

SUBJECT AREAS TO BE ADDRESSED: Specific requirements for providers enrolling entering the FQHC program on or after January 1, 2001; increases or decreases in scope of services; and prospective encounter rates and ceilings; incorporation of Rural Health Clinics to Rule 59G-6.080, F.A.C., Payment Methodology for Federally Qualified Health Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 2:00 p.m., July 23, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert Butler, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120-B, Tallahassee, Florida 32308, (850)414-2759

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NOT CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Daily Three Pool
 RULE NO.: 61D-7.010

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes which relate to the sale of tickets or other evidences showing an interest in or contribution to a pari-mutuel pool pursuant to Section 550.155(1), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the appropriate calculation of the Daily Three Pool under Rule 61D-7.010, Florida Administrative Code.

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.155(1) FS.

LAW IMPLEMENTED 550.0251, 550.155(1) FS.

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

TIME AND DATE: 10:00 a.m. – 2:00 p.m., July 23, 2003

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Manner of Application
 RULE NO.: 64B8-51.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate a revised form into the rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of a revised application form.

SPECIFIC AUTHORITY: 478.43(1),(4) FS.

LAW IMPLEMENTED: 478.45 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Medical Errors Course Provider
 RULE NO.: 64B8-52.005

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address entities approved to provide courses on medical errors.

SUBJECT AREA TO BE ADDRESSED: Entities approved to provide courses on medical errors.

SPECIFIC AUTHORITY: 456.013(7), 478.50(4)(b) FS.

LAW IMPLEMENTED: 456.013(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLE: Application for Licensure
RULE NO.: 64B15-6.002
PURPOSE AND EFFECT: The Board proposes to update the rule to conform with Board of Medicine’s corresponding physician assistant Rule 64B8-30.002, F.A.C.
SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments clarify the requirements for physician assistant licensure application, and specify time limits.
SPECIFIC AUTHORITY: 459.005 FS.
LAW IMPLEMENTED: 459.022 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD’S NEXT MEETING TO BE HELD ON SEPTEMBER 13, 2003 IN TAMPA, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.002 Application for Licensure.

(1) All persons applying for licensure as a physician assistant shall submit an application to the Department on forms approved by the Council and the Board and provided by the Department. ~~The application shall be accompanied by the application fee.~~

(2) The application may not be used for more than one year from the date of receipt by the Council of the original submission of the application form and fee. The fee to be paid at the time of application for licensure shall be as set forth in Rule 64B15-6.013 ~~40.002~~, F.A.C. After one year from the date that the original application and fee have been received in the Council office, a new application and fee shall be required from any applicant who desires licensure as a physician assistant.

(3) All application information must be submitted no later than 15 days prior to the Council meeting at which the applicant desires his or her application to be considered.

Specific Authority 459.005 FS. Law Implemented 459.022 FS. History—New 10-18-77, Formerly 21R-6.02, Amended 10-28-87, 4-21-88, 5-20-91, 3-16-92, Formerly 21R-6.002, 61F9-6.002, 59W-6.002, Amended 6-7-98, 3-10-02, _____.

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLE: Requirements and Limitations of Prescribing Privileges
RULE NO.: 64B15-6.0037

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the drugs a physician assistant may prescribe, and to update the rule text to conform with Board of Medicine’s corresponding physician assistant Rule 64B8-30.007, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment designates the scope of drugs a physician assistant is permitted to prescribe by written agreement with a supervising physician.

SPECIFIC AUTHORITY: 459.022 FS.

LAW IMPLEMENTED: 459.022 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD’S NEXT MEETING TO BE HELD ON SEPTEMBER 13, 2003 IN TAMPA, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.0037 Requirements and Limitations of Prescribing Privileges.

Written prescriptions shall be subject to the following requirements:

Each supervising physician and prescribing physician assistant shall enter into and keep on file a written agreement outlining which ~~of the~~ medicinal drugs not prohibited by ~~in~~ the formulary the supervising osteopathic physician has specifically authorized the physician assistant to prescribe. Each agreement must be signed and dated by all parties and maintained on file for at least five (5) years. Any such agreement must be provided to the Department, the Council, or any of their agents upon request.

Specific Authority 459.022 FS. Law Implemented 459.022 FS. History—New 2-20-94, Formerly 61F9-6.0037, Amended 2-1-95, Formerly 59W-6.0037, Amended 5-12-98, _____.

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLE: Formulary
RULE NO.: 64B15-6.0038

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the drugs an osteopathic physician may delegate to a physician assistant to prescribe, and to update the rule text to conform with Board of Medicine’s corresponding physician assistant Rule 64B8-30.008, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment designates the scope of drugs an osteopathic physician is permitted to delegate to a physician assistant to prescribe.

SPECIFIC AUTHORITY: 458.347, 459.022(4)(e) FS.

LAW IMPLEMENTED: 459.022(4)(e) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD’S NEXT MEETING TO BE HELD ON SEPTEMBER 13, 2003 IN TAMPA, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.0038 Formulary.

(1) No change.

(2) A supervising physician may delegate to a prescribing physician assistant only such authorized medicinal drugs as are used in the supervising physician’s practice, not listed in paragraph (1).

(3) through (4) No change.

Specific Authority 458.347, 459.022(4)(e) FS. Law Implemented 459.022(4)(e) FS. History–New 3-12-94, Formerly 61F9-6.0038, Amended 11-30-94, 4-17-95, 8-27-95, 11-13-96, Formerly 59W-6.0038, Amended 5-12-98, 3-10-99, 3-9-00, 6-19-00, 11-23-00, 2-26-02,_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Physician Assistant Fees RULE NO.: 64B15-6.013

PURPOSE AND EFFECT: The Board proposes the rule amendment to set the renewal fee for a prescribing physician assistant, and to update the rule text to conform with Board of Medicine’s corresponding physician assistant Rule 64B8-30.019, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment requires a \$200 renewal fee for prescribing physician assistants.

SPECIFIC AUTHORITY: 456.036(5),(7), 459.005, 459.009, 459.022(7) FS.

LAW IMPLEMENTED: 456.036(5),(7), 459.009, 459.022(7) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD’S NEXT MEETING TO BE HELD ON SEPTEMBER 13, 2003 IN TAMPA, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.013 Physician Assistant Fees.

The following fees are prescribed by the Council and adopted by the Boards:

(1) through (3) No change.

(4) The application fee for a person applying to be certified as a prescribing physician assistant shall be \$200.00. The fee for initial certification as a prescribing physician assistant shall be \$200.00. The renewal fee for a prescribing physician assistant shall be \$200.00. No additional fees will be required for any separate application for a distinct area of practice or a change in practice setting during the same biennium.

(5) through (9) No change.

Specific Authority 456.036(5),(7), 459.005, 459.009, 459.022(7) FS. Law Implemented 456.036(5),(7), 459.009, 459.022(7) FS. History–New 11-4-93, Amended 2-20-94, Formerly 61F9-6.013, 59W-6.013, Amended 8-11-98, _____.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLES: General Regulations; Definitions 64F-12.001
Records of Drugs, Cosmetic and Devices 64F-12.012

PURPOSE AND EFFECT: To modify the definition of “ongoing relationship” to allow for the implementation of legislation passed during the 2003 Legislative Session in SB 2312 related to the regulatory scheme for recordkeeping requirements of prescription drugs wholesaled from prescription drug wholesaler to prescription drug wholesaler. The legislation progressively increases these recordkeeping requirements over time. Consistent with the legislation, this rule will allow for implementation from July 1, 2003, when the law goes into effect through March 1, 2004, when the definition of “ongoing relationship” is redefined statutorily. In addition, this proposed rule will adopt specific elements required to appear on a required document called a pedigree paper related to the wholesale distribution of a prescription drug defined as a “specified drug.” These elements were included in a proposed rule on the same subject published in Vol. 29, No. 10 of the Florida Administrative Weekly on March 7, 2003. The paragraph addressing these elements was

SUBJECT AREA TO BE ADDRESSED: Modifications to several forms and exhibits incorporated into the rule by reference and clarifications to recently adopted rule language.

SPECIFIC AUTHORITY: 394.457(3), 394.493(2), 394.66(9),(12), 394.674(4),(6), 394.74, 394.76, 394.77, 394.78(1),(3),(6), 397.321(5), 402.73(7) FS.

LAW IMPLEMENTED: 394.457(3), 394.493(2), 394.66(9),(12), 394.674(3),(4), 394.74, 394.76(1),(5), 394.77, 394.78(1),(3),(6), 397.321(3)(c),(10), 397.431, 397.481 FS.

BECAUSE PROPOSED AMENDMENTS WILL BE BASED ON FEEDBACK RECEIVED FROM AFFECTED PROVIDERS AS A RESULT OF STATEWIDE TRAINING ON RECENTLY ADOPTED RULE AMENDMENTS, A RULE DEVELOPMENT WORKSHOP IS NOT PLANNED. IF A WORKSHOP IS 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, WHEN AVAILABLE, IS: Larry Ochalek, 1317 Winewood Blvd., Building 6, Room 307, Tallahassee, Florida 32399-0700, (850)414-1500

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

Commission develops. The affected counties have opted to form a single LRRC and the Commission anticipates delivering the preliminary rule proposal to the LRRC in July 2003. The LRRC has tentatively scheduled a series of public meetings to be held in July and August 2003, with the first meeting being scheduled for July 15 at the offices of the Tampa Bay Regional Planning Council in St. Petersburg. Additional information about the LRRC or its meeting schedule should be directed to Ms. Nanette Holland of the Tampa Bay Estuary Program, (727)893-2765.

SUBJECT AREA TO BE ADDRESSED: Manatee protection in the Tampa Bay area.

SPECIFIC AUTHORITY: 370.12(2)(g),(n),(o) FS.

LAW IMPLEMENTED: 370.12(2)(d),(g),(k),(n),(o) 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: Mr. Scott Calleson, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manatees	68C-22
RULE TITLES:	RULE NOS.:
Hillsborough County Zones	68C-22.013
Manatee County Zones	68C-22.014
Pinellas County Zones	68C-22.016
Hillsborough County – Big Bend Zones Established	68C-22.022

PURPOSE AND EFFECT: In April 2001, the Florida Fish and Wildlife Conservation Commission agreed to consider the need to adopt or amend manatee protection regulations in several specific locations around the state. Tampa Bay is one of the areas identified for evaluation. The Commission is considering what (if any) additional regulations are needed to protect manatees or manatee habitat in this area. Options being considered include regulations that would limit allowable motorboat speed and operation, as well as regulations that would prohibit some human activities in limited portions of Tampa Bay. As required by §370.12(2)(f), F.S., the Commission has requested that the counties of Hillsborough, Manatee, and Pinellas establish a Local Rule Review Committee (LRRC) for the purpose of reviewing and commenting on the preliminary rule proposal that the

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Best Management Practices (BMPs) for Citrus, Cow/Calf, Dairies and Other Agriculture in the Lake Okeechobee priority basins (S-191, S-154, S65 D and E)	5M-3
RULE TITLES:	RULE NOS.:
Purpose	5M-3.001
Definitions	5M-3.002
Approved Best Management Practices	5M-3.003
Notice of Intent to Implement	5M-3.004
Presumption of Compliance	5M-3.005
Land Application of Animal Wastes	5M-3.006
Record Keeping	5M-3.007
Land Use Changes	5M-3.008
Preservation of Authority	5M-3.009

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs, which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

SUMMARY: The rule establishes a procedure for submitting a "Notice of Intent to Implement," that, when filed with the Florida Department of Agriculture and Consumer Services (FDACS), and implemented, provides a presumption of compliance with state water quality standards, and release from the provisions of Section 376.307 (5), F.S., for those pollutants addressed by the practices. Once filed with FDACS, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in s. 373.4595, F.S. This rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based programs are subject to FDACS inspection.

FACTS AND CIRCUMSTANCES: The legislature, through Section 373.4595 F.S., directed the Florida Department of Agriculture and Consumer Services to develop and adopt by rule suitable interim measures and/or Best Management Practices or other measures necessary for Lake Okeechobee Phosphorus load reduction. The development of these practices shall initially focus on the priority basins listed in Section 373.4595(b)1., F.S., These practices shall be part of an ongoing program for the improvement of existing, and the development of new, interim measures or best management practices.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 373.4594, 403.067 FS.

LAW IMPLEMENTED: 373.4595, 403.067 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: Clegg Hooks or Ken Kuhl, Environmental Administrators, Office of Agricultural Water Policy, 1203 Governors' Square Blvd., Suite 200, Tallahassee, Florida 32301, (850)488-6249 or Fax (850)921-2153

THE FULL TEXT OF THE PROPOSED RULES IS:

5M-3.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs, which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state. The rule defines the phosphorus

management requirements of agricultural producers necessary to receive a presumption of compliance with state water quality standards, including those established by the Total Maximum Daily Load (TMDL) program and the South Florida Water Management District's Works of the District Program contained in Chapter 40E-61, F.A.C. Implementation of this rule is part of a comprehensive program to achieve water quality standards. Reasonable assurance for achieving water quality standards is enhanced through verification monitoring at representative sites and subsequent identification of additional or modified control measures where needed. Where it is determined that additional control measures are necessary to achieve compliance with water quality standards, established phosphorus reduction targets or total maximum daily loads, the implementation of these measures will be achieved through a modification of this rule.

Specific Authority 373.4595, 403.067 FS. Law Implemented 373.4595, 403.067 FS. History--New _____.

5M-3.002 Definitions.

(1) "Agricultural Nutrient Management Assessment and Plan" ("ANMAP") means a site-specific plan establishing the rate at which nutrients (manure, litter, waste bedding and process wastewater) can be land applied so as to meet crop nutrient needs while minimizing the amount of pollutant discharged to waters of the State. The ANMAP shall include site-specific Best Management Practices to address all relevant operation and maintenance activities. The ANMAP shall be consistent with the United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) technical standards and the USDA's December 2000 Technical Guidance for Developing Comprehensive Nutrient Management Plans, which may be viewed or copied by going to <http://www.nrcs.usda.gov/programs/afo/> or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd Street, Gainesville, Florida 32614-1510.

(2) "Agronomic Rates" means the application of nutrients to the soil that equals the rate of nutrient uptake, by existing or planned agriculture crop or pasture grass, required to produce an expected yield while minimizing adverse environmental effects.

(3) "Animal Wastes" means manure, used bedding, litter, feed, soil, urine, compost, and process wastewater from animal production areas.

(4) "Buy-out Dairy Property" means property on which a "dairy farm", as defined in subsection 5D-1.001(49), F.A.C., and a "high intensity area", as defined in Chapter 62-670, F.A.C., have ceased operations.

(5) "Conservation Plan" means a record of the landowner's decisions and supporting information for treatment of a unit of land or water as a result of the planning process that meets Field Office Technical Guide (FOTG) quality criteria for each natural resource (soil, water, air, plants, and animals) and takes into account economic and

social considerations. The plan must be developed in accordance with the United States Department of Agriculture/Natural Resources Conservation Service (USDA/NRCS) National Planning Procedures Handbook-Amendment 3 and approved by USDA/NRCS, and shall specify the schedule of operations and land activities needed to solve identified natural resource problems. The needs of the landowner, the resources, and federal, state and local requirements must be met. The National Planning Procedures Handbook-Amendment 3 may be viewed or copied by going to http://policy.nrcs.usda.gov/scripts/lpsiis.dll/H/H_180_600.htm, or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

(6) "Field Office Technical Guide (FOTG)" means the official NRCS guidelines, criteria, and standards for planning and applying conservation treatments, which may be viewed or copied by going to <http://www.nrcs.usda.gov/technical/efotg/> or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

(7) "Nutrient Management" Plan means a component of a site specific conservation plan that is designed and applied according to the USDA- NRCS conservation practice standard, Nutrient Management, Code 590, located in Section IV of the FOTG/Efotg. Nutrient Management Plans specify the amount, placement, form, and timing of the application of nutrients including manure and animal by-products, and soil amendments. Nutrient Management Plans are applicable to all lands where plant nutrients and soil amendments are applied. The Nutrient Management, Code 590, Conservation practice standard may be viewed or copied by going to <http://policy.nrcs.usda.gov/scripts/lpsiis.dll/H/H.htm>.

Specific Authority 373.4595, 403.067 F.S. Law Implemented 373.4595, 403.067 F.S. History--New _____.

5M-3.003 Approved Best Management Practices.

The following best management practices (BMPs) are approved for the Lake Okeechobee priority basins (S-191, S-154, S-65 D and E) as identified in s. 373.4595 (3)(b)1, F.S.:

(1) The document titled *Water Quality/Quantity BMPs for the Indian River Area Citrus Groves*, (May 2000) is hereby incorporated and adopted by reference in this rule. Copies of this document may be obtained from the University of Florida, Indian River Research and Education Center, 2199 South Rock Road, Ft. Pierce, Florida 34945.

(2) The document titled *Water Quality BMPs for Cow/Calf Operations*, (June 1999) is hereby incorporated and adopted by reference in this rule. Copies of the document may be obtained from the Florida Cattlemen's Association, P. O. Box 421929, Kissimmee, Florida 34742-1929.

(3) Implementation of a site specific conservation plan developed in accordance with the USDA/NRCS National Planning Procedures Handbook-Amendment 3 and approved by the USDA/NRCS. A copy of the National Planning

Procedures Handbook – Amendment 3 may be obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

(4) Implementation of a site specific Agricultural Nutrient Management Assessment and Plan (ANMAP), as defined in Rule 5M-3.002, F.A.C., developed for a dairy or cow/calf operation located on buyout dairy property.

Specific Authority 373.4594, 403.067 F.S. Law Implemented 373.4595, 403.067 F.S. History--New _____.

5M-3.004 Notice of Intent to Implement.

A Notice of Intent to Implement any of the non-regulatory and incentive based programs set forth in Rule 5M-3.003, F.A.C., shall be submitted to the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301.

(1) Such notice shall identify those practices from the approved best management practices listed in Rule 5M-3.003, F.A.C., the applicant intends to implement. The notice shall also include: the name of the property owner; the location of the property (ies); the property tax ID number(s); a timeline for implementation, the gross acreage on which each practice will be implemented; the name and contact information for an authorized representative; and the signature of the owner, leaseholder, or authorized agent.

(2) Once filed with the Florida Department of Agriculture and Consumer Services, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in Section 373.4595(3)(c)1.b., F.S.

Specific Authority 373.4595, 403.067 F.S. Law Implemented 373.4595, 403.067 F.S. History--New _____.

5M-3.005 Presumption of Compliance.

(1) Citrus:

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the implemented practices, the applicant must:

(a) Conduct an assessment of the subject properties, with the assistance of FDACS personnel, using the Citrus Grower Best Management Practices Checklist incorporated in the document titled *Water Quality/Quantity BMPs for Indian River Area Citrus Groves*, (May 2000)

(b) Submit the Notice of Intent to Implement outlined in Rule 5M-3.004, F.A.C.;

(c) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement.

(d) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs;

(e) Allow FDACS access to the property(ies) for verification of implementation, operation, and maintenance of BMPs, and;

(f) Within 60 days of submission of the Notice of Intent, sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 North, Okeechobee, Florida 34972-4168 for development of a Conservation Plan.

(g) Agree to implement a Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C.; and

(h) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, Florida 34972.

(2) Cow/Calf:

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the implemented practices, the applicant must:

(a) Conduct an assessment of the subject properties, with the assistance of FDACS personnel, using the Water Quality Risk Assessment section of the document titled *Water Quality BMPs for Cow/Calf Operations* (June 1999);

(b) Submit the Notice of Intent to Implement outlined in Rule 5M-3.004, F.A.C.;

(c) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties;

(d) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs;

(e) Allow FDACS access to the property(ies) for verification of implementation, operation and maintenance of BMPs; and

(f) Within 60 days of submission of the Notice of Intent, sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 N., Okeechobee, FL 34972-4168 for development of a Conservation Plan.

(g) Agree to implement a Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C.; and

(h) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 E. North Park St., Suite C, Okeechobee, FL 34972.

(3) Dairies/ Buyout Dairies:

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices, the applicant must:

(a) Submit a Notice of Intent to Implement as outlined in Rule 5M-3.004, F.A.C.;

(b) Implement the non-regulatory and incentive-based programs identified in the Agricultural Nutrient Management Assessment and Plan for the subject properties and listed in the Notice of Intent to Implement; and

(c) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs.

(d) Allow FDACS access to the property(ies) for verification and implementation, operation and maintenance of BMPs.

(4) Other Agriculture:

In order to receive the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices, the applicant must:

(a) Sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 North, Okeechobee, Florida 34972-4168 for development of a Conservation Plan.

(b) Submit a Notice of Intent to Implement as outlined in Rule 5M-3.004, F.A.C.;

(c) Implement the non-regulatory and incentive-based programs identified in the site-specific Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C. for the subject properties; and

(d) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, Florida 34972.

(e) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs.

(f) Allow FDACS access to the property(ies) for verification of implementation, operation, and maintenance of the BMPs.

Specific Authority 373.4595, 403.067 FS. Law Implemented 373.4595, 403.067 FS. History—New _____.

5M-3.006 Land Application of Animal Wastes.

Animal wastes shall be applied at a phosphorous-based agronomic rate. The landowner or leaseholder must have a current (5 year old or less) nutrient management plan, prepared by a Certified Technical Service Provider, or the United States Department of Agriculture (USDA), Natural Resources Conservation Services (NRCS), consistent with USDA, NRCS Conservation Practice Standard – Code 590 “Nutrient Management” and Code 633 “Waste Utilization.” The landowner or leaseholder must maintain adequate records demonstrating adherence to the Nutrient Management Plan. The Nutrient Management Plan and associated records, shall be made available to the Department or its representative, upon request.

Specific Authority 373.4595, 403.067 FS. Law Implemented 373.4595, 403.067 FS. History—New _____.

5M-3.007 Record Keeping.

All participants must preserve sufficient documentation to confirm implementation of the non-regulatory and incentive-based programs identified in the Notice of Intent to Implement. All documentation is subject to FDACS inspection.

Specific Authority 373.4595, 403.067 FS. Law Implemented 373.4595, 403.067 FS. History—New _____.

5M-3.008 Land Use Changes.

Any change in the land use shall require the landowner to demonstrate to the South Florida Water Management District that the proposed changes in land use will not result in increased phosphorus loading over that of the existing land uses. Affected landowners should contact the Florida Department of Agriculture and Consumer Services Okeechobee Office, 305 East North Park Street, Suite C, Okeechobee, Florida 34972 for assistance in the event of land use changes.

Specific Authority 373.4595, 403.067 FS. Law Implemented 373.4595, 403.067 FS. History—New _____.

5M-3.009 Preservation of Authority.

