

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Voting System Equipment Regulations **RULE NO.:** 1S-5.001

PURPOSE AND EFFECT: The Division of Elections is required to establish minimum standards for certification and provisional approval of hardware and software for electronic and electromechanical voting systems. The Division intends to amend rule 1S-5.001 to include minimum standards to enable voters to cast their ballots over the Internet. The amended rule will only address a pilot project currently scheduled for the 2000 elections which will include a limited number of voters from Okaloosa County and Orange County.

SUBJECT AREA TO BE ADDRESSED: Voting system standards for casting ballots over the Internet.

SPECIFIC AUTHORITY: 101.015, 101.294 FS.

LAW IMPLEMENTED: 101.141-.161, 101.5605, 101.5606, 101.5607, 101.5609, 102.166(9)(a) FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, December 14, 1999

PLACE: Director's Conference Room, Room 1801, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Clay Roberts, Director, Division of Elections, (850)488-7690

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

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Purpose	4-136.001
Foreign Insurers Filing for a Certificate of Authority	4-136.002
Foreign and Alien Insurers Filing for a Certificate of Authority for Property and Casualty	4-136.003
Surplus	4-136.004
Foreign and Alien Life and Accident and Health Insurers	4-136.005
Domestic Insurers Filing for an Application for Permit	4-136.006
Applications for Permit Submitted for Domestic Assessable Mutual Insurers	4-136.007
Permit for Domestic Property and Casualty Insurers	4-136.008
Application for Permit, Domestic Captive Insurer	4-136.009

Permit for Domestic Life, Accident and Health	4-136.010
Domestic Insurers Filing for a Certificate of Authority	4-136.011
Forms Adopted	4-136.012
Procedure to Amend an Existing Certificate of Authority to Add a New Line of Business	4-136.015
Purpose	4-136.030
Registration as a Purchasing Group	4-136.031
Restriction on Insurance Purchased by Purchasing Groups	4-136.033

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish procedures and revise forms for the submission of applications by companies seeking to do business in the state of Florida. The purpose of the rule chapter will also establish procedures for companies who wish to amend their certificates of authority to add new lines of business.

SUBJECT AREA TO BE ADDRESSED: Part I Application Procedures and Part II Purchasing Groups and Risk Retention Groups.

SPECIFIC AUTHORITY: 624.308, 627.954 FS.

LAW IMPLEMENTED: 624.307(3), 624.318, 624.321, 624.34, 624.401, 624.404, 624.408, 624.413, 624.414, 624.416(4), 624.422, 624.462, 624.466, 624.501, 624.913, 626.611(14), 627.943, 627.944, 627.945(1), 627.947, 627.948, 628.051, 628.061, 628.6011 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., December 15, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joan Hendrix, Senior Management Analyst I, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-2570

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: Joan Hendrix, (850)413-2570.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE UPON REQUEST ON DECEMBER 1, 1999, BY CONTACTING JOAN HENDRIX AT THE ABOVE ADDRESS AND TELEPHONE NUMBER.

DEPARTMENT OF INSURANCE

RULE TITLES:
 Rating Plan: Discounts, Credits, Surcharges 4-170.004
 Individually Rated Risks 4-170.019

PURPOSE AND EFFECT: Amendments to rule 4-170.004: The purpose is to clarify the existing rule, clarify the authority, and eliminate reporting requirements. The effect is to eliminate insurer reporting requirements, reduce record keeping for the Department, and eliminate restriction in use of debits and credits based on annual reports of insurers.

Proposed new rule 4-170.019: The purpose is to implement statutory authority; limit scope; define key terms; establish guidelines for the use and limitations of individual risk rating, associated record keeping requirements, and associated reporting requirements; and define large commercial risk as a form of individual risk rating. The effect is to define individual risk, define large commercial risk, and clarify various terms associated with individual risk rating.

SUBJECT AREA TO BE ADDRESSED: Rule 4-170.004 provides procedures for regulation of rating plans; limits scope; provides definitions; provides guidelines and record keeping requirements for the use of subjective rating plans. Rule 4-170.019 provides authority for individual risk rating; limits scope to commercial lines excluding workers compensation and medical malpractice; defines terms; provides guidelines and record keeping requirements for individual risk rating.

SPECIFIC AUTHORITY: 624.308(1) FS.
LAW IMPLEMENTED: 624.307(1), 624.418(2), 624.4211, 627.062(1),(2),(3) FS.

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

TIME AND DATE: 9:30 a.m., January 19, 2000
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jack Swisher, Bureau of Property and Casualty Forms and Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5344

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 Yvonne White at (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AFTER DECEMBER 6, 1999 AT NO CHARGE FROM THE CONTACT PERSON.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services
RULE TITLE: Commercial Values for Penalty Assessments
RULE NO.: 5E-1.016

PURPOSE AND EFFECT: The purpose of the rule is to provide the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizer.

SUBJECT AREA TO BE ADDRESSED: Rule 5E-1.016 updates the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizers.

SPECIFIC AUTHORITY: 576.181(2), 570.07(23) FS.
LAW IMPLEMENTED: 576.051(2),(3),(7), 576.061, 576.071, 576.181 FS.

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

TIME AND DATE: 10:00 a. m., December 17, 1999
PLACE: Agricultural Environmental Services Conference Room, 3125 Conner Blvd, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Steven J. Rutz, Director, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Room 130, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, telephone (850)488-3731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-1.016 Commercial Values for Penalty Assessments.
 The commercial values used in assessing penalties for plant nutrient deficiencies are determined by the annualized average market prices published by the Chemical Market Reporter Publication (effective 6/8/98), which is hereby incorporated by reference. Commercial Values not provided in Industry Publications will be established thru survey approved by the Fertilizer Technical Council. Copies may be obtained from the Chemical Market Reporter, 307 Southgate Court, Brentwood, TN 37027. This rule shall be reviewed annually.

(1) PRIMARY PLANT NUTRIENTS.

	Guaranteed as	Commercial Values (per unit*)	PRESENT	PROPOSED
Total Nitrogen	N		\$4.30	<u>\$4.00</u>
Nitrate Nitrogen	N		4.70	<u>4.54</u>
Ammoniacal Nitrogen	N		4.10	<u>4.15</u>
Water Soluble or				
Urea Nitrogen	N		4.60	<u>4.45</u>
Slow Release Nitrogen				
(from other SRN sources)	N		19.00	<u>19.25</u>
Water Insoluble Nitrogen	N		16.85	<u>14.65</u>

Available Phosphorus	P ₂ O ₅	3.45	<u>3.95</u>
Slow Release Phosphate	P ₂ O ₅	25.00	<u>24.00</u>
Potassium (from Muriate)	K ₂ O	2.30	<u>2.27</u>
Slow Release Potassium	K ₂ O	16.00	<u>15.25</u>
Potassium (from any source other than Muriate or a combination of sources)	K ₂ O	4.10	<u>4.40</u>

Molybdenum	Mo	183.20	<u>189.00</u>
Cobalt	Co	89.90	<u>89.90</u>
Calcium (from any source)	Ca	.55	<u>.59</u>
(3) DOLOMITE and LIMESTONE (when sold as material).			
Magnesium	MgCO ₃	.11	<u>.15</u>
Calcium	CaCO ₃	.06	<u>.07</u>

(2) SECONDARY PLANT NUTRIENTS.

Total and water Soluble	Guaranteed as	Commercial Values (per unit*)	
		PRESENT	PROPOSED
Magnesium (from any source)	Mg	\$6.35	<u>\$6.80</u>
Manganese (from sulfate)	Mn	16.90	<u>16.70</u>
<u>Manganese (from Sucrate)</u>	<u>Mn</u>		<u>11.00</u>
Manganese (from chloride)	Mn	6.10	6.10
Manganese (from oxide)	Mn	7.40	<u>7.55</u>
Manganese (from chelate in group 1**)	Mn	226.00	<u>231.00</u>
Manganese (from chelate in group 2**)	Mn	70.90	70.90
Copper (from sulfate)	Cu	43.00	<u>39.30</u>
Copper (from chloride)	Cu	22.30	<u>22.15</u>
		PRESENT	PROPOSED
Copper (from oxide)	Cu	24.15	<u>22.45</u>
Copper (from chelate in group 1**)	Cu	156.00	156.00
Copper (from chelate in group 2**)	Cu	\$113.20	113.20
Zinc (from sulfate)	Zn	16.20	<u>16.34</u>
Zinc (from chloride)	Zn	16.85	<u>18.45</u>
Zinc (from oxide)	Zn	10.70	<u>10.45</u>
Zinc (from chelate in group 1**) Zn		184.00	184.00
Zinc (from chelate in group 2**) Zn		65.00	65.00
Iron (from sulfate)	Fe	13.60	<u>12.85</u>
<u>Iron (from sucrate)</u>	<u>Fe</u>		<u>5.80</u>
<u>Iron (from humate)</u>	<u>Fe</u>		<u>18.40</u>
Iron (from oxide)	Fe	4.30	<u>3.95</u>
Iron (from chelate in group 1**) Fe		290.00	<u>290.35</u>
Iron (from chelate in group 2**) Fe		88.70	<u>83.00</u>
Aluminum	Al	13.50	<u>13.70</u>
Sulfur (free)	S	2.40	<u>2.45</u>
Sulfur (combined)	S	2.25	<u>2.20</u>
Boron	B	33.80	<u>34.55</u>

(4) CALCIUM SULFATE (land plaster, gypsum) (when sold as material).

Calcium	CaSO ₄	.40	<u>.30</u>
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*A "Unit" of plant nutrient is one percent (by weight) of a ton or 20 pounds.

**Chelates in "group 1" have aminopolycarboxylic acids, such as EDTA, HEDTA, DTPA and NTA, or related compounds as chelating agents. Chelates in "group 2" have chelating agents other than those in group 1.

Specific Authority 576.181(2), 570.07(23) FS. Law Implemented 576.051(2),(3),(7), 576.061, 576.071, 576.181 FS. History—New 1-23-67, Amended 10-22-68, 11-20-69, 10-22-70, 3-9-74, 6-28-74, 10-25-74, 7-6-76, 7-26-77, 7-22-79, 4-23-80, 10-27-80, 10-18-81, 2-16-84, 12-2-85, Formerly 5E-1.16, Amended 11-16-86, 10-8-87, 9-26-88, 11-19-89, 3-28-91, 2-25-92, 8-3-93, 7-12-94, 10-25-98, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER TITLE: Permitting and Inspection

RULE CHAPTER NO.:

Requirements For Amusement

Devices and Attractions

5F-8

RULE TITLE:

RULE NO.:

Fees

5F-8.012

PURPOSE AND EFFECT: Applicable law, Section 616.242(8), Florida Statutes, requires that the fees charged for inspection and permitting of amusement rides must cover the costs of the program that are not covered by general revenues appropriated by the legislature. The purpose of this rule revision is to implement a decrease of the fees charged for inspection and permitting of amusement rides because the legislature appropriated general revenues covering part of the operating costs for operation of the program during FY 99-00.

SUBJECT AREA TO BE ADDRESSED: Rule 5F-8.012, Florida Administrative Code, the department rule establishing the fees for inspecting and permitting amusement rides.

SPECIFIC AUTHORITY: 616.165, 616.24 FS.

LAW IMPLEMENTED: 616.242(8) FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, December 8, 1999

PLACE: Division of Standards Conference Room, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Isadore Rommes, Bureau Chief, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, (850)488-9790

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-8.012 Fees.

(1) The following fees are adopted:

- (a) Annual permit for any amusement ride: \$240.00 ~~250.00~~
- (b) Annual permit for any Bungy jump: \$500.00
- (c) Inspection fee for each inspection of a kiddie amusement ride: \$31.00 ~~45.00~~
- (d) Inspection fee for each inspection of non-kiddie amusement ride: \$70.00 ~~90.00~~
- (e) Inspection fee per go cart, in addition to the track inspection fee: \$5.00
- (f) Reinspection fee: \$300.00
- (g) Fee to replace a lost U.S. Amusement Identification (USAID) plate: \$100.00
- (h) Fee per amusement ride for late inspection request: \$100.00
- (i) Fee per amusement ride for failure to cancel inspection request: \$100.00
- (j) Fee per amusement ride for inspection on weekend or state holiday: \$25.00

Specific Authority 616.165, 616.242(7),(8),(13) FS. Law Implemented 616.242(8) FS. History—New 9-15-92, Amended 2-23-94, 5-27-96, 9-23-97.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: RULE NO.:

Connecting or Disconnecting Cylinders, Tanks, or Systems Notice to Owner; Transportation 5F-11.047

PURPOSE AND EFFECT: This negotiated rulemaking is for the purpose of reviewing the existing rule to determine if revisions are necessary based on departmental policies, current industry procedures, practices and safety criteria.

SUBJECT AREA TO BE ADDRESSED: This rule addresses the criteria, safety requirements, notification requirements, time frames and conditions under which liquefied petroleum gas cylinders, tanks or systems may or may not be disconnected or connected and transported.

SPECIFIC AUTHORITY: 527.06 FS.

LAW IMPLEMENTED: 527.06, 527.07 FS.

THE DEPARTMENT WILL HOLD A MEETING OF THE NEGOTIATED RULEMAKING COMMITTEE AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., January 12, 2000

PLACE: George Eyster Auditorium, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

IDENTIFICATION OF AFFECTED PARTIES: This is a public meeting to which all persons are invited. Those parties determined to be affected by the rule and who are invited to participate in the rule negotiation committee are: The Florida Propane Gas Association; The Florida Natural Gas Association; Consumers; Propane Gas Companies; and The Department of Agriculture and Consumer Services. Any person who believes that his or her interest is not adequately represented by this group may apply to participate within 30 days of this notice.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. A COPY OF THE PRELIMINARY DRAFT, WHEN AVAILABLE, OR A COPY OF THE EXISTING RULE, MAY BE OBTAINED BY WRITING TO: Vicki O’Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE NEGOTIATED RULEMAKING AND PROPOSED RULE DEVELOPMENT IS: Vicki O’Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, telephone (850)921-8001; fax (850)921-8079

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLE: RULE NO.:
Local Ordinances 5J-12.005

PURPOSE AND EFFECT: The purpose and effect of this rule change for 5J-12.005 is to define factors in determining whether a local municipality or county has adopted an ordinance containing standards which are at least equal to the requirements of the Florida Motor Vehicle Repair Act.

SUBJECT AREA TO BE ADDRESSED: This rule defines factors in determining whether a local municipality or county has adopted an ordinance containing standards which are at least equal to the requirements of the Florida Motor Vehicle Repair Act.

SPECIFIC AUTHORITY: 559.92201, 570.07(23) FS.

LAW IMPLEMENTED: 559.904 FS.

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

TIME AND DATE: 10:00 a.m., December 10, 1999

PLACE: Department of Agriculture and Consumer Services, Conference Room, City Center Building, 227 N. Bronough Street, Suite 7200, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tom Rush, Bureau Chief, Division of Consumer Services, City Centre Building, 227 N. Bronough Street, Suite 7200, Tallahassee, Florida 32301, Phone (850)410-3769

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-12.005 Local Ordinances.

For purposes of s. 559.904(4), F.S., each of the following requirements must be included in a local municipal or county ordinance for purposes of determining whether the local ordinance is equal to the requirements of the Florida Motor Vehicle Repair Act:

(1) The ordinance must require motor vehicle repair shops to obtain a registration or license from the local municipality or county before engaging in motor vehicle repairs;

(2) The ordinance must require the registration certificate or license issued by the local municipality or county be posted in plain view in the motor vehicle repair shop;

(3) The ordinance must require motor vehicle repair shops to provide a written repair estimate to the customer prior to any repair work being performed where the repair work will exceed \$100;

(4) The ordinance must require motor vehicle repair shops to disclose to the customer that the shop charges a fee for providing written estimates, if such is the case;

(5) The ordinance must require that motor vehicle repair shops provide a written repair invoice to the customer upon completion of a repair;

(6) The ordinance must require motor vehicle repair shops to maintain vehicle repair records for at least 12 months;

(7) The ordinance must include provisions that allow a customer to obtain the release of their vehicle from any lien claimed under part II of Chapter 713, Florida Statutes, by filing with the clerk of circuit court a cash or surety bond, payable to the person claiming the lien and conditioned for the payment of any judgement which may be entered on the lien. These provisions must be identical to the provisions contained in s. 559.917, Florida Statutes;

(8) The ordinance must include provisions for the enforcement of its requirements by the local municipality or county.

Specific Authority 559.92201, 570.07(23) FS. Law Implemented 599.904 FS. History--New 1-18-95, Amended 5-24-95, 11-29-95, 2-11-98,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLE:

RULE NO.:

Security Claims

5J-13.004

PURPOSE AND EFFECT: The purpose and effect of this rule change is to define procedures to be utilized when processing consumer claims against a pawnbroker's security.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is Section 539.001, The Florida Pawnbroking Act.

SPECIFIC AUTHORITY: 539.001(22), 570.07(23) FS.

LAW IMPLEMENTED: 539.001(4)(a)2. 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: 2:00 p.m., December 10, 1999

PLACE: Department of Agriculture and Consumer Services, Conference Room, City Center Building, 227 N. Bronough Street, Suite 7200, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: LuAnn Stiles, Bureau Chief, Division of Consumer Services, 2nd Floor Mayo Building, 407 S. Calhoun Street, Tallahassee, Florida 32399-0800, Phone (850)922-2966

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-13.004 Security Claims.

For purposes of s. 539.001(4), F.S., relating to the processing of consumer claims against a pawnbroker's security, the Department shall utilize the following procedures:

(1) Any person injured by the fraud, misrepresentation, breach of contract, financial failure, or violation of any provision of s. 539.001, F.S., may file a claim with the Department.

(2) Upon the filing of such claim, the Department shall investigate and, if warranted, shall send to the pawnbroker in question, by certified mail, notice of the Department's intent to adjudicate the claim. Such notice shall direct the pawnbroker to respond in writing to the Department, either admitting or denying the allegations in the claim or advising the Department that the claim has been satisfied. Such notice shall further advise the pawnbroker that the Department intends to make a demand for payment of the security proceeds if the claim is not satisfied, and that the pawnbroker has a right to a hearing to contest its liability for the claim in accordance with Chapter 120, F.S.

(3)(a) If the pawnbroker admits liability for the claim, but fails to satisfy the claim or request a hearing, the Department shall thereupon enter an order adjudicating the claim and demanding payment from the pawnbroker.

(b) If the pawnbroker denies liability for the claim, but fails to request a hearing, the Department shall thereupon enter an order adjudicating the claim and demanding payment from the pawnbroker.

(c) If the pawnbroker requests a hearing to contest its liability for the claim, the Department shall process said request in accordance with Chapter 120, F.S.