Nothing in this rule shall be construed as modifying of limiting the existing authority of the Department of Environmental Protection or the South Florida Water Management District's existing authority under Chapters 373 and 403, Florida Statutes, or the existing requirements of any permits, consent decree or rule.

Specific Authority 373.4595, 403.067 FS. Law Implemented 373.4595, 403.067 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard J. Budell, Assistant Director, Office of Agricultural Water Policy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles C. Aller, Director, Office of Agriculture Water Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2002

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference RULE CHAPTER NO.: 14-15

RULE TITLE: Toll Facilities Description and Toll Rate Schedule RULE NO.: 14-15.0081

PURPOSE AND EFFECT: The purpose of this rulemaking 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 an interchange on Florida's Turnpike at Becker Road in St. Lucie County. This new interchange will be

located on the Ticket System, approximately 5 miles north of the existing Stuart/Martin Downs Boulevard interchange and approximately 4 miles south of the existing Port St. Lucie/Port St Lucie Boulevard interchange.

SUMMARY: The proposed action is being taken to determine the Toll Rate Schedule resulting from the construction of an interchange at Becker Road and Florida's Turnpike. The Toll Rate Public Hearing is being held for the Becker Road interchange project, Financial Project ID 406162-1. The required Toll Rate Rule Development Workshop was held on March 27, 2003.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

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.

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

DATE AND TIME: Thursday, August 14, 2003, 6:00 p.m. – Informal Open House; 6:30 p.m. – Formal Hearing

PLACE: Port St. Lucie City Hall, 121 S. W. Port St. Lucie Boulevard, Port St. Lucie, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 RULE 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, and April 10, 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James L. Ely, Executive Director, Florida’s Turnpike Enterprise

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Morefield, Assistant Secretary for Transportation Policy, for José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2003

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Right of Way Property Management	14-19
RULE TITLES:	RULE NOS.:
Definitions	14-19.003
Real Property Conveyances	14-19.004
Payments Due to the Department on Sales, Leases, and Demolition and Removal Contracts	14-19.005
Demolition and Removal Contracting	14-19.006
Appraisal/Title Certification Requirements	14-19.012
Leasing of Department Owned Property	14-19.013
Asbestos Management	14-19.016
Outdoor Advertising Signs	14-19.017
Recreational Trail Leases	14-19.019

PURPOSE AND EFFECT: The amendment to Rule Chapter 14-19, F.A.C., is necessitated by changes in federal regulations regarding property management. The amendment incorporates the updated reference to 23 C.F.R., Part 710, Subpart D. The amendment moves required contract provisions from the rules to the three contract forms, which are incorporated by reference. The amendment also updates definitions; clarifies requirements regarding appraisals, leasing, and conveying property; makes miscellaneous editorial changes; and combines language from several individual rules. As a result of the restructuring of the rules and moving of contract provisions into forms, Rules 14-19.006, 14-19.012, 14-19.013, 14-19.016, 14-19.017, and 14-19.019, F.A.C., are being repealed.

SUMMARY: Rule Chapter 14-19, F.A.C., is amended to include revisions resulting from updated federal regulations, clarification of procedures, moving of contract provisions to incorporated forms, and repeal of six rules.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 215.34(2), 255.051, 255.551-.565, 260.0121, 334.044(28), 337.25, 337.18, 337.274 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 NOTICED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 RULE IS:

14-19.003 Definitions.

The following words and phrases, as used in these rules, shall have the following meanings, except where the context clearly indicates a different meaning:

(1) “Airspace” means the area located above or below a highway or other transportation facility’s established grade line, lying within the horizontal limits of the approved right of way or project boundaries. ~~“Abandoned Rail Corridor” means a right of way that was originally assembled to facilitate railroad traffic on which rail service has been discontinued and for which the Interstate Commerce Commission has granted an order of abandonment.~~

~~(2) “Asbestos Abatement” means the removal, encapsulation, or enclosure of asbestos containing materials.~~

~~(2)(3) “Airspace Agreement” means an instrument conveying the leasehold interest of any airspace, which was acquired with federal funds, property within the right of way after final acceptance of the project by the Federal Highway Administration. This term includes the lease of any property above, at, or below the established grade line of the transportation facility and only refers to Department owned properties which are located on federal aid projects.~~

~~(3) “Appraisal” means an estimate of the value by a Department staff appraiser or an independent fee appraiser, prepared in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), hereby incorporated by reference.~~

~~(4) “Asbestos Survey” means a comprehensive physical inspection of the building, including laboratory analyses, to identify all asbestos containing materials located within the building.~~

~~(4)(5) “Department” means the Florida Department of Transportation.~~

(6) “Demolition” means the wrecking or taking out of any load-supporting structural member of an improvement together with any related handling operations, or the intentional burning of any facility, per 40 C.F.R., Part 61, Subpart M.

(7) “Demolition and Removal” means the demolition of Department owned improvements from a parcel of real property, as defined above and the removal of the improvement from the right of way.

(8) “District” means the districts as defined in Section 20.23(4)(a), Florida Statutes.

(5)(9) “Excess Property” means Department-owned real property, of any value, located outside of the current operating right of way limits and not needed to support existing transportation facilities. This may include uneconomic remnants, additional Section 337.27(2), Florida Statutes, whole takes, and excess property created when design or construction requirements change after acquisition, or voluntarily acquired remainders. This property may be needed for future transportation purposes.

(6)(10) “Governmental Entity” means a federal, state, county, or any other entity that independently exercises any type of federal, state, or local municipal governmental function body. This term does not include non-profit organizations.

(7)(11) “Improvements” means permanent structures erected permanently on a site, such as buildings, fences, driveways, and retaining walls.

(8)(12) “Inequitable,” as used in Section 337.25(4)(c), Florida Statutes, means unfairly or unjustly affecting an abutting property owner’s ultimate or present use of real his or her property to the extent it will hinder or prevent its use him or her from using it for such purposes.

(13) “~~Interim Public Recreational Trail Use~~” means the ~~public recreational trail use of an abandoned rail corridor during the period between the acquisition of the rail corridor and the construction of a transportation facility on the corridor.~~

(9)(14) “Lease-Back” means the temporary leasing a lease of Department-owned real property to a former owner or tenant where construction is scheduled or pending and the former owner or tenant has not been relocated.

(10) “Local Governmental Entity” means as defined in Section 11.45, Florida Statutes.

(11)(15) “Personal Property” means any property that is not real property, is generally moveable, and is not permanently attached to the land or improvements.

(12)(16) “Public Purpose” ~~conveyance~~ means a conveyance by the Department to another governmental entity for a social, economic, or environmental use purpose which would benefit the general public.

(17) “Public Recreational Trail Lease” means the lease of a Department-owned abandoned rail corridor for interim public recreational trail use.

(18) “~~Public Recreational Trail Use~~” means public recreational traffic limited to: bicycles; triecycles; wheelchairs (motorized and non-motorized); horseback; roller blades; roller skis; skateboards; baby strollers; human drawn trailers or wagons; other solely human powered devices; and surveillance vehicles.

(13)(19) “Rail Corridor” means a strip of real property owned by, or purchased from, a railroad company which is currently or was previously used as a railroad transportation facility (an operating or abandoned rail line corridor).

(14)(20) “Real Property” means land, including buildings; or other improvements permanently affixed to the land.

(21) “~~Regulated Asbestos-Containing Material~~” (RACM) means:

(a) Friable Asbestos Material, which is defined as any material containing more than one percent asbestos as determined in Appendix A, Subpart F, 40 C.F.R., Part 763, Section 1, by Polarized Light Microscopy that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure per 40 C.F.R., Part 61, Subpart M;

(b) Category I Non-Friable Asbestos-Containing Material that has become friable;

(c) Category I Non-Friable Asbestos-Containing Material that will be or has been subjected to sanding, grinding, or abrading; or

(d) Category II Non-Friable Asbestos-Containing Material that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation per 40 C.F.R., Part 61, Subpart M.

(22) “Remove,” as it pertains to asbestos, means to take out RACM or facility components that contain or are covered with RACM from any facility per 40 C.F.R., Part 61, Subpart M.

(23) “Renovation” means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. An operation in which load-supporting structural members are wrecked or taken out is a demolition (as opposed to a renovation), per 40 C.F.R., Part 61, Subpart M.

(24) “Retention of Improvements” means a property owner’s election to retain possession of improvements, including houses, which can be moved or demolished and removed. Retention of improvements shall be negotiated prior to the Department acquiring title.

(25) “Salvage Value” means the probable sales of an item, if offered for sale on the condition that it will be removed from the property at the buyer’s expense, allowing a reasonable period of time to find a person buying with a knowledge of the uses and purposes for which it is adaptable and capable of being used, including the separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis per 49 C.F.R. 24.2(s).

~~(15)(26)~~ “Surplus Property” means excess real property that ~~has the District Secretary or authorized designee has declared, in writing, to have no present or future transportation use as determined by the District Secretary or authorized designee purpose.~~

~~(16)(27)~~ “Transportation Corridor” ~~means as defined in Section 334.03, Florida Statutes. means any land area designated by the state, a county, or a municipality which is between two geographic points and which area is used or suitable for the movement of people and goods by one or more modes of transportation and may include areas necessary for management of access and securing applicable approvals and permits. Transportation corridors shall contain the following:~~

~~(a) Existing publicly owned rights of way;~~

~~(b) All property or property interests necessary for future transportation facilities, including rights of access, air, view, and light, whether public or private, for the purpose of securing and utilizing future transportation rights of way, including any lands reasonably necessary now or in the future for securing applicable approvals and permits, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access could be impaired due to the construction of a future facility, and replacement rights of way for relocation of rail and utility facilities.~~

~~(17)(28)~~ “Transportation Facility” ~~means as~~ is defined in Section 334.03~~(31)~~, Florida Statutes. Excluded from this definition are properties which ~~are~~ ~~must be~~ administered by the Board of Trustees of the Internal Improvement Trust Fund such as maintenance or sub-maintenance yards, soil labs, and the Department’s administrative and construction offices.

~~(18)(29)~~ “Uneconomic Remnant” means real a property which, as a result of a partial taking by the Department, has little or no utility or value to the owner, ~~as determined by the review appraiser.~~

~~(30)~~ “Use Agreement” means a written agreement between a rail corridor’s owner and a second party. This agreement grants a specific use of the corridor, such as a lease, license, or permit. A rail corridor use agreement may have been granted by the original railroad owner or may be a new agreement granted by the Department subsequent to the acquisition of the rail corridor.

~~(31)~~ “Working Day” means Monday through Friday and includes holidays that fall on any of the days Monday through Friday per 40 C.F.R., Part 61, Subpart M.

Specific Authority 334.044(2) FS. Law Implemented 255.551, 337.25 FS. History—New 8-18-92, Amended 5-24-94, 4-25-95, 11-17-98, _____.

14-19.004 Real Property Conveyances.

(1) In the event the Department is selling ~~disposing of~~ surplus property not governed by the exceptions in Section 337.25(4), Florida Statutes, the Department must first offer such property to the local governmental entity in the jurisdiction in which the parcel is situated, ~~prior to either~~

~~negotiation or competitive sale of the property. The local governmental entity shall be allowed 10 working days to respond determine if there is a need for the subject parcel. If a public purpose is identified by the local government, the property may be conveyed to the local government for no consideration; otherwise, the property shall be sold at the Department’s approved appraised value. When If an independent appraisal has been performed, the acquiring local governmental entity shall reimburse the appropriate party for the cost of the appraisal.~~

~~(2) In the event the Department is disposing of surplus property not governed by the exceptions in Section 337.25(4), Florida Statutes, such property will be sold in accordance with Section 337.25(4)(b), Florida Statutes.~~

~~(2)(3) When disposing of surplus property by public bid or auction, a minimum bid will be specified when appropriate to ensure that bids received will reflect the fair market value of the property. The Department reserves the right to withdraw the property if the minimum bid is not reached. If a minimum bid is specified in the advertisement for bids or for auction, the Department reserves the right to withdraw the property when the minimum bid is not attained. Notice of the minimum bid and the Department’s right to withdraw the property when the minimum bid is not attained shall be included in the advertisement for bid or auction, it shall be the amount determined pursuant to Rule 14-19.012(2). If the highest bid is below the specified minimum bid, acceptance of the bid will require the approval of the District Secretary.~~

~~(4) For properties valued in excess of \$10,000, the appraisal which is procured by a prospective buyer or lessee is not approved until the Department has examined the appraisal and verified that it is in compliance with Section 475.628, Florida Statutes.~~

~~(3)(5) If real property is disposed of through negotiation, sealed bid, or public auction, the buyer or successful bidder shall pay all costs associated with the closing of real property disposed of through negotiation, sealed bid, or public auction. The Department shall prepare all necessary closing documents.~~

~~(4)(6) The buyer or successful bidder shall pay all costs to record the conveyance of the property in the county of record and provide a copy of the recorded deed, showing the book, and page number, and the date of recordation, to the Department within 30 days of the closing date.~~

~~(7) A governmental entity may request conveyance of real property or personal property for a public purpose in accordance with Section 337.25(4)(h), Florida Statutes, unless legislation or bond provisions provide otherwise. If property is to be conveyed for no monetary consideration, an appraisal is not required.~~

~~(5)(8) Prior to conveying or leasing When transfers are made to a governmental entity for a public purpose, the head of the governmental entity shall furnish a letter identifying the public purpose use for the property, ~~from the agency head, or,~~~~

if the governmental public entity consists of a group requiring consensus to take such action, a copy of the resolution confirming such consensus. This documentation shall be furnished to the Department at the time of application for purchase or lease of the Department-owned property. All public purpose conveyances shall provide for the reversion of all property rights to the Department for failure to continue public ownership and use. When full fair market value for the property is obtained, a reverter clause in the conveyance document is not required.

(6)(9) Governmental entities If real property is conveyed for a public purpose, the governmental entity to which real the property will be conveyed shall pay all closing costs associated with public purpose the conveyances. The Department shall prepare all necessary closing documents.

(7) When a lease or conveyance is executed pursuant to Section 337.25(4)(c), (d), or (5)(a), Florida Statutes, the lessee or purchaser must provide, at his or her own cost, evidence of ownership. This evidence shall be in the form of the last deed of record and an affidavit signed by the owner attesting to the fact that he or she is the owner of the abutting property. The affidavit shall be dated no more than six months prior to the date of the execution of the lease or conveyance document. Lease-backs to owners from whom the property was acquired, or holders of existing leasehold estates, are exempt from this requirement.

(8) The provisions of 23 C.F.R., Part 710 (Effective April 1, 2001) are incorporated into this rule by reference. 23 C.F.R., Part 710 is available from the Federal Highway Administration's website at <http://www.access.gpo.gov/nara/cfr>. Local governmental entities administering transportation projects or project phases receiving, anticipating receipt of, or intending to receive federal funds for any phase of a project on the State Highway System or intended to be on the State Highway System, must comply with 23 C.F.R., Part 710, Section 337.25, Florida Statutes, and the requirements of this rule chapter. Anticipating receipt includes discussion by local or state officials regarding the intended or potential use of federal funds in any phase of the project. This rule chapter does not apply to projects on or intended to be on the State Highway System funded by Department long term loans programs to governmental entities, which entities have independent statutory authority to provide transportation projects on the State Highway System.

(9) Leasing of Department Owned Property.

(a) Forms. For purposes of this section, the forms listed herein are hereby incorporated by reference. Copies of these forms are available from the Department of Transportation Office of Right of Way, 605 Suwannee Street, MS 22, Tallahassee, Florida 32399.

1. Lease Agreement, Form 575-060-33, Rev. 05/03.

2. Release and Right of Entry Agreement for Asbestos Survey, Form 575-060-17, Rev. 05/03.

3. Airspace Agreement, Form 575-060-32, Rev. 05/03.

(b) Lease. The Department may enter into a lease of any of its lands, buildings, or other properties, real or personal, which were acquired to secure or utilize transportation rights of way for existing, proposed, or anticipated transportation facilities on the State Highway System, on the State Park Road System, in a rail corridor, or in a transportation corridor designated by the Department. A written lease shall contain all the provisions of the Lease Agreement, Form 575-060-33, Rev. 05/03.

(c) Lease-Backs.

1. Lease-backs may extend until advertisement of the project for construction or, with special provisions, until physical construction.

2. Any extension of a lease-back will require approval of the appropriate District Secretary on Department projects, the Executive Director of the Turnpike Enterprise for Turnpike Enterprise projects, or the authorized local governmental entity official on its projects.

3. In the event of a lease-back, a signed and witnessed Release and Right of Entry Agreement for Asbestos Survey, Form 575-060-17, Rev. 05/03, shall be submitted by all occupants. Otherwise, further occupancy will be denied unless ordered by the court.

(d) Airspace Agreement. In accordance with 23 C.F.R., Part 710, Subpart D, when the property is located on the Interstate Highway System within the right of way line on the approved right of way maps or when a change in the access control line will occur, leasing of airspace for non-highway purposes will require the execution of a written agreement containing all the provisions of the Airspace Agreement, Form 575-060-32, Rev. 05/03. In accordance with 23 C.F.R., Part 710, Subpart D, the airspace agreement, its transfer, assignments, or conveyance to another party must be concurred with, in writing, by the Federal Highway Administration.

(e) Leasing of Outdoor Advertising Signs and Sites. The Department shall acquire all interests in property necessary for the construction of transportation facilities. The Department shall not lease sites for outdoor advertising signs except as described below. All outdoor advertising signs shall be removed from such right of way, except as provided herein. Further:

1. The Department shall ensure at the time of purchase that all rights of lessees under outstanding leases are acquired.

2. If an outdoor advertising sign is temporarily leased back, the new lease shall specify the terms and conditions for removal of the sign or other improvement.

3. Outdoor advertising signs and sites leased back on Department right of way must comply with the requirements of Chapter 479, Florida Statutes. However, a nonconforming sign shall be permitted to retain its existing nonconforming status until the sign is removed.

4. The property on which the outdoor advertising sign stands must be subject to an executed lease between the Department and the sign owner or lessee, and such lease shall contain a cancellation provision which provides that all sign structures will be removed by the Department without further notice if not removed by the lessee within 30 days of receipt of the notice of cancellation, in the event the Department should require use of the subject property prior to the expiration date of the lease.

5. The estimated market rental rate is calculated for the land and, if applicable, the sign.

6. Relocation of Outdoor Advertising Signs. Conforming signs, as defined in Chapter 479, Florida Statutes, located on existing Department property, i.e., property located outside of current operating right of way limits, may be relocated to other Department-owned property under the following conditions:

a. The sign must comply with all requirements of federal and state law.

b. The proposed site shall not result in nor cause any safety hazard to the general or traveling public.

c. The proposed site shall not interfere with any current or on-going project.

d. The proposed site shall not interfere with any current or proposed future transportation use or operational requirements of the facility.

e. The proposed site (and accompanying sign) shall comply with the zoning requirements of the land directly adjacent to the site.

f. The owner of the sign shall waive any rights to future compensation should the proposed site be needed for a transportation project.

(10) If the property transferred is used for other than the identified public purpose by the governmental entity, all property rights shall revert to the Department.

Specific Authority 334.044(2) FS. Law Implemented 255.553, 334.044(28), 337.25(4), 337.274 FS. History—New 8-18-92, Amended 5-24-94, 11-17-98, _____.

14-19.005 Payments Due to the Department on Sales, Leases, and Demolition and Removal Contracts.

(1) Payments due the Department on the sale of property, or under a demolition and removal contract, must be in the form of a cashier's check or other noncancellable instrument, such as a money order. No cash will be accepted by the Department.

(2) In addition to noncancellable instruments, personal checks are acceptable for lease payments. If a personal check is not honored, no further personal checks will be accepted from the lessee by the Department. When a personal check is not honored, the Department shall pursue collection in accordance with Section 215.34(2) and Chapter 83, Florida Statutes.

(3) When real property is conveyed in a sealed bid or at public auction, a nonrefundable deposit, in the form of a noncancellable instrument, of at least ten percent of the bid

amount will be required of the successful bidder at the time of the award of the bid. Full payment shall be required, in the form of a noncancellable instrument, at the time of closing.

Specific Authority 334.044(2) FS. Law Implemented 215.34, 255.051, 337.18, 337.25(4) FS. History—New 8-18-92, Amended 5-24-94, 11-17-98, _____.

14-19.006 Demolition and Removal Contracting.

Specific Authority 334.044(2), 337.18(1) FS. Law Implemented 255.05, 255.551-255.565, 337.11, 337.18 337.25 FS. History—New 8-18-92, Amended 11-17-98, Repealed _____.

14-19.012 Appraisal/Title Certification Requirements.

Specific Authority 334.044(2), 337.25 FS. Law Implemented 334.044(27), 337.25 FS. History—New 8-18-92, Amended 5-24-94, 4-25-95, 11-17-98, Repealed _____.

14-19.013 Leasing of Department Owned Property.

Specific Authority 334.044(2) FS. Law Implemented 337.25 FS. History—New 8-18-92, Amended 5-24-94, 4-25-95, 11-17-98, Repealed _____.

14-19.016 Asbestos Management.

Specific Authority 334.044(2) FS. Law Implemented 255.551-565 FS. History—New 8-18-92, Amended 5-24-94, 4-25-95, 11-17-98, Repealed _____.

14-19.017 Outdoor Advertising Signs.

Specific Authority 334.044(2) FS. Law Implemented 337.25, 479.01-24 FS. History—New 8-18-92, Amended 5-24-94, 4-25-95, 11-17-98, Repealed _____.

14-19.019 Recreational Trail Leases.

Specific Authority 334.044(2) FS. Law Implemented 260.0161, 337.25 FS. History—New 4-25-95, Amended 11-17-98, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa Barnes, Deputy Right of Way Manager, Relocation and Property

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Morefield, Assistant Secretary for Transportation Policy, for José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2003

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: State Highway System Connection RULE CHAPTER NO.: 14-96

Permits	14-96
RULE TITLES:	RULE NOS.:
Forms	14-96.0011
Definitions	14-96.002
Application	14-96.005
Application Submittal, Review, Approval, and Conditions	14-96.007

PURPOSE AND EFFECT: Three forms are being amended and Rule subsection 14-96.005(3), F.A.C., is amended to clarify language relating to authorized representatives and signature requirements. The amended forms are: Driveway/Connection Application for All Categories, Form 850-040-15; Receipt of Connection Application and Fee (or Waiver of Fee), Form 850-040-16; and Driveway Connection Permit for All Categories, Form 850-040-18. The revised forms have to be incorporated by reference. Cross references to these forms are also updated to reflect the revision date.

SUMMARY: Three forms are being amended. The revised forms have to be incorporated by reference. Cross references to these forms are also updated to reflect the revision date.