(4) Upon failure of the pawnbroker to pay claims duly adjudicated by order of the Department, the Department shall proceed to pay the adjudicated claims from the proceeds of the pawnbroker's security. In the event the amount of all adjudicated claims exceeds the amount of the security proceeds, the Department shall pay the adjudicated claims on a pro rata basis until the amount of the security proceeds is exhausted. If not exhausted, the security shall remain amenable to subsequent duly adjudicated claims.

(5) In calculating the amount to award in each claim, the Department shall consider the amount financed in the original pawn transaction, or any extension thereof, and the extent to which any portion of the amount financed has been repaid by the claimant.

Specific Authority 539.001(22), 570.07(23) FS. Law implemented 539.001(4)(a)2. FS. History-New

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Entering Freshmen
RULE NO.: 6C-6.002

PURPOSE AND EFFECT: The Board proposes amendments relating to the criteria for admission of entering freshmen in the State University System.

SUBJECT AREA TO BE ADDRESSED: Admission of Entering Freshmen.

SPECIFIC AUTHORITY: 240.209(1) FS.

LAW IMPLEMENTED: 240.209(1), 240.227(8), 240.115(4), 240.152, 240.233 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1522 Florida Education Center, Tallahassee, Florida 32399-1950

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE, IN HARD COPY OR ELECTRONIC FORMAT, AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Community Services Block Grant
RULE CHAPTER NO.: 9B-22

Program
RULE TITLES: Definitions 9B-22.002
Funds Distribution 9B-22.007
Contracting Procedures 9B-22.008
Agency Board Requirements 9B-22.011

PURPOSE AND EFFECT: The proposed amendment to Rule Chapter 9B-22, Community Services Block Grant (CSBG) Program is intended to address the 1998 changes to the Community Services Block Grant Act, and to clarify procedures regarding the distribution of CSBG funds.

SUBJECT AREA TO BE ADDRESSED: The amendment to Rule Chapter 9B-22 is intended to delete obsolete and extraneous language, and update rules to conform to federal law.

SPECIFIC AUTHORITY: 120.53, 163.03(3) FS.

LAW IMPLEMENTED: 163.03(3)(d) FS.

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

TIME AND DATE: 10:00 a.m., December 13, 1999

PLACE: Florida Department of Community Affairs, Conference Room 220 N, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Hilda Frazier, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Hilda Frazier, Planning Manager, Bureau of Community Assistance at (850)488-7541 at least seven days before the date of the workshop. If you are hearing 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 REVENUE

Division of Ad Valorem Tax

RULE TITLE: Standard Measures of Value: General Real
RULE NO.: 12D-51.003

Property Appraisal Guidelines
PURPOSE AND EFFECT: The Department is developing appraisal guidelines for adoption by the agency. Following that adoption, a rule will be developed so that the guidelines will be

referenced in the rule. The purpose of the creation of draft Rule 12D-51.003, FAC., is to provide this reference where the Standard Measures of Value: General Real Property Appraisal Guidelines can be located easily by interested officials and members of the public. These guidelines are being developed and, following their development and adoption, will be part of the Manual of Instructions published under section 195.062, F.S. That statute provides that the standard measures of value shall be adopted in general conformity with the procedures set forth in section 120.54, F.S., consistent with section 195.032, F.S., but shall not have the force or effect of such rules and shall be used only to assist tax officers in the assessment of property as provided by section 195.002, F.S. This notice is part of the agency's effort to comply with the requirement to adopt the guidelines in general conformity with the procedures set forth in s. 120.54, F.S.

SUBJECT AREA TO BE ADDRESSED: Standard Measures of Value: General Real Property Appraisal Guidelines.

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

LAW IMPLEMENTED: 195.032, 195.062, 213.05 FS.

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

TIME AND DATE: 6:00 p.m. – 9:00 p.m., December 14, 1999

PLACE: Auditorium, Dade County School Board Administration Building, 1450 N. E. 2nd Avenue, Miami, Florida

Copies of the proposed Standard Measures of Value: General Real Property Appraisal Guidelines and the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE DEVELOPMENT OF THE DRAFT STANDARD MEASURES OF VALUE: GENERAL REAL PROPERTY APPRAISAL GUIDELINES AND DRAFT RULE IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-51.003 Standard Measures of Value: General Real Property Appraisal Guidelines.

Pursuant to section 195.062, F.S., this rule shall give notice that these guidelines have been adopted in general conformity with the procedures set forth in section 120.54, F.S., but do not have the force and effect of rules. These guidelines are to be

used only to assist property appraisers in the assessment of real property, other than classified use real property, as provided by section 195.002, F.S. These guidelines supersede previous real property appraisal guidelines, other than classified use real property guidelines, and are entitled:

Standard Measures of Value:

General Real Property Appraisal Guidelines Rev. XX/99

Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000.

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

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE TITLES:	RULE NOS.:
Collection and Distribution of Payments	12E-1.005
Consumer Credit Reporting Agency	12E-1.012
Payment Error Recovery	12E-1.022
Suspension of Driver's License; Suspension of Motor Vehicle Registration	12E-1.023

PURPOSE AND EFFECT: A) The purpose of the proposed amendments to Rule 12E-1.005, F.A.C., is to implement the new statutory provisions which require the remittance of payments to the Florida State Disbursement Unit. The effect of this proposed amendment is to ensure that payments are remitted to the appropriate address and that the rule reflects the new statutory provisions enacted pursuant to federal law.

B) The purpose of the proposed amendments to Rule 12E-1.012, F.A.C., is to clarify the Department's procedures for responding to a request from a consumer reporting agency for information about overdue support owed by an obligor, and to incorporate procedures for periodically reporting overdue support to consumer reporting agencies and procedures for requesting a consumer report from a consumer reporting agency. The effect of these proposed amendments is to inform the public of the procedures for exchanging information about child support obligors between the Department and consumer reporting agencies.

C) The purpose of the proposed amendments to Rule 12E-1.022, F.A.C., is to revise the Department's procedures for establishing repayment to the Department when a payment disbursement error occurs. The effect of these proposed amendments is to ensure that all parties understand that recovery will be sought for a payment disbursement error and the procedures involved.

D) The purpose of the proposed amendments to Rule 12E-1.023, F.A.C., is to conform with the statutory provisions authorizing the Department to seek the suspension of an obligor's driver license and motor vehicle based upon delinquent child support payments or failure of the obligor to comply with a subpoena or similar order to appear relating to

paternity or child support proceedings. The effect of this proposed amendment is to ensure all obligors understand the driver license and vehicle registration suspension process.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to discuss the proposed changes to the Department's procedures.

SPECIFIC AUTHORITY: 61.1354(5), 409.2557(3), 409.2561, 409.2567 FS.

LAW IMPLEMENTED: 61.1354, 61.13016, 322.058, 409.2558, 409.2564, 61.181, 409.2557, 409.2561, 409.2569 FS.

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

TIME AND DATE: 9:00 a.m., December 9, 1999

PLACE: Room 301, 4070 Esplanade Way, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained by contacting the person listed below.

Any person requiring special accommodations to participate in any proceeding is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Patterson Calhoun at (850)922-9590. If you are hearing-or speech-impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Patterson Calhoun, Revenue Program Administrator I, Resource Management Process, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9590

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12E-1.005 Collection and Distribution of Payments.

(1) Distribution Public Assistance Recipients.

(a) The department shall distribute support payments as provided by Title 42 United States Code Section 657, incorporated herein by reference. Collection and Distribution of child support payments in public assistance cases will be administered in accordance with 45 Code of Federal Regulations, Part 302.51, incorporated herein by reference under subsection 12E-1.002(1) with an effective date of June 1994. Members of the public may obtain copies from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or by accessing <http://www.law.cornell.edu/uscode/> on the Internet.

(b) If an amount collected during a month is in excess of that month's public assistance benefit, the excess shall be retained by the State and applied towards reimbursement for past public assistance payments. If an amount collected during a month is in excess of total past public assistance payments, such excess shall be paid to the obligee.

~~(2) Distribution of Support to Recipients when Public Assistance Benefits are Terminated.~~

~~(a) The department shall continue to provide services after the public assistance recipient ceases to receive public assistance benefits unless the client specifically instructs the department to cease providing services. Collection and distribution of child support payments in former AFDC cases will be administered in accordance with 45 Code of Federal Regulations, Part 302.51, herein incorporated by reference under subsection 12E-1.002(1) with an effective date of June 1994.~~

~~(b) In accordance with 45 Code of Federal Regulations, Part 302.33(a)(4), herein incorporated by reference under subsection 12E-1.002(1) with an effective date of June 1994, when the IV-D agency receives notice that a family is no longer eligible for assistance under TANF AFDC, IV-E foster care, or Medicaid, the IV-D agency must notify the family within five working days of receipt of notice that IV-D services will be continued unless the IV-D agency is directed to discontinue service to the family. The notice must inform the family of the consequences of continuing to receive IV-D services, including available services, fees, cost recovery and distribution policies. If the former AFDC recipient requests termination of the IV-D services and there is no arrearage or public assistance obligation, the depository shall be instructed to redirect payments to the custodial parent. When the former AFDC recipient requests termination of the IV-D services and there is an arrearage or public assistance obligation, the depository shall be instructed to split the payment and forward the arrearage or public assistance obligation to the department and current support to the custodial parent.~~

~~(c)1. The level, quantity and quality of IV-D services provided in a case shall not be affected by the transition from public assistance to non-public assistance.~~