SPECIFIC AUTHORITY: 334.044(2), 335.182(2) FS.

LAW IMPLEMENTED: 334.044(14), 335.18-.187 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 NOTICE IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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:

14-96.0011 Forms.

The following forms shall be used in the connection application administrative process and are incorporated by reference and made a part of the rules of the Department:

Title	Form Number	Date
Driveway/Connection Application – Category A	850-040-14	09/02
Driveway/Connection Application for All Categories	850-040-15	<u>04/03</u> 09/02
Receipt of Connection Application and Fee (or Waiver of Fee)	850-040-16	<u>04/03</u> 09/02
Record of Waived Requirements for All Categories	850-040-17	09/02
Driveway Connection Permit for All Categories	850-040-18	<u>04/03</u> 09/02

Record Drawings Report by Permittee’s Professional Engineer	850-040-19	09/02
Security Instrument Receipt	850-040-200	4/93
State Highway Access Connection Completeness Review	850-040-21	11/94
Applicant Time Extension Form	850-040-22	04/93
Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit	850-040-230	9/02
Proposed State Highway Access Connection Notice of Intent to Issue Permit	850-040-240	9/02
Violation and Notice to Show Cause	850-040-26	09/02

These forms are available from the Department of Transportation’s local area Maintenance Office, District Office, Urban Area Office, or Central Office at 605 Suwannee Street, Mail Station 19, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.18-.187 FS. History–New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03,

14-96.002 Definitions.

For the purposes of this rule chapter the following definitions of the terms shall apply unless the context clearly indicates otherwise:

(1) No change.

(2) “Application” means a completed Driveway/Connection Application – Category A, Form 850-040-14, 09/02, or Driveway/Connection Application for All Categories, Form 850-040-15, 04/03 ~~09/02~~, the required application fee, and related property, site, driveway, roadway, and traffic information required in this rule chapter.

(3) through (37) No change.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History–New 4-18-90, Amended 7-16-95, 1-23-03, _____.

14-96.005 Application.

(1) Connection Permit Application and Information. The Driveway/Connection Application – Category A, Form 850-040-14 (09/02) and Driveway/Connection Application for All Categories, Form 850-040-15, (04/03 ~~09/02~~), and application information are available from the office of the local area Maintenance Engineer, District Office, or Urban Area Office. A complete application shall consist of the Connection Permit Application, (with original signatures, the number of signatures to be determined by the District staff)

application fee, site plans, drawings, traffic data, and connection and roadway information specified in this rule chapter.

(a) through (2) No change.

(3) Information Required for All Applications. The following information is required of all applications for all connections categories:

(a) Identification ~~and signature~~ of property owner and applicant. The complete names, and current mailing addresses and telephone numbers of property owner(s), ~~the developer(s)~~, the applicant, and ~~the authorized representative transportation and legal consultants representing the applicant (if any)~~, will be noted on the appropriate application as detailed in this rule chapter.

(b) Notarized letter of authorization. If the ~~applicant property owner~~ desires to have a representative sign, file, and handle the application, a notarized letter of authorization from the ~~applicant property owner~~ designating the ~~applicant and~~ the authorized representative shall be provided with the application package.

(c) Responsible ~~person officer~~. When the owner or applicant is a company, corporation, or other public agency, the name, address, and telephone number of the responsible officer shall be furnished with the application.

(d) Signatures. The names of all individuals signing the application and their titles shall be typed or printed ~~with directly below~~ the signatures.

(e) Property use. The existing and planned property use shall be noted in sufficient detail to determine the appropriate connection category of the application.

(f) Location of all existing and proposed connections. This will include a site plan indicating any physical features (existing ~~and~~ ~~or~~ proposed) that would have an impact on traffic circulation and sight distance on the public road system. Examples of such physical features are walls, fences, trees, mail boxes, gates, and utility poles.

(4) No change.

Specific Authority 334.044(2), (27), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History--New 4-18-90, Amended 7-16-95, 1-23-03, _____.

14-96.007 Application Submittal, Review, Approval, and Conditions.

(1) through (5) No change.

(6) Issuance of Permit. A Driveway Connection Permit for All Categories, Form 850-040-18, (09/02), will be issued after the applicant provides satisfactory evidence of compliance with all conditions that must be met before issuance of a permit. A permit shall be subject to all the conditions set forth in the Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (04/03 ~~09/02~~). A

permit authorizes construction for one year from the date of issuance and expires if construction of the connection is not completed within that period.

(6)(a) through (9) No change.

Specific Authority 334.044(2), 334.187(4), 335.182(2), 335.183 FS. Law Implemented 334.187, 335.181-.1825, 335.184, 335.185 FS. History--New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Sokolow, Senior Transportation Planner, Systems Planning Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Morefield, Assistant Secretary for Transportation Policy, for José Abreu, P. E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2003

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Legal Documents and Legal Mail RULE NO.: 33-210.102

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for handling undeliverable legal mail and to incorporate a form for this purpose.

SUMMARY: The proposed rule provides a standard process and incorporates a form for handling undeliverable legal mail.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 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:

33-210.102 Legal Documents and Legal Mail.

(1) through (12) No change.

(13) The address on all incoming legal mail should contain the inmate's committed name, identification number, institutional name and address. However if the addressee can be identified, the mail shall be delivered without delay. When legal mail cannot be delivered because the envelope does not contain enough information for a positive identification of the inmate recipient, the mail will be returned to the sender along with Form DC2-528, Legal Mail – Unable to Deliver. Form DC2-528 is hereby incorporated by reference. A copy of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(14) through (16) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History–New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, 12-4-02, 5-11-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charlie Terrell

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Independent Laboratory Services

RULE NO.: 59G-4.190

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, January 2002. The handbook changes include the January 2002 Independent Laboratory Fee Schedule, elimination of the –22 modifier, revisions to the Procedure Code Frequency Limitations (Appendix C), revisions to procedure codes in the Family Planning Waiver Laboratory (Appendix D), and replaces the Health Care Financing Administration (HCFA) with the new name Centers for Medicare and Medicaid Services (CMS). The effect will be to incorporate by reference in the rule the current Florida Medicaid Independent Laboratory Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., July 28, 2003

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.190 Independent Laboratory Services.

(1) No change.

(2) All independent laboratory providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, January 2002 ~~April 2004~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan Rinaldi, Medicaid Services Office

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE:
Definitions

RULE NO.:
61G4-12.011

PURPOSE AND EFFECT: The proposed amendment updates the rule with the addition of a definition for "structural" as used in Section 489.113(3)(c), Florida Statutes.

SUMMARY: The proposed rule amendment defines "structural" for the purposes of the requirements for swimming pool construction.

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: 489.103(5), 489.105(3), 489.108, 489.113(3) FS.

LAW IMPLEMENTED: 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) 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: Timothy Vacarro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.011 Definitions.

(1) through (13) No change.

(14) "Structural" as used in Section 489.113(3)(c), Florida Statutes, refers to the shell of the pool and then only if it is an integral part of a building's structure. Aside from this limited exception, no work on the pool beyond the shell itself can be performed without a certified or registered swimming pool contractor. In all other applications, all the pool work must be completed by a certified or registered swimming pool contractor.

(15)(14) No change.

Specific Authority 489.103(5), 489.105(3), 489.108, 489.113(3) FS. Law Implemented 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) FS. History—New 9-16-80, Formerly 21E-12.11, Amended 1-1-89, 4-18-89, 7-4-89, 4-22-90, 7-3-91, 12-21-92, Formerly 21E-12.011, Amended 11-4-93, 11-22-94, 10-10-95, 4-29-96, 9-18-96, 12-3-96, 11-25-97, 10-4-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 1003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLES: RULE NOS.:

Examination 61H1-28.001

Examinations 61H1-28.0011

Number of Sittings, Passing Grade and Granting of Credit, Effective Dates, Release of Grades and Completion of Examination 61H1-28.005

Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules 61H1-28.0052

Examination Credit from Other States 61H1-28.006

Examination Credit from Other States 61H1-28.0061

PURPOSE AND EFFECT: The Board proposes the development of rules to address computer-based examinations, to become effective on January 1, 2004 and the deletion of rules that will become obsolete with the adoption of these newly proposed rules.

SUMMARY: These rules identify the required examinations, define the terms used therein, and set forth the requirements for examination and re-examination; set out the number of sittings allowed, explain how credit is granted, and explain release of credit and completion of examinations, transition rules, and explain the differences between computer-based and paper-based examinations; and explain how examination credit is given for out-of-state credit which qualifies for Florida credit. The rules being repealed are being replaced by the new rules set forth below. The repeals will take effect at the same time the new rules become effective.

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

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

SPECIFIC AUTHORITY: 455.217(1), 473.304, 473.306 FS.

LAW IMPLEMENTED: 455.217(1), 473.306 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N.W. 76 Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-28.001 Examination.

THIS RULE REPEAL SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Amended 2-3-81, 9-16-84, Formerly 21A-28.01, Amended 4-8-86, Formerly 21A-28.001, Amended 5-23-94, 9-20-00, Repealed 1-1-04.

61H1-28.0011 Examinations.

(1) The Board adopts the Uniform CPA Examination “CPA Examination” prepared by the Board of Examiners of the American Institute of Certified Public Accountants and the examination approved by the Board on Chapters 455 and 473, F.S., and the related administrative rules “Law and Rules Examination” as its licensure examinations.

(2) As used in Chapter 61H1-28, F.A.C., the following terms are hereby defined:

(a) “Examination window” means a three-month period in which candidates have an opportunity to take the CPA Examination (comprised of two months in which the examination is available to be taken and one month in which the examination will not be offered while routine maintenance is performed and the item bank is refreshed). Thus candidates will be able to test two out of the three months within each examination window.

(b) “Special examination window” means the period from April 5, 2004 to September 30, 2004 during which a candidate may have the opportunity to take the CPA Examination and during which the examination may be available for a period of time more than two months due to the unique circumstances surrounding the initial administration of the CPA Examination. The special examination window shall count as one examination window. During the special examination window a candidate may retake a failed section(s) one time.

(3) For purposes of the Uniform CPA Examination:

(a) A first-time candidate is defined as a candidate who is required to file an application in order to qualify to sit for all sections of an examination.

(b) A re-examination candidate is defined as a candidate who has not received credit for all sections within the time frame allotted, as set out in Rule 61H1-28.0052, F.A.C.

(c) Candidates cannot retake a failed test section(s) in the same examination window.

THIS RULE SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 455.217(1), 473.304, 473.306 FS. Law Implemented 455.217(1), 473.306 FS. History—New 1-1-04.

61H1-28.005 Number of Sittings, Passing Grade and Granting of Credit, Effective Dates, Release of Grades and Completion of Examination.

THIS RULE REPEAL SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Amended 2-3-81, Formerly 21A-28.05, 21A-28.005, Amended 11-4-93, Repealed 1-1-04.

61H1-28.0052 Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules.

(1) With respect to the CPA Examination:

(a) A candidate may take the required test sections individually and in any order. Credit for any test section(s) passed shall be valid for eighteen months from the actual date the candidate took that test section, without having to attain a minimum score on any failed test section(s) and without regard to whether the candidate has taken other test sections.

(b) Candidates must pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the date that the first test section(s) passed is taken. In the event all four test sections of the CPA Examination are not passed within the rolling eighteen-month period, credit for any test section(s) passed outside the eighteen-month period will expire and that test section(s) must be retaken.

(c) For purposes of this section, credit for passing a test section of the computer-based examination is valid from the actual date of the testing event for that test section, regardless of the date the candidate actually receives notice of the passing grade.

(2) A candidate shall be deemed to have passed the CPA Examination when the candidate has been granted credit for all sections of the CPA Examination. Upon certification by the Board to the Department that the applicant has met all licensure requirements as imposed by Chapters 455 and 473, F.S., and the rules promulgated pursuant thereto, the Department shall issue a license to practice public accounting to such individual.

(3) After January 1, 2004, this rule shall be effective for all first-time candidates or re-examination candidates except as provided in (4) herein.

(4) For candidates in conditioned status after the November 2003 CPA Examination the following transition rules shall apply:

(a) Candidates who have attained conditional status as of the effective date of this rule will be allowed a transition period to complete any remaining test sections of the CPA Examination. The transition period shall end upon the exhaustion of either of the following:

1. As of the effective date of this rule, the candidate having sat for the exam for the maximum number of opportunities (that is, examination windows) that the candidate who conditioned under the paper-and-pencil examination had remaining to complete all remaining test sections under the paper-and pencil examination, or

2. The number of remaining opportunities under the paper-and-pencil examination, multiplied by six months but limited by the number of sittings remaining under the paper

and pencil examination. Thus, for example, if a candidate has two remaining sittings under the paper and pencil examination then that candidate will have one year to complete the CPA Examination but may only sit during two of the examination windows available during that year.

(b) If a previously conditioned candidate does not pass all remaining test sections during the transition period, conditional credits earned under the paper-and-pencil CPA Examination will expire and the candidate will lose credit for the test sections earned under the paper-and-pencil CPA Examination. However, any test section(s) passed during the transition period is subject to the retention provisions of the computer-based CPA Examination as indicated in (1) above, except that a previously conditioned candidate will not lose conditional credit for a test section of the computer-based CPA Examination that is passed during the transition period, even though more than eighteen months may have elapsed from the date the test section is passed, until the end of that candidate's transition period.

(5) Translation of subjects passed on the pen and paper CPA Examination to sections on the computer-based CPA Examinations shall be as follows:

<u>Paper-Based Examination</u>	<u>Computer-Based Examination</u>
<u>Auditing</u>	<u>Auditing & Attestation</u>
<u>Financial Accounting & Reporting (FARE)</u>	<u>Financial Accounting & Reporting</u>
<u>Accounting & Reporting (ARE)</u>	<u>Regulation</u>
<u>Business Law & Professional Responsibilities (LPR)</u>	<u>Business Environment & Concepts</u>

THIS RULE SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 455.217(1), 473.304, 473.306 FS. Law Implemented 455.217(1), 473.306 FS. History—New 1-1-04.

61H1-28.006 Examination Credit from Other States.

THIS RULE REPEAL SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Formerly 21A-28.06, 21A-28.006, Repealed 1-1-04.

61H1-28.0061 Examination Credit from Other States.

Upon application, an individual who has been granted credit by another state for any section on the CPA Examination, the specific examinations for which sections were identical to those offered in Florida, shall receive Florida credit for such out-of-state credit provided similar credit would have been granted in Florida at the time out-of-state credit was granted had the candidate met all the Florida requirements and sat for such examinations in Florida. For purposes of this rule in determining whether to transfer examination credit from another state, the Board shall consider and hold binding the examination requirements in effect in Florida at the time the

individual received out-of-state credit. An individual so receiving Florida credit shall be deemed to have been a Florida candidate for such purpose in determining future sittings and credit granting for the remaining section(s). Any person desiring to receive credit under this rule shall file an application with the Department and be certified as eligible to the Department by the Board.

THIS RULE SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 455.217(1), 473.304, 473.306 FS. Law Implemented 455.217(1), 473.306 FS. History—New 1-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 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 III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.: 3F-5.010
RULE TITLE: List of Approved Forms; Incorporation

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 28, No. 48, November 27, 2002, issue of the Florida Administrative Weekly. In response to written comments submitted by the staff of the Joint Administrative Procedures Committee, the Board has voted to change the rule as follows:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Dept. of Financial Services, Division of Consumer Services, Bureau of Funeral and Cemetery Services, 200 E. Gaines Street, Tallahassee, FL 32399-0361

3F-5.010 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 Department of Financial Services, Bureau of Funeral and Cemetery Services, 200 E. Gaines St., Tallahassee, Florida 32399-0361, or by telephoning (850)413-3039:

- (1) DBF-COA-1 effective _____, entitled "Application for Certificate of Authority."
- (2) DBF-HistS 7/01 effective _____, entitled "Historical Sketch."
- (3) DBF-COAB – 12/00 effective _____, entitled "Application for Certificate of Authority Branch Office License."
- (4) DBF-COAT1 01/01 effective _____, entitled "Application for Transfer of a Certificate of Authority."
- (5) DBF-RTF-1 effective _____, entitled "Preneed Funeral Contract Regulatory Trust Fund Remittance."
- (6) DBF-PNS-1 Rev. 04/94 effective _____, entitled "Registration of a Preneed Sales Agent."
- (7) DBF-CEMN 07/01 effective _____, entitled "Application to Organize a New Cemetery Company."
- (8) DBF-F-32 10/91 effective _____, entitled "Financial Statement."
- (9) DBF-CEM 1/96 REV 7/01 effective _____, entitled "Application to Transact Cemetery Business."
- (10) DBF-F-35 01/01 effective _____, entitled "Application for Authority to Acquire Control of an Existing Cemetery Company."
- (11) DBF-BYLAW1 6/99 effective _____, entitled "Pamphlet for Cemetery By-Law Approval."
- (12) DBF-EW-1 1/99 effective _____, entitled "Examination Workpapers – Rule 3F-6.0052."
- (13) DBF-F-43 REV 9/99 effective _____, entitled "Performance Bond."
- (14) DBF-C-1 effective _____, entitled "Application to Use a Letter of Credit or Surety Bond."
- (15) DBF-C-2 REV 9/99 effective _____, entitled "Surety Bond."
- (16) DBF-C-3 3/91 effective _____, entitled "Letter of Credit/Surety Bond Claim Form."
- (17) DBF-TFR-1 5/94 effective _____, entitled "Preneed Funeral Contract Consumer Protection Trust Fund Remittance."
- (18) DBF-TFD-1 6/01 effective _____, entitled "Preneed Funeral Contract Consumer Protection Trust Fund Proof of Claim and Disbursement Request."

Specific Authority 120.53(1)(b), 120.536, 120.54, 120.60(2), 497.003, 497.103, 497.105, 497.127, 497.201, 497.209, 497.213, 497.237, 497.245, 497.257, 497.301, 497.305, 497.309, 497.329, 497.337, 497.357, 497.405, 497.407, 497.413, 497.417, 497.419, 497.421, 497.425, 497.427, 497.429, 497.431, 497.439 FS. Law Implemented 497.103, 497.201, 497.209, 497.213, 497.237, 497.301, 497.337, 497.405, 497.407, 497.439, 497.245 FS. History—New _____.

DEPARTMENT OF INSURANCE

RULE NO.: 4-211.320
 RULE TITLE: Curriculum Standards for Special Designations
 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. 16, April 18, 2003 of the Florida Administrative Weekly. A subsequent Notice of Change was published in Vol. 29, No. 23 on June 6, 2003. These changes are being made in response to jurisdictional issues expressed by the Joint Administrative Procedures Committee.

Amended language is reinserted, and subsection (2) now reads:
 (2) For designation as an Accredited Claims Adjuster (ACA) or Professional Claims Adjuster (PCA), the requirement is at least 40 course hours.
 The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.: 4A-41
 RULE CHAPTER TITLE: Uniform Fire Safety Standards for Residential Child Care Facilities
 RULE NO.: PART II
 RULE TITLE: RESIDENTIAL CHILD CARE FACILITIES FOR FIVE OR FEWER CHILDREN
 4A-41.101 Scope
 4A-41.102 Definitions
 4A-41.103 Standards of the National Fire Protection Association Adopted
 4A-41.104 Occupancy Capacity of Each Facility
 4A-41.105 Emergency Egress and Relocation Drills
 4A-41.106 Inspections
 4A-41.107 Cooking Equipment; Exception

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 29, No. 12, March 21, 2003, of the Florida Administrative Weekly, has been withdrawn.

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

Southwest Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-2	Water Use
RULE NOS.:	RULE TITLES:
40D-2.031	Implementation
40D-2.041	Permits Required
40D-2.601	Ground Water Withdrawal Credits Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 20, No. 48, Pages 8905, 8906, and 8908, on December 2, 1994, in the Florida Administrative Weekly have been withdrawn.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-8	Water Levels and Rates of Flow
RULE NO.:	RULE TITLE:
40D-8.624	Guidance and Minimum Levels of Lakes

NOTICE OF WITHDRAWAL

Notice is hereby given that paragraphs 40D-8.624(6)(l) and 40D-8.624(6)(q) in the above rule, as noticed in Vol. 23, No. 38, Pages 5055 and 5056, on September 19, 1997, in the Florida Administrative Weekly have been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.:	RULE TITLE:
59C-1.045	Long-Term Care Hospital Beds

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 29, No. 19, Florida Administrative Weekly, May 9, 2003, has been withdrawn.

The proposed rule would have established criteria to be used in review of certificate of need (CON) applications to establish or expand a long-term care hospital.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.:	RULE TITLES:
61A-5.010	Completed Application
61A-5.0105	Beverage Licenses, New Quota Issue
61A-5.011	Completed Application for Issuance of New Quota License
61A-5.700	Application for Alcoholic Beverage License
61A-5.747	Preliminary Application for New Quota Alcoholic Beverage License

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 28, No. 41, October 11, 2002, Florida Administrative Weekly has been withdrawn

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.:	RULE TITLE:
61G19-6.008	Reexamination

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 48, of the November 27, 2002, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board previously published a Notice of Change for this rule in Vol. 29, No. 16, of the April 18, 2003, Florida Administrative Weekly. The Board, at its meeting held on June 6, 2003, voted to make other changes to the rule to address concerns submitted by JAPC. The changes are as follows:

All references in subsection (1) and (2) of the Rule shall be changed from "Board" to "Department."

In addition, sections 455.213(1), 468.607, and 468.627(4), F.S., shall be added to the Law Implemented citation.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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 Dentistry

RULE NOS.:	RULE TITLES:
64B5-12.013	Continuing Education Requirements
64B5-12.020	Courses Required of Licensees for Renewal and Reactivation

NOTICE OF CORRECTION

Notice is hereby given that the correct date for the Board of Dentistry's next meeting is July 17, 2003; it is not July 11, 2003 as stated in the Notices of Proposed Rulemaking, published in Vol. 29, No. 25, June 20, 2003, Florida Administrative Weekly. This correction only changes the date of the meeting and does not affect the substance of the rules.

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-13.005	Disciplinary Guidelines

NOTICE OF CORRECTION

Notice is hereby given that the correct date for the Board of Dentistry's next meeting is July 17, 2003; it is not July 11, 2003 as stated in the Notices of Proposed Rulemaking, published in Vol. 29, No. 25, June 20, 2003, Florida Administrative Weekly. This correction only changes the date of the meeting and does not affect the substance of the rules.

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-17.010	Unlicensed Practice of Dentistry

NOTICE OF CORRECTION

Notice is hereby given that the correct date for the Board of Dentistry's next meeting is July 17, 2003; it is not July 11, 2003 as stated in the Notices of Proposed Rulemaking, published in Vol. 29, No. 25, June 20, 2003, Florida Administrative Weekly. This correction only changes the date of the meeting and does not affect the substance of the rules.

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NOS.:	RULE TITLES:
64B5-14.001	Definitions
64B5-14.002	Prohibitions
64B5-14.003	Training, Education, Certification, and Requirements for Issuance of Permit
64B5-14.004	Additional Requirements
64B5-14.005	Application for Permit
64B5-14.006	Reporting Adverse Occurrences
64B5-14.007	Inspection of Facilities
64B5-14.009	Parental Conscious Sedation

NOTICE OF CORRECTION

Notice is hereby given that the correct date for the Board of Dentistry's next meeting is July 17, 2003; it is not July 11, 2003 as stated in the Notice of Proposed Rulemaking, published in Vol. 29, No. 26, June 27, 2003, Florida Administrative Weekly. This correction only changes the date of the meeting and does not affect the substance of the rules.

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.:	RULE TITLE:
64B13-5.002	Criteria for Approval

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 49, of the December 6, 2002, issue of the Florida Administrative Weekly. This matter was set for hearing as Case No. 03-0175RP and 03-0406RX entitled Florida Optometric Association (FOA) vs. Dept. of Health/Board of Optometry, on May 15, 2003, in the Division of Administrative Hearings (DOAH), on both a rule challenge to existing Rule 64B13-5.002, F.A.C., and the proposed rule amendments to that rule as set forth above.

Petitioner, FOA, and the Board, asked the administrative law judge for an opportunity to work out this challenge and a continuance was granted on May 8, 2003, for such purpose.

On June 20, 2003, the Board held a conference call to consider a compromise rule amendment that was offered by FOA. The Board voted to approve the changes. By adopting these changes to Rule 64B13-5.002, F.A.C., the litigation between the parties would be rendered moot, and the challenge

dismissed. The changes approved by the Board affect a significant number of entities offering continuing education, are acceptable to those affected, and are deemed a reasonable resolution to this matter.

The changes approved by the Board will substantially reword the rule to read as follows:

64B13-5.002 Criteria for Approval.

(1) In determining whether to approve a program of continuing professional education required by subsection 64B13-5.001(1) or (2), F.A.C., the Board shall consider whether the program contributes to the improvement, advancement, and extension of one's professional skill and knowledge to the benefit of the patient he serves. Continuing education courses in practice management and Florida jurisprudence as stated in subsection 64B13-5.001(5), F.A.C., shall be provided by an individual or organization with demonstrated competence in Florida Law pertaining to optometric practice as evidenced by the individual or organization's credentials, education and experience.

(2) A non-transcript quality continuing education program that satisfies the following criteria or course content shall be approved upon presentation of the information specified below:

(a) The course must be an organized program of learning that will contribute to the advancement and enhancement of professional competency and scientific knowledge in the practice of optometry, and must be designed to reflect the educational needs of Florida optometrists.

(b) The course must have scientific and educational integrity and must contain customary and generally accepted optometric and medical practices.

(c) The course must have an outline which demonstrates consistency with the course description and reflects the course content.

(d) A course handout/outline must be provided to all participants.

(e) The course must be taught in a manner appropriate to the educational content, objectives, and purpose of the program, and must allow suitable time to be effectively presented to the audience.

(f) The minimum credit for any qualified course is one hour. One hour of continuing education credit equals fifty (50) minutes of instructional time.

(g) Instructors must have the necessary qualifications, training and experience to present the course. Principal instructors must hold a minimum of a doctorate-level degree (O.D., M.D., Ph.D., D.O., J.D., D.D.S., D.C., Pharm.D., L.L.D., D.Ed., D.Sc., etc.) or its international equivalent. Faculties at accredited schools or colleges of optometry are exempt from this requirement. Individuals who do not hold at least a doctorate-level degree, or are not on faculty at an

accredited school or college of optometry shall only be listed as adjunct instructors for the course and only when the principal instructor holds a doctorate-level degree.

(3) A transcript-quality course that satisfies the following requirements, in addition to the criteria or course content in subsection (2) above, shall be approved upon presentation of the information specified below as well as the information specified in subsection (4) below:

(a) The course must be in consultation with or sponsored by a school or college of optometry or equivalent entity.

(b) The course must be in at least two (2) hour blocks.

(c) The course must be taught by instructors approved by the Board. Faculty members that instruct regular courses for the sponsoring school or equivalent or educational entity will automatically be approved. Instructors not fitting into this category must be approved by the Board.

(d) The course must require a Board approved examination with a passing grade. Grading and certification of examinations can be delegated by the provider to an equivalent educational entity.

(e) The examination must be monitored or mailed to the licensee after the course.

(4) To obtain Board approval, the following information must be provided by the program or course provider or by a licensed practitioner who attended the course:

(a) Information sufficient to demonstrate compliance with the criteria set forth in subsection (2) above.

(b) Date(s) and time(s) of each course.

(c) Complete outline of course, including a breakdown of hours for each subject.

(d) In the case of a transcript quality course a letter from the dean of the sponsoring school or college of optometry or equivalent educational entity certifying transcript quality credit.

(e) In the case of a transcript quality course, a copy of the examination to be given.

(f) In the case of a transcript quality course, identification of the entity responsible for grading and certifying the examination(s).

(g) Evidence that the fee specified in subsections 64B13-6.001(18) and (19), F.A.C., has been paid; provided however, should the provider not seek approval of the course, the licensed practitioner seeking approval of the course shall pay the fee.

(h) Notwithstanding paragraphs (3)(a)-(c) above, if the program is non-transcript quality and has been previously approved by the Council on Optometric Practitioner Education (COPE) or by any recognized optometric organization that sponsors optometric education utilizing the criteria set forth in subsection (2) above, the Board shall approve the program

upon submission of the approved course number issued by COPE or other recognized optometric organization and in compliance with paragraph (g) above.

(5) In order for a course to be considered transcript quality, it must be approved by the Board as transcript quality prior to the time it is taken.

(6) A course needs to be approved only once during the biennium in which it is presented so long as the presenter and the course outline do not change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety Program

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65C-16	Adoptions
RULE NOS.:	RULE TITLES:
65C-16.001	Definitions
65C-16.002	Adoptive Family Selection
65C-16.004	Recruitment, Screening and Application Process for Adoptive Applicants
65C-16.005	Evaluation of Applicants
65C-16.008	Dispute Resolutions and Appeals
65C-16.012	Types of Adoption Assistance
65C-16.017	Florida Adoption Reunion Registry

NOTICE OF CHANGE

Notice is hereby given that that 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. 17, April 25, 2003, issue of the Florida Administrative Weekly.

65C-16.001(4) “Adoption Entity” means “adoption entity” as defined in 63.032(3)(2), F.S.

65C-16.001(20) “Lead Agency” means “eligible lead community based provider” as defined in Section 409.1671(1)(c)(b), Florida Statutes.

65C-16.002(1) ~~The authority of the Department facilitates the regarding adoption is limited to facilitating the~~ adoption of children with special needs. Persons seeking to adopt non-special needs children will be referred to private adoption agencies. Any non-special needs children in the care of the department for whom adoption is the goal, will be referred to private adoption agencies for placement planning, unless there is a plan for adoption by the current custodian.

65C-16.002(5) Occasionally a child whose parent’s parental rights have been terminated, for whom there is a plan for foster parent adoption, has relatives who indicate an interest in adopting after the termination process is completed. The following factors must be considered in making a decision that represents the best interest of the child in this situation.

65C-16.002(5)(b) Kinship. Children who have a shared history with extended family and cultural values and traditions are more likely to be passed on to the child when there is opportunity to grow up in the care of family members. Consideration must be given to the quality of the relationships with the relative. Some children will already know and trust the relative seeking to adopt. If not, the willingness of the relative to participate in pre-placement activities to promote the development of a relationship must be considered.

65C-16.004(5) An application to adopt must be made on a form CF-FSP 5071.PDF 09/2000, Adoptive Home Application approved by the department, which includes necessary identifying information and information required by statute. If a community based provider chooses to use its own form, that form must contain all of the elements of CF-FSP 5071, PDF 09/2000, which is incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Bldg 7, Tallahassee, FL.

65C-16.005(6)(h) Extended Family and Neighbors. How the previous adoption has been perceived, received or rejected by family ~~and/or neighbors, and if applicable, the coping skills of the adoptive family in dealing with adverse reactions to the adoption.~~

65C-16.008(1) When an adoptive applicant or parent is adversely affected by a decision or action taken by the department, or by a community based agency acting for the department, efforts should be made to settle the dispute at the counselor/supervisor level. If this attempt is unsuccessful, the Adoptive Review Committee will be convened as outlined in 65C-16.005(9), F.A.C. If this review results in a decision by the district administrator that supports the department’s/agency’s original decision, the applicant or parent must be told of that decision in writing and advised of their judicial option as described in the Administrative Procedures Act, Chapter ~~120.68~~ 400.68, F.S., and of their right to a hearing pursuant to s. 120.57, F.S.

65C-16.012 History – New 2-14-84, Formerly 10M-8.18, 10M-8.018.

65C-16.017(9) Fee for Service.

(a) The registry ~~shall establish a fee~~ for initial filing of identifying information with the registry shall be \$35.00. This fee shall be submitted in the form of a money order, bank draft, or personal check by the registrant and shall be deposited in a trust account specified by the department. These fees shall be used to defray the direct and indirect costs of operating the registry.

(b) The registry ~~shall establish a fee~~ for updating information previously filed or for changing, limiting or withdrawing consent to release identifying information shall be \$10.00 for each occurrence. These fees shall be deposited in a trust fund specified by the department. These fees shall be used to defray the direct and indirect costs of operating the registry.

(c) Receipts will be mailed to registrants to acknowledge the processing of fees. Accompanying letters of acknowledgement will state the status of the applicant's registration.

(d) Fees are collected to offset costs of researching birth information, processing applications, and providing staff to service client information and other requests. When an application has been accepted by the registry for processing, fees will be deposited and will not be returned to the applicants, even if registration proves to be impossible.

(e) Fees for counseling services shall be set and collected by the department, licensed agency, or other professional who provides the service.

(f) The department shall waive fees in cases where need and hardship can be documented. Acceptable documentation of hardship includes verification that applicant is receiving unemployment benefits, public assistance, social security income or food stamps.

(10) CF1490, PDF 09/2000 Application for Adoption Registry Services, and CF1491, PDF 09/2000 Application to Update Information on File with Adoption Registry, which are incorporated by reference, are available upon request from the Department's Office of Family Safety, Interstate Compact Office at 1317 Winewood Blvd., Tallahassee, FL.

Section IV Emergency Rules

DEPARTMENT OF CITRUS

RULE TITLE: RULE NO.:

Competition Announcement 20ER03-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

The Department's expenditures for promotional and advertising service contracts, on an annual basis, exceed \$40 million and, according to the University of Florida, the Florida citrus industry accounts for a \$9.1 billion economic impact and provides 90,000 jobs statewide. Florida's Legislature has determined that the advertising and promotion of the Florida citrus industry is related to the public welfare, and has expressed the intent that the industry be promoted through various provisions of Chapter 601, Florida Statutes. The State of Florida Department of Management Services (DMS) has promulgated rules under the authorities contained in §287.042(12) and 287.057(23), Florida Statutes, which have an effective date of July 1, 2003, imposing a registration requirement and fee for vendors providing goods or services to the state of Florida. Such registration and fee requirement

would impose a cost of \$400,000 on Department's operating costs and create vast administrative uncertainty in the bid, proposal and contracting activities of the Department for the coming fiscal year, 2003-04.

After taking testimony and discussing the matter at a public meeting and hearing in Lakeland, Florida on June 18, 2003, the Florida Citrus Commission voted to adopt Emergency Rule 20ER03-1, F.A.C., exempting all promotional and/or advertising contracts from the registration and fee required by the new DMS rule.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER03-1, exempting all promotional and/or advertising contracts from the registration and fee required by the new DMS rule, was made via mailing of the meeting notice on June 10, 2003, to members of the Florida Citrus Commission, all industry organizations, the Florida Press Corp and other interested persons.

SUMMARY: Emergency Rule 20ER03-1, F.A.C., exempts all Department of Citrus promotional and/or advertising contracts from the registration and fee required by the new DMS rule.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ken Keck, General Counsel, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER03-1 Competition Announcement.

(1) Requests for proposals and invitations to bid for contractual services shall be provided by mail, facsimile or electronic mail, using source lists obtained from associations, professional organizations, yellow pages or other available sources. Such announcement shall:

(a) Solicit bids where the Department is capable of specifically defining the scope of the work required, or

(b) Solicit proposals when it is impractical or the Department is incapable of specifically defining the scope of the work required, and

(c) Solicit from the provider information relating to the professional responsibility and capabilities of the provider as relevant. Such information may include gross billing and account mix, capability in art production, copy production and media purchasing, backgrounds of key creative people, marketing and research capabilities, previous government accounts, conflict of interest accounts and credit sufficiency.

(2) No fee shall be imposed nor registration required of vendors responding to bids or proposals solicited under this rule.

~~(3)(2)~~ Contractual services may be awarded without competition if it is determined in writing and certified by the Executive Director or his designee that such services are available from only one source, or if the services or promotion are offered to all interested on a nondiscriminatory basis.

~~(4)(3)~~ When the price of contractual services is less than CATEGORY 3 as defined in Section 287.017, F.S. the Department is not required to use competitive procedures.

Specific Authority 601.10(1),(12), 601.15(2) FS. Law Implemented 601.10(12) FS. History--New 10-19-82, Formerly 20-104.03, Amended 7-11-93, 10-15-95, 1-27-98, 6-20-03.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: June 20, 2003

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice is hereby given that the Department of Highway Safety and Motor Vehicles has approved a petition for variance of Rule 15A-10.0141, Florida Administrative Code, submitted by Lakeview Center, Inc. on May 5, 2003. The Department approved the above variance on June 16, 2003.

The petitioner was seeking to contribute to the program's retirement plan in excess of the percentage of gross compensation contributed for members of the regular class of the Florida Retirement System (FRS). The petition was approved on the basis that the FRS contribution rate for the regular class has declined to 4.5% this fiscal year due to positive investment performance and the legislature's decision to spend down the FRS trust fund surplus. There are inherent and significant differences in how the FRS fund functions as compared to the DUI program's retirement plan. Therefore, application of this rule would create a substantial hardship for the DUI program and its employees. Notice of the petition was published in the FAW on May 30, 2003.

A copy of the order can be obtained from: Bureau of Driver Education and DUI Programs, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, MS #88, Tallahassee, Florida 32399-0571.

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 June 13, 2003, South Florida Water Management District (District) received an amended petition for waiver from Palm Beach County Department of Engineering and Public Works, Application No. 03-0128-1, for utilization of Works or Lands of the District known as the C-18 Canal, Palm Beach County, for placement of associated retention/detention drainage treatment facilities, guardrail, fencing and light poles, in conjunction with the proposed construction of the Island way Bridge. The petition seeks relief from subsection 40E-6.221(j), Fla. Admin. Code, which prohibits placement of drainage systems within Works or Lands of the District, and from subsections 40E-6.011(4) and (6), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground structures within 40 feet of the top of canal bank within Works or Lands of the District.

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

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

NOTICE IS HEREBY GIVEN that on June 11, 2003, South Florida Water Management District (District) received a petition for waiver from the Town of Davie, Application No. 03-0423-4M, for utilization of Works or Lands of the District known as the C-11 Canal, Broward County, for placement of 7 trail information bollards along the north bank of the canal.

The petition seeks relief from subsections 40E-6.011(4) and (6) and 40E-6.221(j), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground structures within 40 feet of the top of canal bank within Works or Lands of the District.

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

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business

on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on June 11, 2003, South Florida Water Management District (District) received a petition for waiver from the South Florida Conservancy District, Application No. 03-0317-2, for utilization of Works or Lands of the District known as the L-25, Palm Beach County, for placement of a chain-link fence.

The petition seeks relief from subsections 40E-6.011(4) and (6) and 40E-6.221(j), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground structures within 40 feet of the top of canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-80 DAO-ROW), on June 12, 2003, to Merrell United Methodist Church. The petition for waiver was received by the SFWMD on February 13, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 10, on March 7, 2003. No public comment was received. This Order provides a waiver for temporary over-flow vehicular parking east of State Road 7 bridge in Lauderdale Lakes, Broward County, Section 19, Township 49 South, Range 42 East, Broward County. The temporary waiver will expire June 30, 2005. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the use of motorized vehicles within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the temporary parking will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Merrell United Methodist Church from suffering a substantial hardship.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT action has been taken on an Emergency Petition for Variance or Waiver received on June 11, 2003 from Vitas Healthcare Corporation of Central Florida 100 South Biscayne Boulevard, Suite 1500, Miami, Florida 33131. The petition involved paragraph 59C-1.008(1)(g), F.A.C., and Certificate of Need Letter of Intent submission for projects in Hospice Planning Areas 4A and 4B.

The petition has been denied.

For a copy of the final order write or call: Lealand McCharen, Agency for Health Care Administration, 2727 Mahan Drive, MSC #3, Tallahassee, Florida 32308, (850)922-5873.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Board of Funeral Directors and Embalmers hereby gives notice that it has issued an Order on the Petition for Waiver filed by Leroy Sims, Jr. The Notice of Petition for Waiver was published in Vol. 29, No. 15, of the April 11, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on April 29-30, 2003. The Board's Order, filed on June 12, 2003, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rules 61G8-17.0041 and 61G8-14.007, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

Petitioner was gravely ill from about November 2000, until the summer of 2002, and the Petitioner was unaware of the new requirement of submission of a new application to renew approval as a Continuing Education Provider. As was his practice, Petitioner forwarded the fee, as previously required, but did not provide a new application. His fee was returned and he was informed that his providership was invalid. Because of his illness, because of the far reaching consequences of his licensure status to members of the Florida Morticians Association who look to Mr. Sims for meeting their CE requirements, and because of his broad educational experience, the Board concluded that Mr. Sims established that he met the requirement for waiver of the application requirement for renewal of his status for the 2001-2003 renewal cycle.

A copy of the Board's Order may be obtained by contacting: Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0750.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a petition filed on May 9, 2003, by Javier Torres-Roca, M.D., seeking a variance from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on June 12, 2003, by Teofilo Lama, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT ON June 24, 2003, the Board of Physical Therapy Practice received a Petition for Waiver of Rule 64B17-3.003, F.A.C., from Angelica Morelli. The Petition requests a waiver of the rule that precludes an applicant from licensure if the applicant failed to pass the examination after five attempts regardless of jurisdiction.

Comments on this Petition should be filed with: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

This petition will be considered at the next meeting of the board on July 18, 2003, The Embassy Suites, 1100 S. E. 17th Street, Fort Lauderdale, Florida 33316, (954)527-2700.

For more information contact: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

NOTICE IS HEREBY GIVEN THAT ON June 24, 2003, the Board of Physical Therapy Practice received a Petition for Waiver of Rule 64B17-3.003, F.A.C., from Patricia Noriega. The Petition requests a waiver of the rule that precludes an applicant from licensure if the applicant failed to pass the examination after five attempts regardless of jurisdiction.

Comments on this Petition should be filed with: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

This petition will be considered at the next meeting of the board on July 18, 2003, The Embassy Suites, 1100 S. E. 17th Street, Fort Lauderdale, Florida 33316, (954)527-2700.

For more information contact: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

NOTICE IS HEREBY GIVEN THAT ON June 24, 2003, the Board of Physical Therapy Practice received a Petition for Waiver of Rule 64B17-3.003, F.A.C., from Jaime Tatis. The Petition requests a waiver of the rule that precludes an applicant from licensure if the applicant failed to pass the examination after five attempts regardless of jurisdiction.

Comments on this Petition should be filed with: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

This petition will be considered at the next meeting of the board on July 18, 2003, The Embassy Suites, 1100 S. E. 17th Street, Fort Lauderdale, Florida 33316, (954)527-2700.

For more information contact: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

NOTICE IS HEREBY GIVEN THAT ON June 24, 2003, the Board of Physical Therapy Practice received a Petition for Waiver of Rule 64B17-3.003, F.A.C., from Luz Marina Vilar. The Petition requests a waiver of the rule that precludes an applicant from licensure if the applicant failed to pass the examination after five attempts regardless of jurisdiction.

Comments on this Petition should be filed with: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

This petition will be considered at the next meeting of the board on July 18, 2003, The Embassy Suites, 1100 S. E. 17th Street, Fort Lauderdale, Florida 33316, (954)527-2700.

For more information contact: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

NOTICE IS HEREBY GIVEN THAT ON June 24, 2003, the Board of Physical Therapy Practice received a Petition for Waiver of Rule 64B17-3.003, F.A.C., from Fabiola Pacheco. The Petition requests a waiver of the rule that precludes an applicant from licensure if the applicant failed to pass the examination after five attempts regardless of jurisdiction.

Comments on this Petition should be filed with: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

This petition will be considered at the next meeting of the board on July 18, 2003, The Embassy Suites, 1100 S. E. 17th Street, Fort Lauderdale, Florida 33316, (954)527-2700.

For more information contact: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Elections** announces a public meeting to which all persons are invited:

DATE AND TIME: July 23, 2003, 10:00 a.m. – 3:00 p.m.

PLACE: Legislative Research Center and Museum, Tallahassee Community College, Room 168, 444 Appleyard Drive, Tallahassee, Florida 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of the discussion of the design of a central voter registration system as required by the federal Help America Vote Act of 2002 and recently passed Florida legislation pertaining to the implementation of the federal act.

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Paul Craft by telephone, (850)245-4220 or by writing to 107 West Gaines Street, Room 231, Tallahassee, Florida 32399-0250, at least three days in advance of each meeting.

DEPARTMENT OF LEGAL AFFAIRS

The LCSW Task Force Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: Wednesday, July 23, 2003, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a regular business meeting of the Florida Coordinating Council on Mosquito Control to which all persons are invited.

DATE AND TIME: July 29, 2003, 10:00 a.m. – 2:00 p.m.

PLACE: Department of Agriculture and Consumer Services, Division of Plant Industry's Conference Room, 1911 S. W. 34th Street, Gainesville, Florida 32614, (352)372-3505

GENERAL SUBJECT MATTER TO BE CONSIDERED: Welcome and Introductions; Approval of Minutes from Previous Meeting; General Comments and Business Items, to include:

- Council's Decision-Making Procedures, Guiding Principles
- Assuring Compliance with Sunshine Laws
- Roles and Responsibilities
- Workplan Review
- Other items to be announced

Questions and comments may be directed to: Thomas Loyless, Chairman, (850)922-7011, Ext. 101 or email: loylest@doacs.state.fl.us.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: July 26, 2003, 10:00 a.m. – 12:00 p.m.