~~2. Other provisions of this section notwithstanding, the notices provided in paragraph (b) shall not be given if the former AFDC recipient has previously requested that IV-D services be terminated.~~

~~(3) Non Public Assistance Clients. All support and paternity determination, location, collection and distribution, enforcement and modification services provided by the department shall be made available to all dependent children whether or not they are eligible for public assistance. Any putative father, or any noncustodial parent, may apply for and shall receive paternity determination or modification services from the Child Support Enforcement Program Office of the department upon completing and filing the Application and Contract for Non AFDC Child Support Enforcement Services. Services shall be provided to non AFDC clients upon the completion and filing of a Power of Attorney, Application and Contract for Non AFDC Services. The application fee for non AFDC services shall be paid by the department.~~

~~(a) The administrative costs incurred by the department, including the application fee paid by the department, when providing support and paternity determination services on behalf of all dependent children, shall be recovered only from the obligor. The pleading filed by the department shall request the court to order the obligor to pay all administrative costs. The contract attorney shall take the necessary legal actions to recover administrative costs from the obligor when an obligor has failed to pay administrative costs pursuant to an order from a court of competent jurisdiction.~~

~~(b) "Administrative costs" means any costs, including attorney's fees, incurred by the IV-D agency in its effort to administer the IV-D program. The administrative costs which must be collected by the department shall be assessed on a case by case basis based upon a method for determining costs approved by the federal government. The administrative costs shall be adjusted periodically by the department. The methodology for determining administrative cost shall be made available to the judge or any party who requests it. Only those amounts ordered independent of current support, arrears, or past public assistance obligation shall be considered and applied toward administrative costs.~~

~~(2) Distribution of arrearages in former public assistance cases. The department elects not to exercise the option provided by Title 42 United States Code Section 657(a)(6).~~

~~(3) Payment Remittance. All payments made in all child support cases enforced by the department pursuant to Title IV-D of the Social Security Act and payments made in all child support cases not being enforced by the department pursuant to Title IV-D of the Social Security Act in which the initial support order was issued in this Florida on or after January 1, 1994, and in which the obligor's child support obligation is being paid through income deduction must be sent to the State of Florida Disbursement Unit, P. O. Box 8500, Tallahassee, Florida 32314-8500.~~

~~Specific Authority 409.2557(3)(i),(o) 409.026, 409.2567 FS. Law Implemented 61.181, 61.1824 409.2554, 409.2557, 409.2558, 409.2561, 409.2567, 409.2569 FS. History--New 2-18-86, Amended 4-6-88, 8-1-89, 7-20-94, Formerly 10C-25.0036, Amended _____.~~

(Substantial rewording of Rule 12E-1.012 follows. See Florida Administrative Code for present text.)

12E-1.012 Consumer Credit Reporting Agencies.

(1) Definitions. As used in this rule:

(a) "Overdue Support" means the amount of a delinquency or arrearage pursuant to an obligation determined under an order:

1. for support and maintenance of a minor child or dependent person which is owed to or on behalf of such child or dependent person, or

2. for support and maintenance of the obligor's spouse (or former spouse) with whom the child or dependent person is living at the time the delinquency or arrearage occurred.

(b) "Consumer Reporting Agency", also referred to as a "credit bureau" or a "credit reporting agency", has the meaning set forth in Section 603(f) of the Fair Credit Reporting Act, Title 15 United States Code Section 1681a(f), which is incorporated herein by reference. As used in these rules, the term refers to only those consumer reporting agencies which have furnished evidence satisfactory to the department that they meet the definition incorporated herein.

(2) Reporting Overdue Support Upon a Request From a Consumer Reporting Agency.

(a) If a consumer reporting agency requests information from the department pursuant to §61.1354(1), Florida Statutes, concerning an obligor who has not been reported by the department pursuant to section (3) of this rule, the department shall, after complying with section (4) of this rule, provide the consumer reporting agency with the obligor's name, social security number, and the amount of overdue support he or she owes.

(b) If a consumer reporting agency or lending institution requests that the department verify the amount of overdue support owed by an obligor who has been reported by the department pursuant to section (3) of this rule, the information may be provided to the consumer reporting agency or lending institution without complying with section (4) of this rule. A request from a lending institution must be accompanied by a written authorization signed by the obligor authorizing the department to disclose the information.

(3) Periodic Reporting to Consumer Reporting Agencies. Pursuant to §61.1354(2), Florida Statutes, the department shall report to consumer reporting agencies periodically, no more frequently than monthly, the names, social security numbers, and amount of overdue support owed by obligors. The initial report concerning an obligor shall not be released until section (4) of this rule has been complied with; subsequent periodic reports which update the amounts owed by an obligor may be released without complying with section (4). The department shall use the following criteria in determining whether an obligor's overdue support shall be periodically reported pursuant to this section:

(a) The amount of the overdue support owed by the obligor, according to the records of the department, is greater than \$500, or such larger sum as the department shall determine, and there is a delinquency in the payment of the obligor's obligation under the order at the time the information is reported;

(b) The obligor's case has not been placed by the department in a closed status;

(c) The obligor's case has not been referred by the department to another state's IV-D agency to enforce the support obligation.

(4) Notice and Right to Hearing. Prior to releasing a report or providing information concerning an obligor in an instance governed by this section, the following procedures shall be followed:

(a) The department shall give notice to the obligor by First Class U.S. Mail at his or her last known address with Department of Revenue Form CS-EF32, "Notice of Report to Consumer Reporting Agencies", incorporated herein by reference with an effective date of September 1999. Members of the public may obtain a copy of this form by contacting the Child Support Enforcement Program Office at the address listed in Rule 12E-1.004(2) and paying the cost of copying. Form CS-EF32 shall provide notice to the obligor of the intent of the department to release the following information to one or more consumer reporting agencies: the obligor's name, social security number, and the amount of overdue support owed by the obligor.

(b) The notice shall inform the obligor of the department's authority to release the information, and that the obligor has the right to contest the accuracy of the information proposed to be released by requesting a hearing with the department by following the procedures in the next subsection.

(c) To request a hearing with the department, the obligor shall:

1. File a written petition for administrative hearing with the department at the address indicated in the notice within 15 days of the obligor's receipt of the notice (Form CS-EF32). A petition is filed when it is received by the department, not when it is mailed.

2. Include in the petition the information required by Rule 28-106.201, Florida Administrative Code if the obligor disputes issues of material fact raised by the notice; or the information required by Rule 28-106.301, Florida Administrative Code if the obligor does not dispute issues of material fact raised by the notice.

(d) If a petition for administrative hearing is received by the department within the 15-day period following obligor's receipt of the notice, the department shall not release the information concerning overdue support owed by the obligor until the matter is disposed of by an order dismissing the petition on procedural grounds, by agreement of the parties, or by the entry of a final order authorizing the release of the information following a hearing or other administrative proceeding under Ch. 120, Florida Statutes.

(5) Modifying Previous Reports to Consumer Reporting Agencies. The department shall notify consumer reporting agencies to remove or modify the reported amount of overdue support from the obligor's consumer report if the department determines that the reported amount of overdue support was incorrect or has been paid in full.

(6) Department Requests for Consumer Reports. The department may request consumer reports from consumer reporting agencies for the purposes set forth in Sections 61.1354(3) and (4), Florida Statutes, pursuant to the following procedures:

(a) Before the department submits any requests for consumer reports to a consumer reporting agency, the Executive Director of the Department of Revenue or his or her designee shall certify to the consumer reporting agency, on a one-time basis, that every subsequent request for a consumer report from that agency will meet the requirements set forth in Section 61.1354(3), Florida Statutes.

(b) The department shall provide notice to an individual whose consumer report is sought by sending Department of Revenue Form CS-EF10, "Notice of Consumer Report Inquiry", by certified mail to the individual's last known address at least 15 days prior to transmitting the request to the consumer reporting agency. Department of Revenue Form CS-EF10 is incorporated herein by reference with an effective date of January 1999. Members of the public may obtain a copy of this form by contacting the Child Support Enforcement Program Office at the address listed in Rule 12E-1.004(2) and paying the cost of copying.

Specific Authority 61.1354(5), 409.2557 FS. Law Implemented 61.1354 FS. History--New 6-17-1992, Amended 7-20-1994, Formerly 10C-25.009, Amended _____.

12E-1.022 Payment Recovery.