PLACE: Sheraton Sand Key Resort, Palm Room, Clearwater Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Dept. of Agriculture and Consumer Services to discuss current and proposed Council programs and budget issues.

Additional information may be obtained by writing: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours in advance by contacting Ms. O'Neil at the number above.

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Alligator Marketing and Education Advisory Committee.

DATE AND TIME: Tuesday, July 22, 2003, 10:00 a.m.

PLACE: Fruit and Vegetable Association, 4401 E. Colonial Drive, Orlando, FL, (407)894-1351

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss marketing and educational activities beneficial to the Florida alligator industry.

A copy of the agenda may be obtained by contacting: Martin May, 2051 E. Dirac Drive, Tallahassee, FL 32310-3760.

If special accommodations are needed to attend this meeting because of a disability, please contact Martin May as soon as possible.

The Florida **State Fair Authority** announces a meeting of the Full Authority to which all persons are invited:

DATE AND TIME: Tuesday, July 22, 2003, 1:00 p.m.

PLACE: Bob Thomas Equestrian Center, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Reports: Finance, Long Range Planning and Marketing; Budget Approval; Amphitheater Project Update; Acquisition of Ferman Property.

AGENDA: A copy of the Agenda may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, P. O. Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

The Florida **State Fair Authority** announces a meeting of the Finance Committee, and a combined meeting of the Long Range Planning and Marketing Committees.

DATE AND TIME: Tuesday, July 22, 2003, 10:00 a.m. – Finance Committee Meeting; 11:00 a.m. – Long Range Planning and Marketing Committees

PLACE: Bob Thomas Equestrian Center, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss old and new business of the Finance, Long Range Planning and Marketing Committees.

AGENDA: A copy of the Agendas may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, P. O. Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

DEPARTMENT OF EDUCATION

The **Florida Atlantic University**, Board of Trustees announces a conference call meeting to which all persons are invited:

DATE AND TIME: Wednesday, July 16, 2003, 10:00 a.m.

PLACE: Boca Raton Campus, 777 Glades Road, Boca Raton, Florida 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: University/Trustee Business.

A copy of the agenda may be obtained by contacting: Dr. Anthony Lombardo, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-4030

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD No. (561)297-2130.

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call; Evaluation Committee

DATE AND TIME: July 10, 2003, 10:30 a.m. – 11:30 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Evaluation Committee. A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency,

conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call; Executive Committee

DATE AND TIME: July 10, 2003, 11:30 a.m. – 12:30 p.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Executive Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call; Membership Committee

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

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Membership Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105).

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held at:

PLACE: The Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819, 1(800)366-9700

DATE AND TIME: July 13, 2003, 9:00 a.m.

Meeting of the Structural Technical Advisory Committee.

DATE AND TIME: July 14, 2003, 9:00 a.m.

Meeting of the Accessibility Advisory Council to consider the following applications for waiver of accessibility code requirements: Holmes Newman and Associates Interior Design, 104 N. E. 41st Street, Miami; Econo Lodge Inn & Suite, 4900 Hollywood Boulevard, Hollywood; Collins Park Village, 2000 Park Avenue, Miami Beach; Lucerne Terrace LLC, 918 Lucerne Terrace, Orlando; First Guaranty Bank, 1234 King Street, Jacksonville; 816 Commerce Street Building, 816 Commerce Street, Miami Beach; Razzle's Night Club, 611 Seabreeze Boulevard, Daytona Beach; Health and Life Sciences Building, Florida International University,

University Park, Miami; Congo River Golf, 5905 International Drive, Orlando; Murano Grande Townhouses, 300 Alton Road, Miami Beach; The Garden of Eden, 28780 U. S. 19, Clearwater.

DATE AND TIMES: July 14, 2003, 8:00 a.m. – Meeting of the Plumbing Technical Advisory Committee; 8:00 a.m. – Meeting of the Structural Technical Advisory Committee; 10:00 a.m. – Meeting of the Mechanical Technical Advisory Committee; 1:00 p.m. – Meeting of the Education Technical Advisory Committee; 2:00 p.m. – Meeting of the Accessibility Technical Advisory Committee; 3:00 p.m. – Meeting of the Fire Technical Advisory Committee; 3:00 p.m. – Product Approval/Prototype Buildings/Manufactured Buildings POC

DATE AND TIME: July 15, 2003, 8:30 a.m. – Meeting of the Plenary Session of the Florida Building Commission Agenda review and approval; review and approval of May 15, 2003 Meeting Minutes; review and approval of work plan; Chair's discussion issues and recommendations; and discussion on 2004 FBC update, printing format, and public comment; 9:30 a.m. – Rule Adoption Hearing on Notice of Proposed Changes to Rule Chapter 9B-72, Product Approval; 10:00 a.m. – Consideration of requests for waiver from accessibility code requirements: Holmes Newman and Associates Interior Design, 104 N. E. 41st Street, Miami; Econo Lodge Inn & Suite, 4900 Hollywood Boulevard, Hollywood; Collins Park Village, 2000 Park Avenue, Miami Beach; Lucerne Terrace LLC, 918 Lucerne Terrace, Orlando; First Guaranty Bank, 1234 King Street, Jacksonville; 816 Commerce Street Building, 816 Commerce Street, Miami Beach; Razzle's Night Club, 611 Seabreeze Boulevard, Daytona Beach; Health and Life Sciences Building, Florida International University, University Park, Miami; Congo River Golf, 5905 International Drive, Orlando; Murano Grande Townhouses, 300 Alton Road, Miami Beach; The Garden of Eden, 28780 U. S. 19, Clearwater; 10:30 a.m. – Legal Reports; 10:50 a.m. – Petitions for declaratory statement:

Second Hearing: DCA03-DEC-005 by Edward Riley; DCA03-DEC-078 by Vince LaPorta; DCA03-DEC-086 by Robert LoPiano; DCA03-DEC-091 by Paul A. Zilio

First Hearing: DCA03-DEC-106 by Ricco Longo of Collier County; DCA03-DEC-128 by Joe Vincenti of Koolduct Inc.; DCA03-DEC-131 by Alfonso Fernandez-Fraga of Initial Engineer.; DCA03-DEC-132 by Mike Deegan of Clearwater Gas System; DCA03-DEC-133 by C. R. Willis; DCA03-DEC-134 by Tim Krebs of T. A. Krebs Architect, Inc.; DCA03-DEC-138 by Joe Schubiger of Charlotte County; DCA03-DEC-139 by James Scott of J. Scott Drafting; DCA03-DEC-179 by James Agen of Wilson Window Glass and Mirror

11:20 a.m. – Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Education TAC Report; Fire TAC Report; Mechanical TAC Report; Plumbing

TAC; Structural TAC Report; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report; 12:25 a.m. – Receive public comment.

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing to: Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or looking on the web site at www.floridabuilding.org

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Kathryn Willis, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces that the Criminal Justice Standards and Training Commission has established a Use of Force Training Advisory Panel to review incidents of police use of deadly force. The Training Advisory Panel will hold its first meeting on the date and time listed below. All parties are invited to attend.

DATE AND TIME: Thursday, July 17, 2003, 9:00 a.m. – 4:30 p.m.

PLACE: Florida Department of Law Enforcement, Academy Classroom B, 2331 Phillips Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Use of Force Training Advisory Panel will meet for the purpose of examining training deficiencies in the use of deadly force as well as determining an appropriate method of investigating instances of the use of deadly force by criminal justice officers. A copy of the July Use of Force Training Advisory Panel meeting agenda can be obtained by calling Jay Preston, (850)410-8658, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489. Any person requiring special accommodation at this meeting, because of a disability or physical impairment, should contact Jay Preston, (850)410-8658, at least two (2) weeks prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation** announces a public workshop to which all interested parties are invited:

DATE AND TIME: July 18, 2003, 9:30 a.m. – 5:30 p.m.

PLACE: Florida Turnpike Headquarters, Turkey Lake Service Plaza, Winter Garden, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Second Workshop Regarding Outdoor Advertising Signs along a section of Interstate 75 that runs through Marion and Sumter Counties. The Department of Transportation is responsible for the State of Florida's compliance with federal and state law relating to outdoor advertising signs.

The workshop will be attended by staff members of FHWA and FDOT, and representatives from affected local governments, the sign industry, and related parties (e.g., persons representing the Interests of Scenic America, Garden Clubs, 100 Friends of Florida).

The objectives of the workshop are to establish: 1. A process for application for modification or relocation of a nonconforming outdoor advertising sign; 2. An expeditious process for review of the applications by local government, FDOT and FHWA; 3. Criteria for approval of such applications acceptable to local government, FHWA and FDOT, including: a. Zoning and land use; b. Sign spacing distance; c. Surrender of existing permit(s); d. Required vegetation plantings; e. Aesthetic enhancements to sign structures; f. Length of the pilot project, required monitoring and reporting.

Anyone needing project or public hearing information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call, (850)414-4545. Special accommodations requested under the Americans with Disabilities Act should be made at least seven days prior to the Public Hearing.

A copy of the agenda may be obtained by writing: Juanice Hagan, Florida Department of Transportation, Office of Right of Way, 605 Suwannee Street, MS#22, Tallahassee, Florida 32399-0450.

The **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, July 31, 2003, 6:00 p.m.

PLACE: Volusia County Administration Building, 123 W. Indiana Avenue, DeLand, Florida 32720

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 Federal Aid Project No.: 3401-034-P, Financial Project I.D. No.: 404646-1-22-01, otherwise known as the SR 44 Project Development and Environment (PD&E) Study. The limits of the project corridor are from CR 42 in Lake County, Florida, to

the west ramps of I-4 in Volusia County, Florida. The hearing will begin with an open house(5:00 p.m., at which time the public may review maps, drawings, and other pertinent information developed by the FDOT. The open house will be followed by a formal presentation at 6:00 p.m.

The Department will present the Project Development and Environment Study findings concerning the proposed improvements. Improvements being proposed include the 2-lane extension of Beresford Avenue from MLK/Kepler Road to SR 44 near Summit Avenue, a new 2-lane fixed bridge over the St. Johns River and improvements to several intersections along SR 44 and Beresford Avenue. Additional right-of-way will be required for many of the roadway improvements as well as for retention/detention ponds associated with the improvements.

Encroachments on wetlands and floodplains are anticipated and will be given special consideration under Executive Orders 11990 and 11988. This project is being developed in compliance with Titles VI and VIII of the Civil Rights Act.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write: FDOT, 719 S. Woodland Blvd., MS 544, DeLand, FL 32720-6834 or call Mr. Tom Percival, District Project Development Administrator, 1(800)780-7102, Ext. 5404. Special accommodation requests under the Americans With Disabilities Act should be made at least seven (7) days prior to the public hearing.

For questions concerning the project, please contact: Steve Ferrell, P.E., Project Manager, Wilbur Smith Associates, 3535 Lawton Road, Suite 100, Orlando, FL 32803-3729, (407)896-5851, Ext. 357.

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 Gift Fruit Advisory Council to which all persons are invited.

DATE AND TIME: Tuesday, July 15, 2003, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will meet to discuss, review and approve 2003/04 marketing programs. The Council will also discuss any other issues that may properly 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 by telephone, (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, July 16, 2003, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting of the Florida Citrus Commission. 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, Walter L. Brewer, 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, (863)499-2510.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 020507-TL – Complaint of Florida Competitive Carriers Association against BellSouth Telecommunications, Inc. regarding BellSouth's practice of refusing to provide FastAccess Internet Service to customers who receive voice service from a competitive voice provider, and request for expedited relief.

DATES AND TIME: July 21-22, 2003, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the complaint of Florida Competitive Carriers Association against

BellSouth Telecommunications, Inc. regarding BellSouth's practice of refusing to provide FastAccess Internet Service to customers who receive voice service from a competitive voice provider, and request for expedited relief, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on January 6, 2003. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission** will conduct a Workshop in Docket No. 011077-TP at the following time and place:

DATE AND TIME: July 23, 2003, 9:30 a.m. (EST)

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to discuss issues with regard to notifying customers of their rights and obligations during a carrier change. All participants are requested to file an outline of their presentation, the approximate amount of time for the presentation, and the presenter's name with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850, by July 16, 2003.

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

For additional information, please contact: Felicia R. Banks, Office of General Counsel, 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 or (850)413-6191.

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 030296-TP – Petition for arbitration of unresolved issues resulting from negotiations with Sprint-Florida, Incorporated for interconnection agreement, by AT&T Communications of the Southern States, LLC d/b/a AT&T and TCG South Florida.

DATE AND TIME: July 24, 2003, 9:30 a.m.

PLACE: Hearing Room 152, 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, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 030106-SU – Application for staff-assisted rate case in Lee County by Environmental Protection Systems of Pine Island, Inc.

DATE AND TIME: Thursday, July 24, 2003, 6:00 p.m.

PLACE: St. James City Civic Association, 3300 Fourth Avenue, St. James City, Florida 33956-2010

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comments on the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. A copy of the agenda for any meeting may be obtained by writing to the Division of the Commission Clerk and Administrative Services at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 011354-TP – Petition by Global NAPS, Inc. for arbitration pursuant to 47 U.S.C. 252(b) of interconnection rates, terms and conditions with ALLTEL Florida, Inc.

DATE AND TIME: July 25, 2003, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition by Global NAPS, Inc. for arbitration pursuant to 47 U.S.C. 252(b) of interconnection rates, terms and conditions with ALLTEL Florida, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on January 6, 2003. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Office of Tourism, Trade, and Economic Development** announces a telephone conference to which all persons are invited.

MEETING: Governor's Advisory Council on BRAC, Committee on Intra-State Activities

DATE AND TIME: Friday, August 1, 2003, 9:30 a.m. (ET), 8:30 a.m. (CT)

PLACE: Call (850)414-1727 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss action plan.

If you need a special accommodation to participate because of a disability, please contact Wayne Nelms, (850)414-1727, no later than 48 hours prior to the meeting. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Wednesday, July 16, 2003, 9:00 a.m. – 10:15 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

DATE AND TIME: Wednesday, July 16, 2003, 10:30 a.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chairman report, Committee updates, and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact: Charlotte Neupauer, (352)732-1315.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, July 17, 2003, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: July 18, 2003, 9:30 a.m.

PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization for the Orlando Urban Area**, announces the following public meeting of its Governing Board to which all persons are invited:

DATE AND TIME: Wednesday, July 9, 2003, 9:00 a.m.

PLACE: Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meetings.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Call to Order; Chairman's Announcements; Executive Director's Announcements; Consent Items; Action Items; Other Business; Executive Director's Report; Board Member Comments; Public Comments; Adjournment.

A detailed copy of the agenda may also be obtained by contacting: Ms. Virginia L. Whittington, (407)481-5672, Ext. 314; or by written request to: Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, FL 32801.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Metroplan Orlando, (407)481-5672, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: July 8, 2003, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

A copy of the agenda may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The Indian River Lagoon National Estuary Program, **St. Johns River Water Management District** and the U.S. Army Corps of Engineers announce a series of public meetings to which all

DATE AND TIME: Tuesday, July 22, 2003, 5:00 p.m.

PLACE: Edgewater Public Library, 103 Indian River Dr., Edgewater, FL 32132

TIME AND DATE: Wednesday, July 23, 2003, 5:00 p.m.

PLACE: Brevard County Government Center, Space Coast Room, 2725 Judge Fran Jamieson Way, Building B, Viera, Florida

TIME AND DATE: Thursday, July 24, 2003, 5:00 p.m.

PLACE: North Indian River County Library, 1001 Sebastian Blvd. (C.R. 512), Sebastian, FL 32958

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meetings will present study background information and seek public comment on the development of the Indian River Lagoon North Feasibility Study in accordance with the National Environmental Policy Act (NEPA).

Further information is available by contacting: Deborah Peterson, P.E., US Army Corps of Engineers, (904)614-5064, Debbie.r.Peterson@saj02.usace.army.mil or Kathy Recore at the Indian River Lagoon Program Office, 525 Community College Pkwy., S. E., Palm Bay, FL 32909, (321)984-4950 or 1(800)226-3747.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to contact the IRL Program at least two business days in advance of the meeting to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following meeting(s) to which all interested parties are invited to attend:

BASIN BOARD EDUCATION COMMITTEE MEETING
(Note: This is a different date and location from what was originally scheduled on the published year-long calendar.)

DATE AND TIME: Thursday, July 17, 2003, 9:30 a.m.

PLACE: Howard F. Curran Wastewater Treatment Plant, 2545 Guy Verger Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business.

RAINBOW RIVER TOUR

DATE AND TIME: Tuesday, July 22, 2003, 9:30 a.m.

PLACE: Rainbow Springs State Park, 19158 S. W. 81st Place Road, Dunnellon, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Educational tour of the River relative to water quality and vegetation issues.

BASIN BOARD LAND RESOURCES COMMITTEE

DATE AND TIME: Thursday, July 24, 2003, 9:30 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business.

These are public meetings and agendas are available by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: July 16, 2003, 10:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD Budget and finance-related matters.

PLACE: South Florida Water Management District Headquarters, B-1 Building, Room 3B, 3301 Gun Club Road, West Palm Beach, Florida 33406

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings.

Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or wishing to submit written or physical evidence may contact Marcie Daniel, in the Budget Department, Phone Number (561)682-6469 at District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Public Hearing and Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, July 21, 2003, 10:00 a.m.
 PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing prior to the adoption of the Tampa Bay Water FY 2003/2004 Budget, followed immediately by the Regular Board Meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

The **Withlacoochee Regional Water Supply Authority** announces monthly board meeting. This is a public meeting to which all persons are invited:

DATE AND TIME: July 16, 2003, 4:30 p.m.
 PLACE: Citrus County Board Room, 111 W. Main Street, Third Floor, Inverness, Florida 34450
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

FLORIDA SPACE AUTHORITY

The **Florida Space Industry Committee** announces a special Board of Directors to which the public is invited.

DATE AND TIME: July 17, 2003, 1:00 p.m. – 4:30 p.m. (EDT)
 PLACE: Florida Space Authority Space Operations Control Center, 100 Spaceport Way, Cape Canaveral, FL 32920
 GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with its mandate each quarter to recommend priorities for space infrastructure projects proposed for state

funding, the Board of Directors of the Florida Space Industry Committee is meeting July 17, 2003, to consider options for the future direction of the Florida Space Industry Committee. The Board will also consider other matters related to the business of the Committee and the Spaceport Management Council.

For more information, contact: Christine Rodgers, (321)751-9298.

To obtain a copy of the agenda, write: Christine Rodgers, SMART Enterprises, 1057 Acappella Drive, Melbourne, FL 32940.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact SMART Enterprises at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Florida Space Industry Committee with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

SHINE (Serving Health Insurance Needs of Elders) Program Planning and Steering Committee Meeting.

DATES AND TIMES: Wednesday, July 16, 2003, 9:00 a.m. through Thursday, July 17, 2003, 2:00 p.m.

PLACE: Embassy Suites Orlando Airport, 5835 T. G. Lee Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Elder Insurance Benefits, Counseling, Training, Education and Outreach techniques, along with a day of dialogue and teambuilding for the SHINE Program and Area Agency on Aging.

A copy of the agenda may be obtained by contacting: Shelia Kilpatrick, (850) 414-2060.

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Partnership for School Readiness** announces a meeting of their Board to which all interested parties are invited.

DATE AND TIME: July 15, 2003, 10:00 a.m. – 3:30 p.m. (*Board members are invited to participate in activities sponsored by the Florida Partnership for School Readiness Quality Initiative beginning at 8:30 a.m. Official board business will begin at 10:00 a.m.)

PLACE: The Tampa Convention Center, 333 South Franklin Street, Tampa, Florida 33602, (813)274-7821 (For overnight accommodations call Hyatt Regency, Tampa Center, (813)225-1234, and ask for the One Goal Summer Conference rate of \$99 per night)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Board business.

For more information, please contact: Ginger Tate, (850)922-4200 or ginger.tate@schoolreadiness.org

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Lisa Barnes, (850)922-4200 or toll free 1(866)357-3239 or 1(800)955-8770 (Voice) Florida Relay Service at least 48 hours prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 16, 2003, 10:00 a.m. or soon thereafter

PLACE: Via telephone conference – To connect, dial (850)921-2530, Suncom 291-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling their office, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office, (850)487-8304. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

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

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL, (850)921-6513, Suncom 291-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Board of Pilot Commissioners, (850)922-5012, at least forty-eight (48) hours 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).

PETITION FOR A CHANGE IN RATES OF PILOTAGE AT PORT OF FT. PIERCE

A petition for a change in the rates of pilotage charged by the licensed state pilots and certified deputy pilots at Ft. Pierce Bar Pilots Association has been filed with the Pilotage Rate Review Board, pursuant to Section 310.151, Florida Statutes and Chapter 61E13, Florida Administrative Code.

The last rate change (increase) granted Port of Ft. Pierce was September of 1980. The board intends to consider the following requested rate change (increase) for the Port of Ft. Pierce:

Effective after the hearing:

Minimum Draft increased from 10 feet to 15 feet.

Draft charge increased from \$12.50 to \$15.00 per foot.

Minimum GRT increased from 2500 to 2500 tons.

GRT charge increased from \$0.015 to \$0.05 per GRT.

Minimum ship charge would be:

15 feet x \$15 = \$225

2500 GRT x \$0.05 = \$125

Total \$350

Increase after one year from first increase:

Draft charge increased from \$15.00 to \$17.50 per foot.

GRT charge increased from \$0.05 to \$0.075 per GRT.

Minimum ship charge would be:

15 feet x \$17.50 = \$262.50

2500 GRT x \$0.075 = \$187.50

Total \$450.00

A public hearing pursuant to Rule 61E13, Florida Administrative Code will be held as follows:

DATE AND TIME: July 17, 2003, 12:00 p.m.

PLACE: Pilot Station – Port of Ft. Pierce, Inc., 100 Terminal Drive, Ft. Pierce, FL 34950

PURPOSE: Site visit to the Port of Ft. Pierce pursuant to subsection 61E13-2.007(5), Florida Administrative Code. No board business will be transacted.

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

PLACE: Holiday Inn Express, 7151 Okeechobee Road, Ft. Pierce, FL 34949, (772)464-5000

PURPOSE: Rate Hearing for Port of Ft. Pierce.

All interested parties may file an answer, an additional or alternative application, or any other applicable pleading or response, including all documentation in support thereof within thirty (30) days of this publication.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Pilotage Rate Review Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0773.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Department of Business and Professional Regulation, Pilotage Rate Review Board at 1940 North Monroe Street, Tallahassee, Florida 32399-0773.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence at the Pilotage Rate Review Board at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD)

The **Florida Real Estate Commission** announces the meeting of the Education Foundation Committee, to be chaired by Vice-Chairman of the Commission, Carlos L. Valdes. Any interested party is encouraged to attend.

DATE AND TIME: Thursday, July 10, 2003, 4:00 p.m. (Eastern Standard Time)

PLACE: VIA TELECONFERENCE or at Division of Real Estate, Conference Room 901, Hurston North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To establish procedure for disbursement of allocated Education Foundation funds.

THE PERSON TO BE CONTACTED REGARDING THE MEETING IS: JoEllen Peacock, Education Coordinator, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801, (407)481-5632.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (407)481-5632.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: July 15, 2003 at 9:00 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, July 15, 2003, 1:00 p.m. – completion of applicant agenda; reconvening Wednesday, July 16, 2003, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 901-N, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite 802, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the

meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Florida **Board of Massage Therapy** will hold the following meeting to which all persons are invited:

DATES AND TIMES: Thursday, July 24, 2003, 9:00 a.m. or shortly thereafter; Friday, July 25, 2003, 9:00 a.m. or shortly thereafter; Saturday, July 26, 2003, 9:00 a.m. if necessary

PLACE: Hyatt Regency, 9330 Airport Blvd., Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Credentials Committee, announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, July 19, 2003, 8:30 a.m. or soon thereafter

PLACE: Wyndham Westshore, 4860 W. Kennedy Blvd., Tampa, FL, (813)286-4400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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: August 6, 2003, 9:00 a.m.

PLACE: Marriott Tampa Westshore, 1001 N. Westshore Blvd., Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by writing: 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, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to the meeting date.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Shared Services Alliance of Okeechobee** and the Treasure Coast of the Department of Children and Families, District 15, announces the following public meeting to which all persons are invited:

Executive Committee

DATES AND TIME: July 2, 9, 16, 23, 30, 2003, 8:00 a.m. – 5:00 p.m.

PLACE: Clem C. Benton Bldg., Room #327-D, 337 N. US Hwy #1, Fort Pierce, FL 34950

For more information, please contact: Betty Robinson, CBC Liaison, 337 North US Hwy #1, Suite 327, Fort Pierce, Florida 34950, (772)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

The **Shared Services Alliance of Okeechobee** and the Treasure Coast of the Department of Children and Families, District 15, announces the following public meeting to which all persons are invited:

ALLIANCE MEETING

DATE AND TIME: July 25, 2003, 8:30 a.m.

PLACE: Workforce Development Board, 9350 South U.S. 1, Port St. Lucie, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (772)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

The **Joint Work Group on Guardianship and the Developmentally Disabled** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, July 10, 2003, 1:00 p.m. – 6:00 p.m.; Friday, July 11, 2003, 8:30 a.m. – 5:00 p.m. (The Work Group will hear testimony from members of the public from 2:00 p.m. – 5:00 p.m. on Friday, July 11, 2003)

PLACE: Department of Children and Family Services, District Office, 400 W. Robinson Street, South Tower, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address issues and concerns related to persons with developmental disabilities served by the Department of Children and Family Services who may be in need or guardians or guardianship alternatives, consistent with the principles of self determination.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in the meeting is asked to advise the agency at least 48 hours

before the meeting by contacting Nancy Michael, (407)245-0440, Extension 601. For TDD Service call Florida Relay at 711 and then dial the telephone number of the person listed above.

The **Department of Children and Family Services**, District 11 announces the following workgroups to which all persons are invited:

Shared Risk Workgroup

DATE AND TIME: Thursday, July 10, 2003, 1:00 p.m. – 2:30 p.m.

Child Population Workgroup

DATE AND TIME: Thursday, July 10, 2003, 2:30 p.m. – 4:00 p.m.

PLACE: Rhode Building, 401 N. W. 2nd Avenue, Suite N-1011 Conference Room, Miami, Florida 33128, (305)377-5006

GENERAL SUBJECT MATTER TO BE CONSIDERED: Department of Children and Families, District 11 and Our Kids of Miami-Dade/Monroe, Inc. will hold workgroup sessions, Reference Invitation to Negotiate #11-03-KJ001.

For copies of the agenda, further information, or person requiring accommodations in order to participate in this meeting should contact Evelio Torres Family Safety Community Based Care Transition Manager, (305)377-5006 or in writing by close of business (5:00 p.m.) no later than five working days prior to the meeting.

The **Department of Children and Family Services**, District 11, Miami-Dade Community Based Care Alliance, announces a public meeting to which all persons are invited:

DATE AND TIME: Tuesday, July 17, 2003, 8:30 a.m.

PLACE: Rhode Building, 401 N. W. 2nd Avenue, Suite N-1011 Conference Room, Miami, Florida 33128, (305)377-5006

GENERAL SUBJECT MATTER TO BE CONSIDERED: Miami-Dade Community Based Care Alliance Membership Committee Meeting.

For copies of the agenda, further information, or person requiring accommodations in order to participate in this meeting should contact Evelio Torres Family Safety Community Based Care Transition Manager, (305)377-5006 or in writing by close of business (5:00 p.m.) no later than five working days prior to the meeting.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation**, Elderly Housing Community Loan Program, announces a Review Committee meeting to which all interested parties are invited:

DATE AND TIME: Thursday, July 25, 2003, 10:00 a.m. (Prior to the meeting, interested parties are advised to confirm the meeting date, room and time by calling Florida Housing, (850)488-4197 or checking Florida Housing's web site at www.floridahousing.org.)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 5th Floor, Formal Conference Room, Tallahassee, Florida 32301-1329.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the scoring of 2003 EHCL Applications and make recommendations to the Florida Housing Finance Corporation Board of Directors regarding the final ranking of EHCL Applications.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Lynn Seiler, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he/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 be made, which record includes the testimony and evidence upon which the appeal is to be based.

FISH AND WILDLIFE CONSERVATION COMMISSION

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:

DATES AND TIME: July 17-18, 2003, 8:30 a.m. each day

PLACE: Florida Fish and Wildlife Conservation Commission, 2nd Floor Conference Room, 620 South Meridian Street, Tallahassee, Florida 32399-1600

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss legislature and budget issues, to review and discuss the Draft Rules 68C-22.001, 68C-22.002 and 68C-22.004, which currently specify definitions and other provisions of the Florida Manatee Sanctuary Act and to review and discuss the application process for the placement of the U.S.S. ORISKANY in Florida as an artificial reef.

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 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.

The **Fish and Wildlife Conservation Commission, Division of Marine Fisheries**, announces the following Stone Crab Advisory Board public meeting, to which all persons are invited:

DATE AND TIME: July 25, 2003, 8:00 a.m.

PLACE: Crowne Plaza Hotel & Resort, 10221 Princess Palm Avenue, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Stone Crab Advisory Board.

An agenda of the meeting may be obtained by contacting: Division of Marine Fisheries, 620 South Meridian Street, Bryant Building, Tallahassee, Florida 32399-1600 or by calling Ms. Jasmine MacPherson, (850)922-4340.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should notify Cindy Hoffman, (850)488-6411, at least five calendar days before the meeting.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a telephone conference meeting to which all interested parties are invited to attend.

DATE AND TIME: July 30, 2003, 10:00 a.m. – 2:00 p.m. (Eastern Time) or upon conclusion of the agenda

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Personnel Committee of the Florida Insurance Guaranty Association will meet to discuss and review applications for the General Manager position.

A copy of the agenda and telephone conference number may be obtained by contacting: Mr. Jerry Service, (904)398-1238, Ext. 109.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate the meeting is asked to advise the Association by contacting Jerry Service, (904)398-1238, Ext. 109, at least 48 hours before the session if the person wishes to participate.

A person who is hearing or speech impaired may also contact the TDD at 1(800)955-1339.

FLORIDA MUNICIPAL PENSION TRUST FUND

The **Florida Municipal Pension Trust Fund** (FMPTF) will have a luncheon meeting at the Florida League of Cities, Annual Conference to which all interested persons are invited. DATE AND TIME: Friday, August 15, 2003, 11:45 a.m. for approximately one hour PLACE: Wyndham Palace Resort, Lake Buena Vista, Florida

STATEWIDE NOMINATING COMMISSION

The **Statewide Nominating Commission** for Judges of Compensation Claims announces a public hearing to which all interested persons are invited to attend.

DATE AND TIME: Tuesday, August 19, 2003, 9:30 a.m. PLACE: Orlando World Center Marriott, 8701 World Center Drive, Vinoy Conference Room, North Tower, Orlando, FL GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the hearing is to conduct the interviews of the following applicants for reappointment as Judges of Compensation Claims: The Honorable Mark H. Hofstad, District F (Lakeland); The Honorable Thomas G. Portuallo, District G (Daytona); The Honorable Shelley H. Punancy, District I-South (West Palm Beach); The Honorable Sylvia Medina Shore, District K (Miami); and The Honorable Paul T. Terlizze, District L (Melbourne).

Written commentary concerning any applicant by any person may be submitted to the Commission chairperson and a copy to each Commission member. Commission member address lists are available from the Commission chair.

Any questions concerning the upcoming Commission public hearing should be directed to: G. Bart Billbrough, Commission Chairperson, 2600 Douglas Road, Suite 902, Coral Gables, FL 33134, (305)442-2701, Ext. 105, Fax (305)442-2801.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

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

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

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that by notice June 11, 2003, the City of Sanford Florida, voluntarily withdrew its Petitioner for Declaratory Statement, which was filed with the Office of the General Counsel, Department of Management Services, State of Florida, and thereafter noticed in the Florida Administrative Weekly, Vol. 29, No. 21, page 2148, on May 23, 2003. Based upon the notice of withdrawal, the matter is closed.

Any questions may be addressed to: Agency Clerk, Department of Management Services, Office of the General Counsel, 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE REGARDING ELECTRONIC POSTING

Pursuant to Section 287.042(3)(b)2. of the Florida Statutes, the DeSoto County School District hereby provides notice of the following URL for the centralized website that will be used for electronically posting solicitations, decisions or intended decisions, and other matters relating to procurement:

<http://desotoschools.com/purchasing.htm>

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."

METROPOLITAN PLANNING ORGANIZATIONS

NOTICE TO PROFESSIONAL CONSULTANTS

The Metropolitan Transportation Planning Organization (MTPO) for the Gainesville Urbanized Area desires that consultants qualified pursuant to law and regulations submit a Letter of Qualifications for professional services on the following project in Alachua County:

PROJECT NAME: Gainesville Urbanized Area Year 2025 Long Range Transportation Plan Update and the University of Florida Comprehensive Master Plan, 2005-2015, Transportation Element – Data and Analysis.

DESCRIPTION: Assist in this project by accomplishing the following tasks:

- Task 1 – Public Involvement Program;
- Task 2 – Mapping and Data Development;
- Task 3 – Data Review and Verification;
- Task 4 – Model Validation and Updating;
- Task 5 – Transportation Plan Update;

This project also includes assisting the University of Florida in preparing its Comprehensive Master Plan, 2005-2015, Transportation Element – Data and Analysis by accomplishing the following tasks:

- Task 1 – Public Involvement;
- Task 2 – Mapping and Data Development;
- Task 3 – Data Review and Verification;
- Task 4 – Model Update and Validation;
- Task 5 – University of Florida Needs Plan;
- Task 6 – University Desktop Modeling Technical Assistance.

QUALIFICATION REQUIREMENTS: Consultant must be registered in the State of Florida and submit project experience demonstrating thorough knowledge of land use, environmental, and transportation planning procedures and methods.

RESPONSE EVALUATION: All respondents will be evaluated in accordance with Section 287.055(4), Florida Statutes, and must be determined to be qualified to do business in Florida and qualified to perform the advertised work requirements.

SUBMITTAL REQUIREMENTS: Firms desiring consideration for this project must submit three (3) copies of their qualifications to the requesting unit listed below. One of these copies must be a clean, single-side original that can be used to make additional copies. The Letter of Qualifications must, as a minimum, include the following information:

1. Name, address, contact person and phone number;
2. Listing of key staff and resumes;
3. Listing of any subconsultants anticipated to be used on this project;
4. An indication of the firm's potential (available manpower) for additional work in the next 24 months;
5. Experience on similar type projects, including location, date completed, contact (reference) name and phone number;
6. Indication as to whether the prime firm and/or subconsultants are Certified Disadvantaged Business Enterprises and/or Certified Minority Business Enterprises; and
7. Proof of professional liability insurance or letter of credit in accordance with Rule 14-75, Florida Administrative Code.

SHORTLIST SELECTION PROCESS: From the Letters of Qualifications received, the MTPO shall shortlist a minimum of three (3) firms. Tentative shortlist date: August 14, 2003.

NOTE: After completion of the shortlist process, at least three (3) firms will be requested to submit written proposals and make oral presentations. Tentative final selection date: October 9, 2003.

LETTER OF QUALIFICATION DEADLINE: Monday, July 21, 2003, at 3:00 p.m. Late letters will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice."

REQUESTING RESPONSE ADDRESS: Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area, Attn: Mr. Charles Justice, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603, Telephone (352)955-2200.

Faxed and e-mailed responses will not be accepted.

ESTIMATED PROJECT BUDGET FOR MTPO TASKS: \$300,000.

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area reserves the right to accept or reject any and all responses.

ESTIMATED PROJECT BUDGET FOR UNIVERSITY TASKS: \$100,000.

The University of Florida reserves the right to accept or reject any and all responses.

MINORITY BUSINESS ENTERPRISE (MBE) PREFERENCE

For short listed consultants who are qualified MBE firms, or who certify that they will sub-contract 25 percent of the consultant fees to qualified MBE firms, up to ten bonus points will be added to the technical proposal score for the MTPO Scope of Services. These bonus points will NOT apply to the evaluation of the University of Florida Scope of Services.

WATER MANAGEMENT DISTRICTS

REQUEST FOR QUALIFICATIONS

Continuing Services Contract for Engineering
and Scientific Consulting Services

REQUEST FOR QUALIFICATIONS NUMBER 03Q-002

The Northwest Florida Water Management District (the District), 81 Water Management Drive, Havana, Florida 32333, will receive sealed Statements of Qualification up to the 3:00 p.m. (EDT) opening on July 29 for Continuing Services Contracts for Engineering and Scientific Consulting Services. Firms with expertise in the fields of engineering and science studies and planning are invited to submit a Statement of Qualifications. The District anticipates entering into a continuing services agreement with one or more firms following certification by the District.

All Statements of Qualifications must conform to the instruction in the Request for Qualifications package. Interested prospective submitters may obtain a copy of the complete Request for Qualifications package by calling (850)539-5999, visiting www.state.fl.us/nwfwmd, or by visiting District Headquarters in Midway (10 miles west of Tallahassee on Highway 90). The Statement of Qualifications packages opening is public. Provision will be made to

accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice. All Statements of Qualifications must comply with applicable Florida Statutes.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE REGARDING ELECTRONIC POSTING

Pursuant to Section 287.042(3)(b)2. of the Florida Statutes, the Department of Management Services hereby provides notice of the following URL for the centralized website that will be used for electronically posting solicitations, decisions or intended decisions, and other matters relating to procurement:

http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

Viewers may navigate to this URL via the State portal, www.myflorida.com; from the main page, drill down as follows: Business; Doing Business with the State; Vendor Bid System (VBS).

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 DEVELOPMENTAL DISABILITIES COUNCIL

Request for Proposal (RFP)

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposal (RFP). Copies of the RFP can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing or calling FDDC, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD toll free 1(888)488-8633. Register for electronic (email) notice of future FDDC ITNs or RFPs by going to the website (www.fddc.org) and click on the "RFPs" button near the top of the page. Then, click on the "Sign up" line and follow the instructions. The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce this Request for Proposal (RFP 2003-HC-600) for designing and executing a two-day Consortium on providing Telehealth Services in Florida to individuals with developmental disabilities. The consortium should include education on the technology, sharing information, linking resources, obtaining buy-in and working cooperatively to initiate a statewide Telehealth system including public/private partnerships for individuals with developmental disabilities. After the consortium is completed, a detail report will be required. Please see our website for

details. FDDC has set aside federal formula grant funds for a period of twelve months. See RFP document for funding amounts.

The deadline for submitting written questions and letters of intent for this Telehealth Consortium project is 4:00 p.m. (EST) on Friday, August 1, 2003. In order for a proposal to be considered, a letter of intent must have been received by the above referenced deadline (See attachment VI for required form). The answers to the written questions will be posted on FDDC website on or before Friday, August 8, 2003. The deadline for submitting proposals is 4:00 p.m. (EST) on Tuesday, September 9, 2003.

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND
PUBLIC SCHOOLS INTERLOCAL AGREEMENT
CONSISTENT WITH SECTION 163.3177(2) AND (3),
FLORIDA STATUTES
DCA DOCKET NO. 02-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Baker County, Glen St. Mary, Macclenny and the Baker County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Baker County Public Schools, 392 South Boulevard East, Mccalenny, Florida 32063.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Baker County, Glen St. Mary, Macclenny and the Baker County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP
Acting Division Director
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND
PUBLIC SCHOOLS INTERLOCAL AGREEMENT
CONSISTENT WITH SECTION 163.31777(2) AND (3),
FLORIDA STATUTES
DCA DOCKET NO. 51-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Pasco County, Dade City, New Port Richey, Port Richey, St. Leo, San Antonio, Zephyrhills and the Pasco County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Pasco County, Growth Management Department; West Pasco Government Center, 7530 Little Road, Suite 320, New Port Richey, Florida 34654-5598.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of

Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Pasco County, Dade City, New Port Richey, Port Richey, St. Leo, San Antonio, Zephyrhills and the Pasco School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right now, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP
Acting Division Director
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND
PUBLIC SCHOOLS INTERLOCAL AGREEMENT
CONSISTENT WITH SECTION 163.31777(2) AND (3),
FLORIDA STATUTES
DCA DOCKET NO. 52-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Pinellas County, Clearwater, Dunedin, Gulfport, Largo, Maderia Beach, Oldsmar, Pinellas Park, Safety Harbor, Seminole City, St. Petersburg, St. Petersburg Beach, Tarpon Springs and the Pinellas County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, Florida 33756.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Pinellas County, Clearwater, Dunedin, Gulfport, Largo, Maderia Beach, Oldsmar, Pinellas Park, Safety Harbor, Seminole City, St. Petersburg, St. Petersburg Beach, Tarpon Springs and the Pinellas County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right now, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP
Acting Division Director
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

FEMA FY03 CERT
 (Community Emergency Response Team)
 FUNDING AVAILABILITY

The Department of Community Affairs announces the release of the Notice of Funding Availability (NOFA) for the Fiscal Year 2003-2004 application cycle for Community Emergency Response Team (CERT) competitive sub-grant funding from the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Community Emergency Response Team (CERT) program provides a structured opportunity for citizens to augment local emergency response activities. Program funds will be used to train people to be prepared for emergency situations in their communities and neighborhoods. CERT members give critical support to first responders in emergency situations.

These funds will be available to any regional or local government in the State of Florida. Eligible applicants also include Fire Tax Districts and Native American Tribes or nations of Florida. The total funds available for CERT sub-grants is \$588,952.

The Department of Community Affairs will accept sub-grant applications to perform the following activities as described hereinafter:

CERT Program – These funds are for CERT training and start-up teams in areas of the State where CERT is not currently constituted and/or expansion of current programs. Awarded contracts for a start up or an expansion CERT program will be made available in the range of \$5,000 to \$35,000. There is no match requirement. Certain restrictions on what these grants can be used for do apply.

All applications must be received by the Department of Community Affairs, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, Attention: CERT Application, by 4pm Eastern Standard Time on August 15, 2003. Any application received after this date, will not be considered for funding. Application packets can be found at the Florida Citizen Corps website: http://www.floridadisaster.org/director_office/citizen_corps/.

In conjunction with this offering, four (4) conference call workshops have been scheduled for July 15, 2003 at 10am and 2pm, and July 16, 2003 at 10am and 2pm. The call in number will be posted on the Florida Citizen Corps website, www.floridadisaster.org/director_office/citizen_corps/, five (5) days prior to the first conference call. If you plan to apply for a grant under this grant cycle, it would be beneficial to participate in one of the four conference calls. These conference calls will provide relevant information to the application process, as well as offer applicants an opportunity to address questions regarding the CERT program.

Requests for hard copies of the application packet or other inquiries should be directed to Marie Baldino, Grants Coordinator, (850)414-7768 or marie.baldino@dca.state.fl.us. For all technical questions regarding the CERT program and its

implementation in your area, please contact Thomas Weaver, State CERT Coordinator, (850)413-9891 or thomas.weaver@dca.state.fl.us.

DCA Final Order No.: DCAO3-OR-17

In re: MONROE COUNTY LAND DEVELOPMENT
 REGULATIONS ADOPTED BY
 MONROE COUNTY ORDINANCE NO. 043-2002

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On May 14, 2003, the Department received for review Monroe County Ordinance No. 043-2002 which was adopted by the Monroe County Board of County Commissioners on December 18, 2002 (“Ord. 043-2002”). Ord. 043-2002 repeals Section 9.5-122.3(a)(19), Monroe County Code, which provides Modest Housing point assignment criteria under residential ROGO application scoring.
3. Ord. 043-2002 is consistent with the County’s 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002).
5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2002). The regulations adopted by Ord. 043-2002 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla.

3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 043-2002 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (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. 043-2002 is not inconsistent with the remaining Principles. Ord. 043-2002 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 043-2002 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

 CHARLES GAUTHIER, ACTING DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO

THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of June, 2003.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Dixie Spehar
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:

Jim Quinn, Bureau of State Planning, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Timothy E. Dennis, Assistant General Counsel, DCA Tallahassee

DCA Final Order No.: DCA03-OR-171
In re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2003-09

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.

- 2. On May 20, 2003, the Department received for review City of Marathon Ordinance No. 2003-09 which was adopted by the City of Marathon Board of City Commissioners on December 18, 2002 ("Ord. 2003-09"). Ord. 2003-09 amends Section 9.5-534(c) of Chapter 9.5: Tourist Housing and Vacation Rental Uses, of the City of Marathon Code, by adding another subsection that requires all advertisements for vacation rentals in any medium contain the vacation rental permit number issued by the City.
3. Ord. 2003-09 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) and (11), 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. 2003-09 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. 2003-09 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.
(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
(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. 2003-09 is not inconsistent with the remaining Principles. Ord. 2003-09 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2003-09 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.