~~(1) In public assistance cases where the noncustodial parent makes payment directly to the custodial parent who does not notify the department, the department shall take immediate action to recover the amount which is owed to the state pursuant to the assignment of rights under section 409.256, F.S. The department must give notice to the custodial parent of its intent to recover the direct payment.~~

~~(a) The IV-D agency must document the receipt and wrongful retention of direct support payments or support sent in error and the amount.~~

~~(b) The IV-D agency must provide written notice of the intent to recover the payments.~~

~~(c) The IV-D agency must inform custodial parents of their responsibility to cooperate by turning over direct payments or support sent in error as a condition of eligibility for AFDC and the sanction for failure to cooperate.~~

~~(d) The IV-D agency must provide custodial parents with an opportunity for an informal meeting to discuss their responsibilities and to resolve any differences regarding repayment of the directly received support payments or support sent in error.~~

~~(e) The IV-D agency must offer a proposal for a repayment plan between the custodial parent and the department.~~

~~(f) The repayment proposal offered by the IV-D agency must be reasonably related to the income and resources, including the AFDC grant, of the custodial parent to avoid extreme hardship.~~

~~(g) If the custodial parent refuses to sign the repayment plan or enters into a repayment plan and subsequently fails to make a payment, the IV-D agency must report the custodial parent to the IV-A agency, AFDC Program which provides financial assistance to children based on need where one parent is absent from the home, for failure to cooperate.~~

~~(h) The IV-D agency must notify the IV-A agency of the cooperation of any custodial parent who initially refused to sign the repayment plan or who entered into a repayment plan and subsequently failed to make a payment, but who now has signed the repayment plan or who has begun to make regular scheduled payments under the payment plan.~~

~~(1)(2) In non-public assistance cases where the custodial parent has received an overpayment or a payment that was owed to, or intended for, another custodial parent, or any other payment sent in error, the department shall notify the custodial parent of take immediate action to recover the overpayment by regular mail at the custodial parent's last known address. from the custodial parent. The department must give notice to the custodial parent of its intent to recover the direct payment. The notice must state:~~

- ~~(a) The amount of overpayment;~~
- ~~(b) The reason for the overpayment;~~
- ~~(c) A location where the custodial parent can request review of the collection, distribution and disbursement records;~~
- ~~(d) That the custodial parent must contact the department to establish a repayment agreement to allow for recovery in installments by retaining a portion of future support payments in an agreed percentage amount or through other agreed upon action; and~~
- ~~(e) That recovery will be pursued if the custodial parent's child support case is open or closed.~~

~~The department may enter into an agreement with the custodial parent to allow recovery payments to be made in installments. If the department is unable to get the custodial parent to If the custodial parent fails to respond to the notice by contacting the department, pay the recovery amount in installments the department shall send a second notice to the custodial parent's last known address by regular mail which advises the custodial parent of legal remedies for recovery available to the department. withhold the entire amount of any subsequent support payment received until the full amount owed has been recovered.~~

~~(2)(a) The IV-D agency must document the receipt and retention of the over payment or a payment that was owed to, or intended for, another custodial parent, or payment sent in error, and the amount.~~

~~(b) The IV-D agency must provide written notice of the intent to recover the payments.~~

~~(e) The department shall IV-D agency must provide custodial parents with an opportunity for an informal meeting to discuss their responsibilities and to review department records and to resolve any differences regarding repayment of the over payment or a payment that was owed to, or intended for, another custodial parent, or payment sent in error.~~

~~(3)(4) The department shall permit the custodial parent to enter into a IV-D agency must offer a proposal for a repayment plan between the custodial parent and the department.~~

~~(e) The repayment proposal offered by the IV-D agency must be that is reasonably related to the income and resources of the custodial parent.~~

~~(4) The department may pursue recovery of overpayments to custodial parents through all available remedies regardless of whether the custodial parent has an open IV-D child support case.~~

Specific Authority ~~409.2558(3), 409.2567, 409.026~~ FS. Law Implemented ~~409.2558(3) 41.50, 409.335~~ FS. History—New 6-17-92, Amended 7-20-94, Formerly 10C-25.019, Amended.

12E-1.023 Suspension of Driver's License; Suspension of Motor Driving Privilege and Vehicle Registration.

(1) General Provisions. The department is authorized pursuant to section 61.13016, F.S., to request the suspension of an obligor's driver license. Suspension of any motor vehicle registration shall occur only if the motor vehicle is owned solely by the obligor. The obligor's compliance with sections 61.13016(1)(c) and 322.058, F.S., requires the department to authorize the reinstatement of the obligor's license and registration. The Request to Suspend. The Title IV-D agency shall request the Department of Highway Safety and Motor Vehicles (DHSMV) to suspend the driver's license, driving privileges and the registration of all motor vehicles owned by a noneustodial parent who has a delinquent child support obligation.

- (a) Conditions Precedent for Requesting Suspensions.
 1. The noneustodial parent is licensed to operate a motor vehicle in Florida.
 2. The noneustodial parent is registered as the sole owner of the motor vehicle.
 3. There is a valid and legally enforceable child support order requiring the noneustodial parent to pay retroactive support, past period child support or current child support.
 4. A child support delinquency exists due to the nonpayment of a court ordered support obligation.

(b) Notice is given to the Noneustodial Parent Prior to Requesting Suspension.

1. Prior to requesting DHSMV to suspend the license of a noneustodial parent delinquent in making child support payments, the case analyst must give the noneustodial parent notice of the delinquency. The case analyst shall provide notice by completing the Notice of Intent To Suspend Driver's License Privilege and Vehiele Registration(s) (HRS Form EF45), incorporated herein by reference as of the effective date

of this rule, and mailing it to the obligor by certified mail, return receipt requested, to the last known address of record with the depository. When there is no address of record or if the address of record at the depository is incorrect, notification shall be by publication as provided in chapter 49, Fla. State.

2. The notice shall specify the following:

- a. That there is a delinquency in the support obligation;
- b. That the licensee has 15 days from the date of service of the notice to pay the entire delinquency or reach an agreement with the IV-D agency to pay the delinquency in installments;
- c. That if an agreement with the IV-D agency to pay the delinquency in installments cannot be reached, the driver's license, driving privilege and registration of the licensee shall be suspended.

3. The department shall send a second notice containing identical language and providing identical rights as the notice specified in 2.a., b., and c. above, if the obligor fails to respond to the first notice during the 15-day period and a delinquency still exists.

4. When service of the notice is made by mail, service is complete upon the receipt of the notice by the obligor.

(2) Exception Criteria. The department shall not take suspension action when the following case circumstances exist: Petition to the Court to Suspend. The department shall petition the court which entered the support order or the court enforcing the support order to suspend the driver's license, driving privilege and vehicle registration of the licensee if the licensee fails to respond to both notices sent by the IV-D agency or fails to pay the delinquency or fails to reach an agreement to pay the delinquency in installments.

(a) The obligor is listed as joint owner of the motor vehicle and does not possess a Florida driver license.

(b) The obligor is in the military and cites the Soldiers' and Sailors' Civil Relief Act.

(c) The obligor is making full payments as required by the court order or is paying pursuant to an income deduction.

(d) The obligor is a recipient of Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI).

(3) Notice to Obligor of Intent to Suspend Driver License; Notice to Suspend Motor Vehicle Registration. In accordance with section 61.13016(1), F.S., the obligor must be provided notice of the department's intent to suspend the driver license and motor vehicle registration. The Notice of Intent to Suspend Driver License/Vehicle Registration(s), Form CS-EF45, revised October 1998, is made part of this rule by reference. Copies of this form may be obtained by written request to the Deputy Agency Clerk of the Department of Revenue, Child Support Enforcement Program, Post Office Box 8030, Tallahassee, Florida 32314-8030 Payment Plans.

(a) In instances where the obligor fails to comply with a subpoena, order to appear, order to show cause, or similar order, the subpoena or order requesting the obligor's

compliance shall be attached to the CS-EF45 and provided to the obligor in accordance with subsection (3), paragraph (b) below. The payment plan must take into account the ongoing support or arrearage obligations.

(b) When the department has a more current address than the Department of Highway Safety and Motor Vehicles (DHSMV), the department shall simultaneously send the CS-EF45 to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles and send a copy of the CS-EF45 to the most current address listed by the department. The payment plan shall be formalized into a court order.

(c) Service of the notice is complete upon mailing to the obligor's last known address as stated in subsection (3), paragraph (b) above. If the licensee defaults after a payment plan is agreed to and an order entered by the court during the notification stage of the driver's license, driving privilege or vehicle registration suspension process, the notification process shall not be repeated. The case shall be referred to the contract attorney for the filing of the petition to obtain an order suspending the driver's license, driving privilege or vehicle registration.

(d) If the licensee defaults after a payment plan has been formalized by the entry of a court order and after the entry of a court order suspending the licensee's license, driving privilege and registration, the case analyst shall not request that the attorney file a new petition with the court to suspend the licensee's license, driving privilege and registration. The case analyst shall proceed with requesting DHSMV to suspend the licensee's license, driving privilege and registration.

(e) A statement shall be included in the agreement and the court order indicating the intent of the department to continue with the next step in the suspension process if the licensee defaults on payments as specified in the payment plan under either the agreement or court order.

(4) Notice to the Department of Highway Safety and Motor Vehicles to Suspend Driver License; Notice to Suspend Vehicle Registration. In accordance with Section 61.13016(2), FS, the department shall complete and send to the Department of Highway Safety and Motor Vehicles the Notice to the Department of Highway Safety and Motor Vehicles to Suspend Driver License/Vehicle Registration(s), Form CS-EF46, revised August 1997, incorporated herein by reference. Copies of this form may be obtained by written request to the Deputy Agency Clerk of the Department of Revenue, Child Support Enforcement Program, Post Office Box 8030, Tallahassee, Florida 32314-8030. Reinstatement of the Driver's License, Driving Privilege and Registration of the Licensee. When the case analyst determines that the license, driving privilege and registration of the licensee shall be reinstated, the case analyst shall complete HRS Form EF47, incorporated herein by reference as of the effective date of this rule, the Authorization

to Reinstatement Driver's License/Privilege and Registration(s) and send a copy to the noncustodial parent. The Reinstatement Notice will be issued when:

(a) The noncustodial parent pays the delinquency in full;
or

(b) The noncustodial parent agrees to a payment plan with the IV-D agency to pay the delinquency. The agreement must be formalized into a court order, signed by the judge and received by the IV-D agency.

(5) Termination of Driver License Suspension Process; Termination of Motor Vehicle Registration Suspension Process. The department is authorized to stop a pending suspension action when the obligor complies with one of the provisions stated in section 61.13016(1)(c)1., F.S. Additionally, the department shall stop the suspension process based upon one of the following circumstances: Duration of Authorization to Reinstatement. The authorization to reinstate the license, driving privilege and registration provided to the licensee is valid for up to 30 calendar days from the date it is issued. In accordance with DHSMV procedures, the licensee must take the Notice of Reinstatement to a local Driver's License Office for reinstatement of the license, driving privilege and registration:

(a) The obligor makes arrangements with the Child Support Enforcement Program to comply with a subpoena or similar order to show cause relating to paternity or child support proceedings;

(b) An income deduction notice is sent to the obligor's payor of income;

(c) The obligor petitions the court within 20 days from the date the Notice of Intent to Suspend Driver License/Vehicle Registration(s), Form CS-EF45, is mailed and the petition is based upon the obligor's inability to pay the delinquency;

(d) The non-public assistance recipient of IV-D services requests case closure and the department no longer has the authority to enforce the support order;

(e) The department erroneously notified the Department of Highway Safety and Motor Vehicles to suspend the obligor's license/vehicle registration; or

(f) The department verifies the obligor is receiving Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI).

(6) Written Agreements. Filing Form EF47 in the Case File. The department shall cause a copy of Form EF47 to be filed with the clerk of court for filing in the case file.

(a) When negotiating with the obligor under this subsection for a written agreement for payment, the department shall take into account the following factors:

1. The obligor's ongoing support obligation amount, delinquent amount and past due obligation(s); and

2. The obligor's ability to make a lump sum payment toward the delinquent amount or to comply with terms of the department's proposed payment agreement.

(b) A statement must be included in the written agreement indicating each of the following:

1. The obligor admits liability for the total amount of child support past due;

2. The obligor waives the right to ask the court to determine the past due obligation; and

3. The department intends to pursue, without further notice to the obligor, the suspension of the obligor's driver license and motor vehicle registration through direct notice to the Department of Highway Safety and Motor Vehicles should the obligor fail to comply with the written agreement.

4. The obligor agrees to entry of a court order incorporating the terms of the agreement.

(c) If the obligor defaults on any payment required by the written agreement, the department may, without further notice to the obligor, request the Department of Highway Safety and Motor Vehicles to suspend the obligor's license and registration, as provided by the terms of the written agreement.

(7) Reinstatement of the Driver License; Reinstatement of Motor Vehicle Registration. The department shall authorize the reinstatement of the obligor's license and registration when the obligor complies with one of the provisions stated in section 322.058(2), F.S., or when one of the following circumstances exist:

(a) The obligor makes arrangements with the department to comply with a subpoena or similar order to show cause relating to paternity or child support proceedings;

(b) The non-public assistance recipient of services requests case closure and the department no longer has the authority to enforce the support order;

(c) The obligor files a timely petition with the Circuit Court to stop the suspension after the suspension request has been sent to the department of Highway Safety and Motor Vehicles but prior to the effective date of the suspension;

(d) The department requests the suspension in error; or

(e) The department verifies the obligor is receiving Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI).

(8) Procedure for Reinstatement.

(a) When one of the circumstances cited in subsection (7), paragraph (a) or (b) occur, the department shall complete, sign and provide to the obligor the Affidavit to Reinstatement Driver License/Privilege and Motor Vehicle Registration in Accordance with Section 322.058, Florida Statutes, DHSMV Form 73986, revised October 1997. DHSMV Form 73986 is incorporated herein by reference. Copies of this form may be obtained by written request to the agency clerk of the Department of Highway Safety and Motor Vehicles, Driver License Division, Post Office Box 5775, Neil Kirkman Building, Suite A225, Tallahassee, Florida 32314-5775. The affidavit to reinstate is valid up to 30 days from the date it is issued.

(b) When one of the circumstances cited in subsection (7), paragraph (c) or (d) occur, the Department shall notify, by facsimile, the Department of Highway Safety and Motor Vehicles to reinstate the obligor's license and registration.

(c) When the circumstance cited in subsection (7), paragraph (e) occurs, the Department shall:

1. Complete and sign the CS-EF93, November 1999, which is incorporated herein by reference. Copies of this letter may be obtained by written request to the Deputy Agency Clerk of the Department of Revenue, Child Support Enforcement Program, Post Office Box 8030, Tallahassee, Florida 32314-8030. The CS-EF93 informs the obligor that the department is no longer pursuing suspension action at this time due to the obligor's Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI) status. The DHSMV Form 73986 shall be completed, attached to the CS-EF93, and provided to the obligor.

Specific Authority 409.2557(3)(i), 409.026 FS. Law Implemented 61.13016, 322.058 FS. History--New 7-20-94, Revised 7-1-95, 7-1-99, Formerly 10C-25.020, Amended.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Outdoor Advertising Sign Regulation and Highway Beautification	14-10
RULE TITLES:	RULE NOS.:
General Provisions	14-10.0011
Licenses	14-10.003
Permits	14-10.004
Zoned and Unzoned Commercial and Industrial Areas Along Interstate and Federal-Aid Primary Highways	14-10.0051
Additional Permitting Criteria	14-10.006
Maintenance of Nonconforming Signs	14-10.007

PURPOSE AND EFFECT: Rules 14-10.011, 14-10.003, 14-10.004, 14-10.0051, 14-10.006, and 14-10.007 are being amended. The forms also are being amended with the 11/99 revisions being incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: This is an amendment to six of the rules in Rule Chapter 14-10. Revised forms are being incorporated by reference.

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

LAW IMPLEMENTED: 339.05, 479.02, 479.07(9), 479.11 FS.

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

TIME AND DATE: 2:00 p.m., January 18, 2000

PLACE: Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida

Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-10.0011 General Provisions.

(1) Jurisdiction. The Department has jurisdiction for outdoor advertising regulation over all persons engaged in the business of outdoor advertising as defined by Section 479.01(2), Florida Statutes, and all signs, defined by Section 479.01(17), Florida Statutes, on a controlled road. Except as provided by Section 479.16, Florida Statutes, no sign may be erected, operated, or maintained within the controlled area of the State Highway System outside an incorporated area, or on any part of the Interstate or Federal-Aid Primary systems unless the Department has issued a permit for such sign. Signs subject to this permit regulation must comply with the requirements of Sections 479.07, 479.106, 479.107, 479.11, 479.111, and 479.15, Florida Statutes. All signs, including those exempted from permitting requirements, must comply with the requirements of Sections 479.107 and 479.11(4)-(8), Florida Statutes.

(2) Definitions. All terms in this rule chapter, which are defined in Section 479.01, Florida Statutes, shall have the same meanings as in that statute. Additionally, the following terms are defined:

(a) "Address of Record" means the mailing address submitted by the licensee or permittee with the initial application for license, the first permit applied for, or the transfer affidavit when a permit is transferred to a new permit holder, or the amended address if amended pursuant to (3)(c), below.

(b) "Charitable Organizations" means those institutions defined by Section 212.08(7)(o)2.b., Florida Statutes.

(c) "Completed Sign," for purposes of Section 479.07(5)(a), Florida Statutes, means the erection of the sign structure, as described in the permit, as well as attachment of the facing to the structure, and the posting of a message to the facing.

(d) "Controlled Road" means the Interstate System, Federal-Aid Primary System as it existed on June 1, 1991, the National Highway System, and State Highway System under the Department's regulatory jurisdiction.

(e) "Crown" means the highest point of elevation on the road pavement of the main traveled way immediately adjacent to the outdoor advertising sign.

~~(f) "Designated Predominantly for Commercial or Industrial Uses" means that, within 660 feet of the controlled road, the land use category assigned to a land use designation area shown on the future land use map of the comprehensive plan adopted pursuant to Chapter 163, Florida Statutes, allows properties within that designation area to be developed with~~

~~primarily commercial or industrial uses. This definition does not include areas designated primarily for the purpose of authorizing outdoor advertising signs.~~

~~(f)(g)~~ “Embellishment” shall mean a temporary extension of the sign face which contains a portion of the message or informative contents and which is added, modified, or removed when the message is changed.

~~(g)(h)~~ “Height Above Ground Level (HAGL)” means the distance between the ground and the bottom of the sign face, excluding any border and trim as measured from the point on the sign facing closest to the main-traveled way.

~~(h)(i)~~ “Location” means the position of a proposed or existing sign which is fixed by reference to the Roadway Characteristics Inventory (RCI) system, by reference to the State Plane Coordinate system, or by reference to latitude and longitude.

~~(i) “Multiple Land Use” means a land use designation which allows for several different primary land uses. For outdoor advertising permitting purposes, only those categories which allow commerce, industry, or trade type uses will be recognized. Areas designated primarily for the purpose of authorizing outdoor advertising signs are not considered commercial or industrial areas.~~

~~(j) “On Premise Sign” for purposes of Section 479.01(15), Florida Statutes, does not include:~~

~~1. Signs erected on an easement granted for the sole purpose of accessing, constructing, and maintaining the sign;~~

~~2. Signs located where there are intervening businesses between the sign and the establishment it advertises.~~

~~(k)(j)~~ “Permitted Sign” means a sign, whether erected or not, for which a permit has been issued, which permit has not been revoked, canceled, or declared void.

~~(l) “Public or court official” for purposes of Section 479.16(4), Florida Statutes, shall mean a person holding a position created by the Constitution or Legislature, or appointed by the Governor.~~

~~(m)(k)~~ “Rest Area” shall mean publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to the highway right of way reasonably necessary to accommodate the traveling public, and provided as a place for emergency stopping and for resting by the motorist for short periods.