 CHARLES GAUTHIER, ACTING 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 June, 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

By Hand Delivery or Interagency Mail:

Jim Quinn, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Timothy E. Dennis, Assistant General Counsel, DCA Tallahassee

NOTICE OF APPROVAL FOR
FLORIDA FOREVER FUNDS

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Florida Forever Program, Series FF1 funding cycle. The project 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: 01-018-FF1/Bayshore Linear Park
Grantee: Charlotte County
Amount of Approved Funds: the lesser of 75.00% of the final total project costs or \$1,100,000.00
- Project: 01-025-FF1/Egans Creek Greenway, Phase III
Grantee: City of Fernandina Beach
Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$2,284,875.00
- Project: 01-045-FF1/Venice Gulf View Park (Loufek Property)
Grantee: City of Venice
Amount of Approved Funds: the lesser of 39.00% of the final total project costs or \$378,379.26
- Project: 01-154-FF1/Lost Tree Island

Grantee: Indian River County, Town of Indian River Shores, and City of Vero Beach

Amount of Approved Funds: the lesser of 75.00% of the final total project costs or \$5,500,000.00

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 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, Audi of America, Inc., intends to allow the establishment of Copans Motors, Inc., as a dealership for the sale and service of Audi line-make vehicles, at the parcel of land located at the Southwest corner of the intersection of U.S. Highway 441 and the Sawgrass Expressway, Coral Springs (Broward County), Florida, on or after June 1, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Copans Motors, Inc. are dealer operator(s) and principal investor(s): Devindar A. Maraj, 500 West Copans Road, Pompano Beach, FL 33064.

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: Paul A. Hagan, Network Development Team Leader, Audi of America, Inc., 3800 Hamlin Road, Auburn Hills, MI 48326.

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."

WATER MANAGEMENT DISTRICTS

The Lake Apopka Surface Water Improvement and Management Plan (SWIM) has been presented to and approved by the Governing Board of the St. Johns River Water Management District and the Department of Environmental Regulation. The Lake Apopka SWIM Plan will become effective as of the date of this publication, July 3, 2003.

For further information you can contact: Gian Basili, Senior Project Manager, Department of Water Resources, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4467.

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 June 18, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Vickie Lee Lamb Copp, R.N., license number RN 435712. 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 June 18, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Tracie Wildman, R.N., license number RN 3295032. 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 June 18, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Janice Mimmagh, L.P.N., license number LPN 1046071. 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 June 18, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Leslie Woodruff, LPN, license number PN 870771. 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 June 18, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Barbie Ford, P.N., license number PN 980861. 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 June 23, 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 Sharon Wharton, R.N., license number RN 2647562. 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 June 18, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Douglas Montecino, R.Ph., license number PS 08798. 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 June 18, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of David Fine, DPM, license number PO 1579. 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 June 23, 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 Michael E. Smith, D.P.M., license number PO 2033. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN June 16, 2003
 and June 20, 2003**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE
Division of State Fire Marshal

4A-64.005	6/20/03	7/10/03		29/18
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DEPARTMENT OF EDUCATION
Florida Atlantic University

6C5-7.004	6/20/03	7/10/03		Newspaper
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Gulf Coast University

6C10-6.012	6/20/03	7/10/03		Newspaper
6C10-6.013	6/20/03	7/10/03		Newspaper
6C10-6.014	6/20/03	7/10/03		Newspaper
6C10-6.015	6/20/03	7/10/03		Newspaper
6C10-6.016	6/20/03	7/10/03		Newspaper
6C10-6.017	6/20/03	7/10/03		Newspaper
6C10-6.018	6/20/03	7/10/03		Newspaper
6C10-6.019	6/20/03	7/10/03		Newspaper
6C10-6.020	6/20/03	7/10/03		Newspaper

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF REVENUE

Division of Child Support Enforcement

12E-1.022	6/18/03	7/8/03	29/3	29/19
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DEPARTMENT OF CORRECTIONS

33-601.311	6/18/03	7/8/03	29/20	
33-601.901	6/18/03	7/8/03	29/20	
33-602.201	6/18/03	7/8/03	29/20	
33-602.203	6/18/03	7/8/03	29/20	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Construction Industry Licensing Board

61G4-15.018	6/19/03	7/9/03	29/13	29/21
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Board of Funeral Directors and Embalmers

61G8-16.004	6/18/03	7/8/03	29/9	29/20
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Board of Pilot Commissioners

61G14-19.001	6/18/03	7/8/03	29/19	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF ENVIRONMENTAL PROTECTION					Division of Family Health Services				
Office of the Secretary					64F-12.015	6/16/03	7/6/03	29/18	
62S-1.100	6/20/03	7/10/03	29/18		64F-12.018	6/16/03	7/6/03	29/18	
62S-1.300	6/20/03	7/10/03	29/18		FISH AND WILDLIFE CONSERVATION COMMISSION				
62S-1.350	6/20/03	7/10/03	29/18		Freshwater Fish and Wildlife				
62S-1.400	6/20/03	7/10/03	29/18		68A-9.004	6/17/03	7/7/03	29/17	29/24
62S-1.450	6/20/03	7/10/03	29/18		68A-15.062	6/17/03	7/7/03	29/17	29/24
DEPARTMENT OF HEALTH					Marine Fisheries				
Board of Clinical Social Work, Marriage and Family					68B-24.002	6/17/03	7/7/03	29/17	
64B4-3.003	6/18/03	7/8/03	29/19		68B-24.004	6/17/03	7/7/03	29/17	
64B4-6.002	6/18/03	7/8/03	29/19		68B-24.0055	6/17/03	7/7/03	29/17	29/19
Board of Medicine					68B-24.006	6/17/03	7/7/03	29/17	
64B8-55.001	6/18/03	7/8/03	29/19						

Section XIV
List of Rules Affected

				Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.				4-149.101	24/3c		
w – Signifies Withdrawal of Proposed Rule(s)				4-149.102	24/3c		
c – Rule Challenge Filed				4-149.103	24/3c		
v – Rule Declared Valid				4-149.104	24/3c		
x – Rule Declared Invalid				4-149.105	24/3c		
d – Rule Challenge Dismissed				4-149.106	24/3c		
dw – Dismissed Upon Withdrawal				4-149.107	24/3c		
Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	4-149.108	24/3c		
STATE				4-149.109	24/3c		
1A-35.005	28/18			4-149.110	24/3c		
1A-35.007	28/18			4-149.1105	24/3c		
1B-24.002	26/43			4-149.111	24/3c		
IT-1.001	29/18			4-149.112	24/3c		
	29/18			4-149.113	24/3c		
	29/18			4-149.113	24/3c		
BANKING AND FINANCE				4-149.114	24/3c		
3C-105.407	28/52		29/20w	4-149.115	24/3c		
3D-30.028	29/16		29/26	4-149.116	24/3c		
3E-48.005	28/42			4-149.117	24/3c		
3E-600.0132	28/40			4-149.118	24/3c		
3F-5.010	28/48	29/27		4-149.119	24/3c		
INSURANCE				4-149.120	24/3c		
4-137.001	29/12			4-149.121	24/3c		
4-138.001	29/12			4-149.122	24/3c		
4-138.047	28/41			4-149.123	24/3c		
4-141.0016	21/2c			4-149.124	24/3c		
4-143.007	29/18			4-149.125	24/3c		
4-143.008	29/18			4-149.126	24/3c		
4-143.015	29/18			4-149.127	24/3c		
4-149	24/3c			4-149.128	24/3c		
4-149.0025	28/51		29/24	4-149.129	24/3c		
4-149.003		20/14	29/24	4-149.130	24/3c		
	29/1	29/12	29/24	4-149.131	24/3c		
4-149.006		20/14	29/24	4-149.132	24/3c		
	28/51		29/24	4-149.133	24/3c		
4-149.021		22/10	29/24	4-149.134	24/3c		
	29/1	29/12	29/24	4-149.135	24/3c		
4-149.022		22/10	29/24	4-149.136	24/3c		
	28/51		29/24	4-149.137	24/3c		
4-149.037	28/51	29/8	29/24	4-149.138	24/3c		
4-149.038	28/51		29/24	4-149.139	24/3c		
4-149.041	28/51		29/24	4-149.140	24/3c		
4-149.043	28/51	29/8	29/24	4-149.190	24/3c		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
6C1-3.0372	Newspaper		29/22	6F-2.003	28/44		
6C1-3.0376	Newspaper		29/22		29/23		
6C1-3.0421	Newspaper		29/22	6F-2.004	28/44		
6C1-3.057	Newspaper		29/22		29/23		
6C1-3.070	Newspaper		29/22	6F-2.006	29/23		
6C1-3.071	Newspaper		29/22	6F-3.001	28/44		
6C1-3.072	Newspaper		29/22		29/23		
6C1-3.073	Newspaper		29/22	6F-3.002	28/44		
6C1-3.074	Newspaper		29/22		29/23		
6C1-4.004	Newspaper		29/22	6F-4.001	28/44		
6C1-4.016	Newspaper		29/22		29/23		
6C1-5.076	Newspaper		29/22	6L-1.001	28/12		
6C1-6.009	Newspaper		29/22	6L-1.002	28/12		
6C1-7.003	Newspaper		29/22	6L-1.004	28/12		
6C1-7.013	Newspaper		29/22	6L-1.005	28/12		
6C1-7.019	Newspaper		29/22	6L-1.006	28/12		
6C5-7.004	Newspaper		29/27	6L-1.007	28/12		
6C6-4.008	Newspaper		29/20	6L-1.008	28/12		
6C6-6.005	Newspaper		29/26	6L-1.009	28/12		
6C6-6.0051	Newspaper		29/26	6L-1.010	28/12		
6C6-6.0052	Newspaper		29/26	6L-1.011	28/12		
6C6-6.0053	Newspaper		29/26	6L-1.012	28/12		
6C6-6.0054	Newspaper		29/26	6L-1.013	28/12		
6C6-6.0056	Newspaper		29/26				
6C6-6.0059	Newspaper		29/26				
6C10-6.012	Newspaper		29/27				
6C10-6.013	Newspaper		29/27	9B-1.002	29/13		
6C10-6.014	Newspaper		29/27	9B-1.003	29/13		
6C10-6.015	Newspaper		29/27	9B-1.004	29/13		
6C10-6.016	Newspaper		29/27	9B-1.0055	29/13		
6C10-6.017	Newspaper		29/27	9B-1.006	29/13		
6C10-6.018	Newspaper		29/27	9B-1.007	29/13		
6C10-6.019	Newspaper		29/27	9B-1.0085	29/13		
6C10-6.020	Newspaper		29/27	9B-1.009	29/13		
6C10-8.004	Newspaper		29/26	9B-1.0095	29/13		
6C10-8.005	Newspaper		29/26	9B-1.011	29/13		
6D-14.002	29/3		29/20	9B-1.016	29/13		
6E-2.0041	28/43	29/5	29/21	9B-1.017	29/13		
		29/14	29/21	9B-1.0211	29/13		
6E-3.002	28/43			9B-1.027	29/13		
6F-1.001	28/44			9B-1.028	29/13		
	29/23			9B-3.054	29/13	29/25	
6F-2.001	28/44			9B-22.002	29/10		29/25w
	29/23			9B-22.004	29/10		29/25w
6F-2.0015	28/44			9B-22.006	29/10		29/25w
	29/23			9B-22.007	29/10		29/25w
6F-2.0016	28/44			9B-22.008	29/10		29/25w
	29/23			9B-22.011	29/10		29/25w
6F-2.0017	28/44			9B-72.010	29/11	29/18	
	29/23			9B-72.030	29/11		
6F-2.002	28/44			9B-72.040	29/11	29/18	
	29/23			9B-72.045	29/11	29/18	
6F-2.0024	28/44			9B-72.050	29/11	29/18	
	29/23			9B-72.060	29/11		
6F-2.0026	28/44			9B-72.070	29/11	29/18	
	29/23			9B-72.090	29/11	29/18	

COMMUNITY AFFAIRS

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
9B-72.100	29/11	29/18		12A-1.039	29/5		29/23
9B-72.130	29/11			12A-1.059	29/5		29/23
9J-2.010	29/8		29/22	12A-1.060	29/5		29/23
9J-2.015	29/8		29/22	12A-1.064	29/5	29/18	29/23
9J-2.016	29/8		29/22	12A-1.0641	29/5		29/23
9J-2.0185	29/8		29/22	12A-1.071	29/5		29/23
9J-2.024	29/8		29/22	12A-1.0911	29/5		29/23
9J-2.025	29/8		29/22	12A-1.0935	29/17		
9J-2.0251	29/8		29/22	12A-1.094	28/27	28/41	
9J-2.027	29/8		29/22	12A-1.094(1)-(4)	28/35c		29/23d
9J-2.029	29/8		29/22	12A-1.095	29/17		
9J-2.041	29/8		29/22	12A-1.0955	29/17		
9J-2.043	29/8		29/22	12A-1.097	29/5		29/23
9J-2.044	29/8		29/22		29/26		
9J-2.045	29/8		29/22	12A-6.038	29/17		
9J-2.046	29/8		29/22	12A-17.004	29/17		
9J-2.048	29/8		29/22	12A-19.020	29/17		
9J-5.0055	18/40				29/26		
9K-8.011	28/13			12A-19.100	29/17		
					29/26		
HEALTH AND REHABILITATIVE SERVICES				12BER03-1			29/15
				12BER03-2			29/15
10-5.011(1)(v)	15/46c			12BER03-3			29/15
10M-9.026	22/1			12BER03-4			29/15
10M-9.045	22/1			12B-7.008	29/26		
LAW ENFORCEMENT				12B-7.026	29/26		
				12B-7.030	29/26		
11B-27.006	27/17			12B-7.031	29/26		
11B-30.014	19/40			12B-8	23/8c		
				12B-8.006	29/17		
REVENUE				12C-1.022	29/5	29/11	29/24
				12C-1.051	29/5	29/19	29/24
12-1	29/19c			12D-10.0044	28/40	28/48	
12-3.0012	28/51					29/3	
12-3.0017	28/51					29/9	
12-3.012	29/17					29/15	
12-18.004	29/26					29/21	
12-24.001	29/7				29/26		
12-24.002	29/7			12E-1.022	29/3	29/19	29/27
12-24.003	29/7						
12-24.004	29/7			TRANSPORTATION			
12-24.005	29/7			14-10.0052	28/47		
12-24.006	29/7			14-12.021	29/6	29/25	
12-24.007	29/7			14-15.002	28/13		
12-24.008	29/7			14-15.003	26/46		
12-24.009	29/7			14-15.0081	29/27		
12-24.010	29/7			14-19.003	29/27		
12-24.021	29/7			14-19.004	29/27		
12-24.022	28/4			14-19.005	29/27		
12-24.023	29/7			14-19.006	29/27		
12A-1.0015	29/5		29/23	14-19.012	29/27		
12A-1.038	28/27			14-19.013	29/27		
	29/5	29/18	29/23	14-19.016	29/27		
	29/17						

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
REGIONAL PLANNING COUNCILS				33-601.230	29/19		
29C-1.005	29/4			33-601.311	29/20		29/27
				33-601.720	29/14		29/21
CORRECTIONS				33-601.725	28/4	28/9	
33-2.001	23/25				29/14	28/14	29/26
33-3.0081	25/35	25/43		33-601.738	26/48	29/19	29/26
33-3.0082	25/35	25/43		33-601.820	29/19	27/38	
33-3.0084	25/35	25/43		33-601.901	29/20		29/27
33-3.0085	25/35	25/43		33-602.201		26/34	29/27
33-3.015	21/43					26/38	29/27
33-3.018	17/14				29/20		29/27
33-8.0142	19/43			33-602.203	29/20		29/27
33-22.003	17/12			33-602.207	29/20		
33-22.009	17/12			33-602.210	29/26		
33-22.011	17/12			33-602.224	29/24		
33-32.021	19/5			33-602.230	29/19		29/26
33-32.022	19/5			33-603.101	29/11		29/20
33-38.001	25/35	25/43		LABOR AND EMPLOYMENT SECURITY			
33-38.003	25/35	25/43		38E-106.401	24/1		
33-38.005	25/35	25/43		38F-8.055	22/4		
33-38.006	25/35	25/43		38I-60.200	20/7		
33-38.009	25/35	25/43		38K-1.0045	23/27		
33-38.010	25/35	25/43		WATER MANAGEMENT DISTRICTS			
33-38.011	25/35	25/43		40B-1	29/13c		
33-38.012	25/35	25/43		40C-1.101	27/52		
33-103.007	29/18		29/26	40C-1.181	20/18		
33-103.008	29/18		29/26	40C-400.201	21/48	21/48	
33-103.013	29/18		29/26	40D-0.201	20/3		
33-103.014	29/18		29/26	40D-1.202	19/36	19/42	
33-203.201	29/14	29/20		40D-1.607	29/10		29/25w
33-204.002	29/19		29/26		29/25		
33-204.003	29/19		29/26	40D-2.031	20/48		29/27w
33-204.005	29/18		29/25	40D-2.041	20/48		29/27w
33-204.111	27/29			40D-2.091	22/48		
33-208.101		27/21	29/25	40D-2.301	22/48		
		28/52	29/25	40D-2.331	20/48		
	29/11		29/25	40D-2.601	20/48		29/27w
33-208.507	26/16			40D-3.037	29/16		29/25
33-210	28/52c			40D-4.091	22/48		
33-210.101	28/52c				25/3		
	29/14				29/10	29/22	
33-210.102	28/52c				29/18		
	29/27				29/22		
33-210.103	28/52c			40D-4.201	21/22		
33-302.101	29/22			40D-4.351	29/18		
33-302.104	29/20	29/25		40D-6.521	24/50		
33-302.105	29/7			40D-8.624	23/38	24/48	29/27w
	29/20			40D-8.6240	23/38	24/48	
33-302.109	29/22		29/26	40D-22.011	28/47		
33-302.111	29/18		29/26	40D-22.101	28/47		
33-501.401		26/3	29/26	40D-22.201	28/47		
	29/14	29/19	29/26				
33-508.101	28/13						
33-601.101(1)(a)5., (2),(7)	28/39c						

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
40D-22.302	28/47			40E-20.011	29/17		
40D-22.303	28/47			40E-20.091	29/17	29/26	
40D-22.401	28/47			40E-20.101	29/17		
40D-40.021	29/10	29/22			29/26		
40D-40.302	29/10			40E-20.301	29/17		
40D-40.321	29/10			40E-20.302	29/17		
40D-40.381	29/10			40E-20.321	29/17		
40D-45.341	19/42	20/3		40E-20.331	29/17		
40D-602.221	28/47			40E-20.651	29/17		
40E-1.510	20/18	21/36		40E-24.011	29/4		29/23
40E-1.603	19/4c			40E-24.101	29/4		29/23
40E-1.606	19/4c			40E-24.201	29/4		29/23
40E-1.607	19/43			40E-24.301	29/4		29/23
	29/17			40E-24.401	29/4		29/23
	29/24			40E-63.223	27/2	27/9	
40E-1.612	20/18	21/36		40E-601.314	26/9		
40E-1.614	20/18	21/36		COMMISSION FOR THE TRANSPORTATION DISADVANTAGED			
40E-1.659	29/23	29/25		41-2.006	29/15		29/26
	29/26			41-2.012	29/15		29/26
40E-1.669	19/4c			FLORIDA LAND AND WATER ADJUDICATORY COMMISSION			
40E-2.011	29/17		29/23	42GG-1.001	29/11		29/24
40E-2.091	29/13			42GG-1.002	29/11		29/24
	29/17	29/26		42GG-1.003	29/11		29/24
40E-2.301	29/17			42JJ-1.001	28/44		
40E-2.321	29/17			42JJ-1.002	28/44		
40E-3.032	28/5			42JJ-1.003	28/44		
40E-3.0391	28/5			42KK-1.001	29/22		
40E-4.091	20/18	21/36		42KK-1.002	29/22		
	29/23	29/25		42KK-1.003	29/22		
40E-4.101	29/23			42X-1.001	29/22		
40E-4.361	29/23	29/25		42X-1.002	29/22		
40E-4.381	29/23	29/25		EXPRESSWAY AUTHORITIES			
40E-5.011	29/17			45A-2.001	21/49		
40E-5.021	29/17			MARINE FISHERIES COMMISSION			
40E-5.041	29/17			46-15.002	21/35		
40E-5.051	29/17			46-21.007(1)	18/2		
40E-5.101	29/17			46-24.003	21/27		
40E-5.301	29/17			46-37.001	20/18		
40E-5.321	29/17			46-37.002	20/18	20/25	
40E-5.331	29/17			46-37.003	20/18		
40E-5.381	29/17			46-37.004	20/18	20/25	
40E-7.203	29/17			46-37.005	20/18		
40E-7.206	29/17			46-37.006	20/18	20/25	
40E-7.2081	29/17			46-42.003	20/35		
40E-7.2091	29/17			46-47.007	22/27		
40E-7.2101	29/17						
40E-7.2101	29/17						
40E-7.2111	29/17						
40E-7.2121	29/17						
40E-7.213	29/17						
40E-7.523	28/39						
40E-7.532	28/39						
40E-7.637	29/17						
40E-7.639	22/23	22/37					
40E-7.664	29/17						

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				59B-7.024	19/30		
53ER03-12			29/9	59B-7.025	19/30		
53ER03-13			29/9	59B-7.026	19/30		
53ER03-14			29/11	59B-7.027	19/30		
53ER03-15			29/11	59B-7.028	19/30		
53ER03-16			29/11	59B-7.029	19/30		
53ER03-17			29/13	59C-1.008	29/16		29/25
53ER03-18			29/13	59C-1.0355(4)(d)	27/49c		
53ER03-19			29/13	59C-1.045	29/18c		
53ER03-20			29/15		29/19		29/27w
53ER03-21			29/15	59C-2.200	29/20		
53ER03-22			29/17	59E-1.001	20/27		
53ER03-23			29/17	59E-1.002	20/27		
53ER03-24			29/20	59E-1.003	20/27		
53ER03-25			29/20	59E-1.004	20/27		
53ER03-26			29/22	59E-1.005	20/27		
53ER03-27			29/22	59E-1.006	20/27		
53ER03-28			29/24	59E-1.007	20/27		
53ER03-29			29/24	59E-5.102	29/9		29/23
53ER03-30			29/24	59E-5.301	29/16		29/26
53ER03-31			29/25	59E-5.302	29/16		29/26
53ER03-32			29/26	59E-5.303	29/16		29/26
53-19.0035	25/43			59E-5.304	29/16		29/26
53-302.101	29/22			59E-5.305	29/16		29/26
53-302.109	29/22			59E-5.306	29/16		29/26
ELDER AFFAIRS				59E-5.307	29/16		29/26
				59E-5.308	29/16		29/26
				59E-5.309	29/16		29/26
58A-1.001	28/42			59E-5.310	29/16		29/26
58A-1.004	28/42			59E-5.311	29/16		29/26
58A-1.006	28/42			59E-5.312	29/16		29/26
58A-1.007	28/42			59E-5.314	29/16		29/26
58A-2.004	29/19	29/25		59E-5.315	29/16		29/26
58A-2.005	29/19	29/25		59E-5.316	29/16		29/26
58A-2.0236	29/19	29/25		59E-5.317	29/16		29/26
58A-2.025	29/19	29/25		59E-5.318	29/16		29/26
58DER03-1			29/13	59E-5.401	29/16		29/26
58M-3.001	29/21		29/24w	59E-5.402	29/16		29/26
58M-3.002	29/21		29/24w	59E-5.501	29/16		29/26
58M-3.003	29/21		29/24w	59E-5.502	29/16		29/26
AGENCY FOR HEALTH CARE ADMINISTRATION				59E-5.503	29/16		29/26
				59E-5.504	29/16		29/26
59-1	29/8c			59E-5.505	29/16		29/26
59A-2.024	20/1			59E-5.506	29/16		29/26
59A-3.170	21/20			59E-5.507	29/16		29/26
59A-3.180	21/3			59E-5.605	29/10		29/21
59A-3.2055	22/52	23/10		59E-5.607	29/16		29/26
59A-5.022	26/39	27/10		59F-1.002	20/33		
59A-7.020	20/25			59G-4.001	29/26		
59A-12.020	26/32	26/36		59G-4.010	29/18		
59A-18.003	26/25			59G-4.030	29/18		
59B-7.020	19/30			59G-4.040	29/18		
59B-7.021	19/30			59G-4.055	21/39	21/45	
59B-7.022	19/30			59G-4.060	29/18		