~~(n) “Sign Removal” for purposes of Section 479.01(16), Florida Statutes, means the removal of all sign materials, including structure and facing.~~

~~(o)(h)~~ “Sign Structure Height” means the total vertical distance from the crown of the main-traveled way to the top of the highest sign face, including any border or trim, but not including embellishments.

~~(p)(m)~~ “Working Day” means each day when Department offices are open for official business.

(3) Names and Addresses.

(a) Licenses and permits may only be issued in the current legal name or registered fictitious name of the licensee or permittee, whether an individual, business, or corporation. Any notice issued by the Department to a fictitious name filed with the Department shall have the same effect as if issued in the legal name of the permittee or licensee.

(b) The Address of Record shall be considered the official address for all correspondence from the Department to the licensee or permittee. Such correspondence may include billing, notices of violation, or other information provided by the Department.

(c) A licensee or permittee shall notify the Department, in writing, within 30 calendar days of any change in address. This notification shall include:

1. The date the change of name or address becomes effective;
2. The account name as listed on the Department billing;
3. The typed or printed name of the individual authorized to sign the notice; and
4. The authorized signature.

(d) Notices or any other correspondence issued by the Department to addresses on file prior to receipt of such written notification of an address change are valid and considered received by the licensee or permittee.

(e) Signature authority. License Applications, Permit Applications, Replacement Requests, Transfer Requests, and Cancellation Certifications must contain a statement by the signatory that he/she is the authorized representative and has the authority to sign for the applicant.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.02 FS. History--New 6-28-98, Amended _____.

14-10.003 Licenses.

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

(2) Application Form. An application for a license to engage in the business of outdoor advertising shall be made on Outdoor Advertising License Application, Form 575-070-02, Rev. 11/99 02/98, incorporated herein by reference. Form 575-070-02 may be obtained from the State Outdoor Advertising License and Permit Office, Florida Department of Transportation, 605 Suwannee Street, Mail Station 22, Tallahassee, Florida 32399-0450, or from any of the Department’s district offices.

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

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

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

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 08/99 ~~02/98~~, incorporated herein by reference, to the district office within whose boundaries the proposed site is located. Applications may be obtained from the State Outdoor Advertising License and Permit Office at the address listed in Rule Section 14-10.003(2) or from any of the Department's district offices. Applications for outdoor advertising sign permits on the Florida Turnpike shall be submitted to the district office of the district in which the specific portion of the Turnpike is located.

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

(b) The applicant shall submit separate instruments of payment for each application for a new permit to avoid denial of multiple applications if one should be denied.

(c) Prior to issuing any permit, the Department shall inspect the proposed sign site to assure compliance with Chapter 479, Florida Statutes, and this rule chapter. To ensure that the site inspected is the same specified in the application, the applicant shall mark the proposed sign site with a durable stake visible at least three feet above ground level in such a manner that the markings are visible from the main traveled way. The placement of the stake will be at the point of the proposed sign closest to the roadway. The stake must be placed at the location description as indicated on the Outdoor Advertising Permit Application. Conflict between the written

application and the physical placement of the stake will result in the denial of the application. The stake markings shall be displayed from the time of submission of the application and shall be maintained by the applicant until the Department has approved or denied the application.

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

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

2. Applications containing incorrect information will be denied.

3. Incomplete permit applications will be returned to the applicant.

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

5. The written statement from the landowner and the statement from the local government official which are required by Section 479.07(3)(b), Florida Statutes, must have been issued to the applicant or on behalf of the applicant. If a lease document is submitted as the statement from the landowner, the applicant must be the named lessee or the document must be accompanied by a properly executed transfer of the leasehold rights to the applicant. If a lease document is not submitted, the written statement from the landowner must:

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

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

c. Be issued to or on behalf of the applicant; and

d. Authorize placement of a billboard on the subject property.

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

(f) If the earliest application is approved, all subsequent applications shall be returned denied.

(g) For purposes of (d), above, when a valid permit is being conditionally canceled pursuant to Rule Section 14-10.004(9)(7), the Cancellation Certification and permit application must be submitted simultaneously to the appropriate district office. The date the district office receives the cancellation and application documents shall be considered the date the application is received.

(h) When a permit application is received for a new sign site requiring vegetation management pursuant to Section 479.106, Florida Statutes, which application meets all other requirements of Chapter 479, Florida Statutes, and this rule chapter for issuance of an outdoor advertising sign permit, the Department shall issue a notice of intent to permit contingent upon:

1. Issuance of a vegetation management permit from the Department, and
2. Removal of two nonconforming signs, which the Department has approved as meeting the requirements of Section 479.106(5), Florida Statutes.

The application shall remain in a pending status for no longer than 90 calendar days to allow the applicant to comply with (h)1. and (h)2., above. Competing applications shall be reviewed in accordance with Section 14-10.004(1)(e).

(i) Applications for permits whose location conflicts with the location of an expired or canceled permit will not be processed until the sign for which the expired or canceled permit was issued is removed.

(j)(4) A permit shall not be issued for a location at which cutting, trimming, or removal of vegetation has occurred without obtaining the vegetation management permit as required by Section 479.106, Florida Statutes, until such time as payment of the administrative penalty and completion of mitigation as required by Section 479.106(7), Florida Statutes, have been accomplished and the applicant has identified two nonconforming signs for surrender in accordance with Section 479.106(5), Florida Statutes.

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

(a) the static display time for each message is a minimum of six seconds,

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

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

(d) the application meets all other permitting requirements.

Any such sign shall contain a default design that will freeze the sign in one position if a malfunction occurs.

(3) Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting

requirements of this chapter, but which has become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:

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

(b) Upon approval of the jurisdictional change, the Department will provide a second notice to sign owners and local governments advising that the change in jurisdiction has become effective and that sign owners have 30 calendar days from receipt of the second notice to submit an application for a sign permit.

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

(d) The Department shall issue an outdoor advertising sign permit to the sign owner upon receipt of a completed permit application form together with all items required by Section 479.07(3)(b), Florida Statutes. For existing signs, the written statement required by Section 479.07(3)(b), Florida Statutes, shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing that the local government has not provided notice that the sign is illegal and that the local government has taken no action to cause the sign to be removed.

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

(5) When a controlled road or any portion of a controlled road is nominated as a scenic highway or scenic byway pursuant to Section 335.093, Florida Statutes, and Section 14-10.004(3) of this rule chapter, the Department shall notify all permittees of signs on the affected roadway segment of the nomination. Upon the highway's designation by the

Department as a scenic highway or scenic byway, a final notification shall be sent to all affected permit holders. No new permits will be issued for outdoor advertising signs visible from the designated roadway segment, and all previously permitted signs become nonconforming as of the date of designation.

~~(6)(5)~~ Posting of Tags. The permanent metal permit tag issued by the Department must be posted by the permittee at the sign site within 30 calendar days of issuance and must remain in place at all times, whether or not a sign has been erected. If a permit tag is lost, stolen, or destroyed, the permittee must apply to the Department for a replacement tag on Outdoor Advertising Permit Tag Replacement Request, Form 575-070-01, Rev. 11/99 02/98, incorporated herein by reference, and shall include a replacement fee of \$3.00 per permit. This form may be obtained from the State Outdoor Advertising License and Permit Office at the address listed in Rule Section 14-10.003(2).

~~(7)(6)~~ Transfer of Permits. Authorization to transfer a permit shall be submitted on Outdoor Advertising Permit Transfer Request, Form 575-070-25, Rev. 11/99 02/98, incorporated herein by reference, to the State Outdoor Advertising License and Permit Office at the address listed in Rule Section 14-10.003(2). The request shall be made in accordance with Section 479.07(6), Florida Statutes. Form 575-070-25 may be obtained from the State Outdoor Advertising License and Permit Office.

(a) The transferee shall certify to written permission of the land owner to maintain the sign on the site in accordance with Section 479.07(2), Florida Statutes.

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

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

(d) If a transfer of permit is made during the initial 270 days from the date of permit issuance, the transferee is deemed to receive the permit subject to its becoming void if the completed sign is not erected within the original 270 day time frame.

~~(8)(7)~~ Cancellation of Permits. Permit cancellation notification must be submitted to the State Outdoor Advertising License and Permit Office at the address listed in Rule Section 14-10.003(2), on Outdoor Advertising Permit

Cancellation Certification, Form 575-070-12, Rev. 11/99 02/98, incorporated herein by reference. All canceled tags must be returned to the Department with the certification or otherwise accounted for in writing. If the sign has not been removed by the former permittee, Pursuant to Section 479.07(8)(b), Florida Statutes, ~~if the sign has not been removed by the former permittee,~~ it shall be removed by the Department and the cost assessed against the former permittee. Form 575-070-12 may be obtained from the State Outdoor Advertising License and Permit Office.

~~(9)(8)~~ Conditional Permit Cancellation. In instances where an applicant requests cancellation of one permit in order to obtain a new permit, the existing permit shall be canceled simultaneously with the issuance of the new permit. If a new permit does not meet current permitting requirements and cannot be issued, the existing permit will not be canceled.

~~(10)(9)~~ Permits Canceled or Not Renewed in Error Petition for Reinstatement. Pursuant to Section 479.07(8)(b), Florida Statutes, a petition for reinstatement of permits canceled or not renewed in error by the permittee shall be submitted to the State Outdoor Advertising License and Permit Office at the address listed in Rule Section 14-10.003(2). If the Reinstatement Petition is denied by the Department, a new permit may be issued for a sign only if the sign meets all current permitting requirements. The reinstatement fee is \$200.00 for a sign facing of 200 square feet or less and \$300.00 for a sign facing greater than 200 square feet.