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59G-4.160	29/19			60S-1.0045	29/17		
59G-4.190	29/6			60S-1.005	29/17		
	29/22			60S-1.0052	29/17		
	29/23		29/26w	60S-1.0053	29/17		
	29/27			60S-1.00535	29/17		
59G-4.210	29/18			60S-1.0054	29/17		
59G-4.220	29/18			60S-1.0055	29/17		
59G-4.230	29/18			60S-1.0057	29/17		
59G-4.231	29/18			60S-2.002	29/17		
59G-4.240	29/10	29/12	29/22	60S-2.004	29/17		
	29/21			60S-2.0041	29/17		
	29/22			60S-2.005	29/17		
59G-4.270	29/18			60S-2.006	29/17		
59G-4.340	29/18			60S-2.007	29/17		
59G-5.020	29/26			60S-2.010	29/17		
59G-6.010	29/14		29/23	60S-2.013	29/17		
59G-6.020	29/17	29/18	29/26	60S-2.015	29/17		
59G-8.200	29/8		29/23	60S-3.002	29/17		
59G-208.101	27/4	27/16		60S-3.003	29/17		
59H-1.00352	26/3	26/17		60S-3.0035	29/17		
59M-3.005	21/25			60S-3.006	29/17		
59O-2.002	22/34	24/49		60S-3.008	29/17		
59O-2.003	22/34	24/49		60S-3.011	29/17		
59O-3.002	22/34	24/49		60S-3.012	29/17		
59O-9.003	22/34	24/48		60S-3.013	29/17		
59Q-9.002	20/39			60S-4.002	29/17		
59R-62.010	21/5			60S-4.0025	29/17		
59R-62.040	21/5			60S-4.003	29/17		
59T-11.013	23/22	23/35		60S-4.0035	29/17		
59T-14.004	23/22	23/35		60S-4.004	29/17		
59T-15.002	23/22	23/35		60S-4.005	29/17		
59T-16.001	23/22	23/35		60S-4.006	29/17		
59T-16.002	23/22	23/35		60S-4.007	29/17		
59U-11.019	20/51	21/7		60S-4.008	29/17		
59U-14.002	23/24	23/35		60S-4.010	29/17		
59V-3.007	20/34	20/48		60S-4.011	29/17		
59Y-5.001	23/11			60S-4.012	29/17		
				60S-4.015	29/17		
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				60S-7.009	29/17		
				60S-7.010	29/17		
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				60S-11.001	29/17		
				60S-11.002	29/17		
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				60T-25.001	18/41	18/44	
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				60Z-1.017	29/18c		
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60-1	28/42c						
60-8.001	28/34						
60-8.002	28/34						
60-8.003	28/34						
60-8.004	28/34						
60-8.005	28/34						
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60A-1.006	29/20		29/26				
60A-1.030	29/20		29/26				
60A-1.031	29/20		29/26				
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61-20.508	29/22			61G4-18.011	19/38		
61-24.004		22/10	29/23	61G4-18.012	19/38		
	29/11		29/23	61G4-21.005	29/3	29/18	29/24
61-24.012	29/11		29/23	61G6-5.001	29/5	29/7	
61AER03-1			29/26	61G7-6.001	29/26		
61A-4.0271	22/47			61G7-10.0013	28/51		
61A-5.010	28/41		29/27w	61G7-10.011	26/13		
61A-5.0105	28/41		29/27w	61G8-16.004	29/9	29/20	29/27
61A-5.011	28/41		29/27w	61G8-30.001	29/23		
61A-5.700	28/41		29/27w	61G10-12.001	26/24		
61A-5.747	28/41		29/27w	61G10-18.001	28/18	29/8	29/26
61B-17.003	29/21				29/19		29/26
61B-30.004	20/19			61G11-25.001	20/22		
61B-30.006	22/45			61G14-15.001	27/43		
61B-31.001	23/2			61G14-17.004	28/45	29/19	29/26
61B-31.002	23/2			61G14-19.001	29/19		29/27
61B-32.001	21/30			61G14-20.001	29/12	29/19	29/25
61B-36.001	29/17			61G15-20.007	29/20		
61B-36.002	29/17			61G15-22.0003	29/16		29/23
61B-36.003	29/17			61G15-22.002	29/20		
61B-39.001	22/33			61G16-2.001	23/12		
61B-39.002	22/33			61G16-5.003	21/43	21/50	
61C-1.002	22/23	22/36		61G17-1.006	21/6		
61C-3.002	22/23	22/36		61G17-1.010	29/4		
61C-5.001	26/24			61G17-3.004	29/4		
61C-76.0061	21/35			61G17-5.001	29/10		29/25
61C-76.0062	21/35			61G17-5.0031		19/29	29/25
61D-3.003	23/36	23/44				19/52	29/25
61D-3.004	23/36	23/44			29/10		29/25
61D-11.010	24/3			61G17-5.0041	29/10	29/22	
61F3-8.002	20/27	20/32		61G17-5.0043		19/29	
61F6-34.001	20/7					19/52	
61F6-50.007	18/53	20/24				26/16	
61F9-6.0035	19/36					26/23	
61F9-6.011	19/36				29/10	29/22	
61F9-6.013	19/36			61G17-5.0044	29/10	29/22	
61F14-3.016	19/36					19/29	
61G-3.5082	27/4					19/52	
61G1-11.005	29/20			61G17-5.0045	29/10		29/25
61G1-23.010	28/21	29/20	29/26			19/29	29/25
61G2-3.005	21/33					19/52	29/25
61G2-3.0055	23/38	24/6		61G17-5.0051	29/10		
61G2-4.001	21/29			61G18-16.002	26/29		
61G3-16.0091	27/11			61G18-16.003	26/29		
61G3-20.009	27/11			61G18-16.0035	26/29		
61G3-30.001	28/2			61G18-17.005	29/13		29/21
61G4-12.011	29/27			61G18-30.001	29/14		
61G4-15.002	27/23			61G19-6.0035	28/48	29/16	29/22
61G4-15.015	29/18		29/22w	61G19-6.008	28/48	29/16	
61G4-15.018	29/13	29/21	29/27			29/27	
61G4-16.001		22/7	29/25	61G19-7.0010	26/41		
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61H1-21.001	28/45	29/12	29/20	62-40.410	28/51		
61H1-28.001	29/27			62-40.411	28/51		
61H1-28.0011	29/27			62-40.412	28/51		
61H1-28.005	29/27			62-40.416	28/51		
61H1-28.0052	29/27			62-40.422	28/51		
61H1-28.006	29/27			62-40.425	28/51		
61H1-28.0061	29/27			62-40.430	28/51		
61H1-29.003	29/10		29/20	62-40.431	28/51		
61H1-33.007	29/10	29/20	29/21w	62-40.432	28/51		
	29/21			62-40.450	28/51		
61H1-54.002	21/29			62-40.458	28/51		
61J1-2.005	28/41	28/43		62-40.470	28/51		
		28/46		62-40.473	28/51		
61J1-3.001	28/41	28/43		62-40.474	28/51		
		28/46		62-40.475	28/51		
61J1-3.002	28/41	28/43		62-40.510	28/51		
		28/46		62-40.520	28/51		
61J1-4.005	28/41	28/43		62-40.531	28/51		
		28/46		62-40.540	28/51		
61J1-4.240	27/45			62-40.610	28/51		
61J1-6.001	28/47			62-210.900	29/16		29/24
61J1-7.004	28/41	28/43		62-210.990	20/36		
		28/46		62-213.430	20/52	21/7	
61J1-7.005	28/41	28/43		62-296.401	22/32	22/38	
		28/46		62-302.530	29/12		
61J1-8.002	29/10		29/23	62-302.540	27/52		
61J2-2.027	28/22				29/12		
61J2-2.031	28/22			62-304.500	29/25		
61J2-3.008	29/11			62-304.510	29/25		
61J2-3.009	29/11			62-312.122	24/18		
61J2-3.010	29/11			62-330.2001	26/9		
61J2-3.020	29/11			62-341.602	21/22	21/22	
61J2-5.016	28/22			62-343.010	21/22		
61J2-17.012	28/3	28/17		62-343.020	21/22		
61J2-24.001	27/34			62-343.030	21/22		
61J8-4.022	29/10			62-343.040	21/22		
ENVIRONMENTAL PROTECTION				62-343.050	21/22		
62-1	29/23c		29/23d	62-343.060	21/22		
62-4.050	20/21	21/22		62-343.070	21/22		
62-17.151	24/45	24/45		62-343.080	21/22		
62-17.161	24/45	24/45		62-343.090	21/22		
62-33.0051	27/11			62-343.100	21/22		
62-40	29/7c			62-343.110	21/22		
	29/9c			62-343.120	21/22		
	29/13c			62-343.130	21/22		
	29/13c			62-343.140	21/22		
	29/13c			62-343.900	21/22		
	29/13c			62-345.100	29/12		
	29/18c			62-345.200	29/12		
	29/19c			62-345.300	29/12		
62-40.110	28/51			62-345.400	29/12		
62-40.120	28/51			62-345.500	29/12		
62-40.210	28/51			62-345.600	29/12		
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62-531.200	29/19			62-712.900	21/34		
62-531.300	29/19			62-730.050	23/7		
62-531.330	29/19			62-730.220	28/24		
62-550.310	20/47			62-761.891	24/14		
62-550.730	20/19			62-771.300	21/52		
62-550.817	29/18		29/24	62-775.500	21/52	22/15	
62-555.310	29/18			62-788.400	25/5		
62-555.312	29/18			62B-2	28/8		
62-555.314	29/18			62D-2.014	21/52	22/13	
62-555.315	29/18			62D-2.014(17)	29/18c		
62-555.320	29/18				29/19c		
62-555.322	29/18			62N-3.002	21/43		
62-555.325	29/18			62N-36.004	21/43		
62-555.330	29/18			62R-7.002	21/17		
62-555.335	29/18			62R-7.010	23/34		
62-555.340	29/18			62R-7.020	21/17		
62-555.345	29/18			62R-7.022	21/17		
62-555.348	29/18			62R-7.025	21/17		
62-555.350	29/18			62R-7.026	21/17		
62-555.357	29/18			62R-7.028	21/17		
62-555.360	29/18				22/47		
62-555.365	29/18			62R-7.032	21/17		
62-555.401	29/18			62S-1.100	29/18		29/27
62-555.405	29/18			62S-1.300	29/18		29/27
62-555.500	29/18			62S-1.350	29/18		29/27
62-555.510	29/18			62S-1.400	29/18		29/27
62-555.520	29/18			62S-1.450	29/18		29/27
62-555.525	29/18			62S-3.003	29/18		
62-555.527	29/18			62S-4	29/17		
62-555.528	29/18			62S-4.001	29/19	29/25	
62-555.530	29/18						
62-555.533	29/18						
62-555.536	29/18						
62-555.540	29/18			64-1	29/7c		
62-555.900	29/18			64BER03-1			29/26
62-561.100	24/52			64B-1.001	28/52		
62-610.814	24/52			64B-1.002	28/52	29/23	
62-621.100	29/9	29/15	29/20	64B-1.003	28/52		
62-621.200	21/52			64B-1.004	28/52		
62-624.810		29/12		64B-1.005	28/52		
62-701	22/42c			64B-1.006	28/52		
62-707.500	22/30			64B-1.007	28/52	29/23	
62-712.100	21/34			64B-1.008	28/52	29/23	
62-712.200	21/34			64B-1.009	28/52	29/23	
62-712.300	21/34			64B-1.010	28/52		
62-712.400	21/34			64B-1.011	28/52		
62-712.410	21/34			64B-1.013	28/52	29/23	
62-712.420	21/34			64B-1.016	28/52	29/23	
62-712.430	21/34			64B-1.017	28/52	29/23	
62-712.440	21/34			64B-2.001		25/26	29/24
62-712.450	21/34				29/16		29/24
62-712.460	21/34			64B-21.0015	27/39		
62-712.500	21/34			64B-21.004	27/39		
62-712.800	21/34			64B-21.006	27/39		
62-712.810	21/34			64B1-31.001	27/51	28/6	
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64B3-2.002	22/34	24/49			29/12		29/26w
64B3-2.003	22/34	24/49			29/23c		
64B3-3.004	23/51			64B8-30.014	29/12		29/20
64B3-6.001	27/5	27/17		64B8-30.019	29/21		
64B4-3.001	25/22			64B8-40.004	29/16	29/18	29/26
64B4-3.003	29/19		29/27	64B8-44.007	29/17		
64B4-4.017	25/32			64B8-51.006	29/16		29/24
64B4-4.018	25/32			64B8-52.004	29/16	29/18	
64B4-5.007	25/32			64B8-54.004	27/41		
64B4-6.0013	25/32			64B8-55.001	29/19		29/27
64B4-6.002	29/19		29/27	64B8-55.002	29/19	29/20	
64B4-6.0045	25/32			64B8-55.004	28/38	29/16	29/22
64B5-12.013	29/25			64B9-3.007	25/9		
64B5-12.020	29/25			64B9-15.001	29/1		
64B5-13.005	29/25			64B9-15.002	29/1		
64B5-14.001	29/26			64B9-15.005	29/1	29/15	29/21
64B5-14.002	29/26			64B9-15.007	29/1	29/15	
64B5-14.003	29/26			64B9-15.008	29/1	29/15	29/21
64B5-14.004	29/26			64B9-15.011	29/1	29/15	29/21
64B5-14.005	29/26			64B10-11.001	28/37		
64B5-14.006	29/26			64B10-15.002	29/25		
64B5-14.007	29/26			64B11-5.006	29/23		
64B5-14.009	29/26			64B12-19.002	27/11		
64B5-15.010	27/30			64B13-5.002	28/49	29/27	
64B5-17.010	29/25				29/6c		
64B6-1.016	28/52				29/8c		
64B6-8.001	28/52	29/14	29/22	64B13-6.001	28/45	29/4	29/26
		29/16	29/22			29/18	29/26
64B6-8.002	28/52	29/14	29/22	64B14-2.001	28/36		
		29/16	29/22	64B14-4.004	29/14		29/20
64B6-55.004	27/41			64B15-6.001	29/16		
64B7-26.001	29/22			64B15-6.0031	29/16		
64B7-27.002	29/7			64B15-6.011	29/16		
64B7-27.012	24/12			64B15-13.005	29/26		
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64B7-32.003	28/31	29/16		64B15-19.0055	29/26		
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64B8-1.007		28/26	29/22	64B16-27.105	27/4	27/21	
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64B8-4.022	29/10			64B16-28.140	24/38		
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64B24-4.007	29/16			64F-12.015	29/18		29/27
64B24-4.010	29/16			64F-12.018	29/18		29/27
64B24-7.007	29/16			64F-12.024	29/10		29/21w
64B24-7.008	29/16			64F-16.005	29/15		29/24
64B29-1.002	28/38	28/43	29/21	64F-16.006	29/15		29/24
		29/15	29/21	64F-16.007	29/15		29/24
64B32-3.002	29/22			64F-16.008	29/15		29/24
64B32-5.001	28/3	28/5		64F-19.001	28/47		
64B32-6.004	29/22			64F-19.002	28/47		
64B33-2.004	29/21			CHILDREN AND FAMILY SERVICES			
64C-13.018	24/22			65-1	29/6c		
64C-23.002	27/17				29/6c		
64C-27.001	27/17			65A-1.205	29/21		
64C-27.002	27/17			65A-1.400	25/21c		
64D-3.002	29/9	29/17	29/23	65A-1.601	28/11	28/23	
64D-3.003		26/17	29/23			28/31	
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64D-3.004	29/9		29/23	65A-1.701	29/16		
64D-3.007	29/9		29/23	65A-1.702	29/16		
64D-3.0071	29/9		29/23	65A-1.703	29/16		
64D-3.012	29/9		29/23	65A-1.710	29/16		
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64E-1.005	29/11		29/26	65A-1.713	29/16		
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64E-1.102	29/11		29/26	65A-1.716	29/21		
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64E-1.106	29/11		29/26	65A-4.216	25/32		
64E-2.030	29/14		29/23	65A-4.219	29/12		29/26
64E-6.007	25/48			65A-15.0095	26/4		
64E-6.009	29/17		29/24	65B-4.032	29/9		
64E-6.011	29/17		29/24	65C-16.001	29/17	29/27	
64E-6.012	29/17		29/24	65C-16.002	29/17	29/27	
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64E-6.025	29/17		29/24	65C-16.007	29/17		
64E-6.026	29/17		29/24	65C-16.008	29/17	29/27	
64E-6.027	29/17		29/24	65C-16.009	29/17		
64E-6.029	29/17		29/24	65C-16.010	29/17		
64E-6.0295	29/17		29/24	65C-16.011	29/17		
64E-11.002	29/13			65C-16.012	29/17	29/27	
64E-11.003	29/13			65C-16.013	29/17		
64E-11.004	29/13	29/20		65C-16.014	29/17		
64E-11.005	29/13			65C-16.015	29/17		
64E-11.006	29/13	29/20		65C-16.016	29/17		
64E-11.007	29/13	29/20		65C-16.017	29/17	29/27	
64E-11.012	29/13			65C-17.001	28/48	29/11	29/20
64E-11.013	29/13			65C-17.002	28/48		29/20
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64F-12.001	29/10	29/19	29/26	65C-20.008	29/9	29/21	
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65C-20.012	29/9			67-32.009	24/28		
65C-20.013	29/9	29/21		67-37.002	29/26		
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65C-22.002	29/9	29/21		67-37.006	29/26		
65C-22.003	29/9	29/21		67-37.007	29/26		
65C-22.004	29/9	29/21		67-37.008	29/26		
65C-22.005	29/9	29/21		67-37.010	29/26		
65C-22.006	29/9	29/21		67-37.011	25/37		
65C-22.007	29/9				29/26		
65C-22.011	28/25			67-37.015	29/26		
65C-22.013	28/25			67-37.016	29/26		
65C-22.014	28/25			67-38.002		26/21	
65C-22.015	28/25					26/22	
65C-22.026	28/25				29/12	29/22	
65C-25.001	29/9			67-38.0025	29/12		
65C-25.002	29/9			67-38.003	29/12	29/22	
65C-25.003	29/9			67-38.004	29/12	29/22	
65C-25.004	29/9	29/21		67-38.005	29/12	29/22	
65C-25.005	29/9			67-38.007	29/12		
65C-25.006	29/9	29/21		67-38.008	29/12		
65C-25.007	29/9	29/21		67-38.010	29/12		
65C-25.008	29/9	29/21		67-38.011	29/12		
65E-2.003	26/20	26/28		67-38.012	29/12		
65E-11.002	29/9	29/26		67-38.014	29/12		
65E-11.003	29/9	29/26		67-38.0145	29/12		
65E-11.004	29/9	29/26		67-38.015	29/12		
65E-11.007	29/9	29/26		67-38.017	29/12		
65E-12.110	29/9	29/26		67-48.005	27/45c		
65E-14.001	29/10		29/25	67-49.001	29/25		
65E-14.003	29/10		29/25	67-49.002	29/25		
65E-14.004	29/10		29/25	67-49.003	29/25		
65E-14.005	29/10		29/25	67-49.0031	29/25		
65E-14.007	29/10		29/25	67-49.004	29/25		
65E-14.011	29/10		29/25	67-49.005	29/25		
65E-14.014	29/10	29/16	29/25	67-49.007	29/25		
65E-14.016	29/10		29/25	67-49.008	29/25		
65E-14.017	29/10		29/25	67-49.009	29/25		
65E-14.018	29/10		29/25	67-49.011	29/25		
65E-14.019	29/10	29/16	29/25	67-49.012	29/25		
65E-14.020	29/10	29/16	29/25				
65E-14.021	29/10	29/16	29/25				
65E-14.022	29/10	29/16	29/25				

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68A-15.005	29/17		29/26	68B-35.005	29/17		
68A-15.061	29/8	29/15	29/21	68B-38.001	29/17		29/26
68A-15.062	29/8	29/15	29/21	68B-39.001	29/17		29/26
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68A-15.065	29/17		29/26	68B-39.004	29/17		29/26
68A-17.005	29/8	29/15	29/21	68B-39.0045	29/17		29/26
68A-24.003	28/17			68B-39.0046	29/17		29/26
68A-24.004	28/17			68B-39.0047	29/17		29/26
68A-24.006	28/17			68B-39.005	29/17		29/26
68A-27.0012	29/17		29/26	68B-39.008	29/17		29/26
68A-27.004	29/17		29/24w	68B-44.006	29/17		29/26
68A-27.005	29/17		29/24w	68B-44.008	29/17		29/26
68B-4.0082	29/17		29/26	68B-45.002	29/17		29/26
68B-13.005	29/17		29/26	68B-45.006	29/17		29/26
68B-13.008	27/31	26/13		68B-55.001	29/17		29/26
68B-13.010	29/17		29/26	68B-55.002	29/17		29/26
68B-24.002	29/17		29/27	68B-55.003	29/17		29/26
68B-24.004	29/17		29/27	68B-55.004	29/17		29/26
68B-24.0055	29/17	29/19	29/27	68DER03-1			29/13
		29/24	29/27				29/18w
68B-24.006	29/17		29/27				
68B-35.002	29/17						