~~(11)(40)~~ Pursuant to the criteria set forth in Section 479.105(1)(e), Florida Statutes, the Department may issue a permit for an unpermitted sign which has been structurally unchanged and continuously maintained for a period of seven or more years.

~~(12)(44)~~ Where the expansion or relocation of a transportation facility causes a sign to be located inside or within fifteen feet outside the right of way for the expanded or relocated facility and the permit holder desires to relocate the sign to a conforming location along a perpendicular to the roadway at the site of the existing sign, a permit shall be issued by the Department in conformance with the following:

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

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

(c) The new permit shall be issued for the remaining term of the existing permit and no additional fees are required.

(d) The application shall take precedence over any application submitted to the Department for a competing site.

(13) Removal and Replacement of Signs. A conforming sign may be temporarily removed provided the permit tag remains posted at the permitted location and the sign is reconstructed or replaced within 270 days of the date of removal. The time frame to re-erect the sign may be extended

upon written request to the Department in instances where reconstruction within 270 days is prevented solely by the actions of a government agency asserting jurisdiction over the sign. A removed nonconforming sign may not be reconstructed or replaced.

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

14-10.0051 Zoned and Unzoned Commercial and Industrial Areas Along Interstate and Federal-Aid Primary Highways.

(1) "Comprehensively enacted zoning" means a method of control which directs the use and development of property in a municipality or political subdivision according to the use of the property, pursuant to a comprehensive plan enacted in accordance with Chapter 163, Florida Statutes.

(2) Even if comprehensively enacted, the following criteria shall be considered in determining whether such zoning is enacted primarily to permit signs:

(a) In multiple land use designations, the provisions of Section 479.01(23), Florida Statutes, have been met.

(b)~~(a)~~ The land use classification provides for limited commercial or industrial activity only as an incident to other primary land uses.

(c)~~(b)~~ The commercial and industrial activities, separately or together, are permitted only by variance or special exceptions.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.11 FS. History--New 8-7-86, Amended 6-28-98,_____.

14-10.006 Additional Permitting Criteria.

Each application for an outdoor advertising sign permit shall meet the requirements of Sections 479.07(9) and 479.11, Florida Statutes, in effect at the time of the application. In addition, an application must comply with those requirements of the agreement between the state and the United States Department of Transportation referenced in Section 479.02(1), Florida Statutes, which have not been duplicated in Sections 479.07(9) and 479.11, Florida Statutes, or superseded by stricter provisions in those statutes. Those requirements are:

(1) Size.

(a) The area of a sign facing shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign facing including all embellishments.

(b) The maximum allowable height for a sign facing is 30 feet.

(c) The maximum allowable length of a sign facing is 60 feet.

(d) The maximum size limitations shall apply to each sign facing.

(e) Embellishments may not extend more than five feet beyond the permanent sign face and are included in any measurement of the height, width, or area of the sign facing.

(f) Signs containing both on-premise and off-premise advertising may not exceed 950 square feet, including all sign faces.

(2) Number of Faces. There shall be no more than two faces to each facing showing at one time.

(3) Location. Signs may not be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device.

(4) Spacing. The minimum required distance between the location for which a permit is sought and the nearest permitted sign shall be measured along the edge of pavement of the main-traveled way from the location marked by the applicant in accordance with Rule 14-10.004 to the location of the permitted sign. In the case of a permitted sign that has not been constructed, the milepost location reflected on the application shall be used as the location of the permitted sign. Measurement along the edge of pavement shall be based on the point perpendicular to a tangent to the edge of the main-traveled way nearest the location of the sign.

(a) The spacing requirements set forth in Section 479.07(9), Florida Statutes, apply only to signs located on the same side of the highway and permitted to that highway. For purposes of this section, the term "highway" means a road that carries a specific U.S. or state road number or designation, whether or not the designation changes between adjacent billboards on a continuous roadway.

(b) For V-type or back-to-back signs to be counted as one sign for spacing purposes, the facings on such signs must be connected by the same sign structure or cross-bracing; or the sign structures must be located not more than 15 feet apart at their nearest point.

(c) Official signs, signs exempt under Section 479.16, Florida Statutes, and structures that are not permitted signs shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

(d) When an intersection is encountered in determining measurements for spacing compliance, the width of such intersection is included in the measured distance. This distance is measured in a direct line from the points of intersection of the edges of the main-traveled ways.

(e) On the interstate highway system outside incorporated towns and cities, no permit may be granted for a sign structure located adjacent to or within 500 feet of an interchange, intersection at grade, or rest area. Said 500 feet shall be measured along the interstate in the direction leading away from the crossroad from the beginning of pavement widening at the exit from the main-traveled way or the end of pavement widening at the entrance to the main-traveled way on an interstate highway. The point of pavement widening at an exit

ramp or entrance ramp shall be the point farthest from the crossroad where the outside edge of the ramp pavement first intersects with the outside edge of the pavement on the main-traveled way.

(5) Sign Structure Height. The height of a sign structure shall be measured from a point on the sign structure which is at the same elevation as the crown of the main-traveled way to the top of the highest sign face, excluding embellishments.

(6) Lighting. Signs may be illuminated, however, signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except that lights embodied in the sign may be used to provide public service information. Further, no sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.

(7) In areas designated ~~predominantly~~ for commercial or industrial uses the Department may certify to the Federal Highway Administration that effective control of outdoor advertising signs has been established by local government regulations, provided the local government regulations are approved by the Department as being in compliance with the Highway Beautification Act of 1965, and all applicable federal regulations referenced in Section 479.02(1), Florida Statutes, and provided the local government provides proof that the local customary usage was in existence prior to March 2, 1972.

(8) For purposes of compliance with Section 479.11(4), Florida Statutes, the 100 feet shall be measured from the property line, except in cases where a school or church is the applicant for a permit or has given written permission for the placement of a sign. In such cases the 100 feet required distance shall be measured from the outer edges of the primary building, or primary building complex when the individual units of the complex are connected by covered walkways.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9), 479.08, 479.11, FS. History—New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.06, Amended 12-26-95, 6-28-98, _____.

14-10.007 Maintenance of Nonconforming Signs.

(1) The following shall apply to nonconforming signs:

(a) A nonconforming sign must remain substantially the same as it was as of the date it became nonconforming. Reasonable repair and maintenance, including change of advertising message, is permitted and is not a change which would terminate nonconforming rights. The following are examples of modifications to a nonconforming sign that will result in the loss of nonconforming status:

1. Modification that changes the type of structure of the sign, such as conversion of a wooden sign structure to a metal structure;

2. ~~Changes that modify~~ Modification that enlarges the area of the sign facing, however, embellishments may be added to nonconforming signs subject to the limitations regarding size

of sign facing and provided they do not exceed 10 % of the area of the sign facing prior to the addition of the embellishment;

3. Modification that raises the HAGL of the sign;

4. Modification that enhances the visibility of the sign's message or the period of time that the sign's message is visible;

5. Modification that adds automatic changeable faces; or

6. Modification that adds artificial lighting or changes the existing lighting such that the illumination to the sign facing is substantially increased.

Such prohibited modification need not be physically part of the sign if they have the effect of enhancing the sign's message, the visibility of the message, or the period of time that the message is visible. However, in such cases, the modification will not be considered a modification to the sign if:

a. The modification is the result of removal or trimming of vegetation in front of the sign if a permit for such removal or trimming has been granted by the Department; or

b. The modification only incidentally affects the visibility of the sign's message and the bona fide purpose of the modification is unrelated to the sign.

(b) A nonconforming sign may not be disassembled removed and re-erected at the same location except as provided in (2), below.

(c) A nonconforming sign may not be relocated, except to a conforming location.

(d) A nonconforming sign which is destroyed may not be re-erected. "Destroyed" is defined as when more than 50% of the upright supports of a sign structure are physically damaged such that normal repair practices of the industry would call for, in the case of wooden sign structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least 25% of the length above ground of each broken, bent, or twisted support. However, in the event that such damage occurs, a sign will not be considered destroyed if the sign owner shows that the replacement materials costs to re-erect the sign would not exceed 50% of the value of the structural materials in the sign, immediately prior to destruction. The following shall be applicable in determining whether the replacement materials costs to re-erect the sign exceed 50% of the value of the structural materials in the sign:

1. Structural materials shall not include the sign face, any skirt, any electrical service, electric lighting, or other non-structural items. Structural materials shall include any support brackets for the face, any catwalk, and any supporting braces or members of the sign structure.

2. The value of the structural materials in the sign immediately prior to destruction shall be based on the cost of all structural materials contained in the sign as it was configured just prior to damage, and the cost of such materials shall be based on normal market cost as if purchased new on or about the date of destruction, without regard to any labor costs or special market conditions.

3. The materials to be included in the replacement materials costs to re-erect the sign shall be all materials that would be used to return the sign to its configuration immediately prior to destruction and shall not include any material that is repaired on-site, but shall include any material obtained from a source other than the sign itself, whether used, recycled, or repaired. The repairs to the sign shall be with like materials and shall be those reasonably necessary to permanently repair the sign in a manner normally accomplished by the industry in that area. The cost of such materials shall be as described in paragraph (1)(d)2.

(e) Signs damaged by an Act of God prior to ~~June 28, 1998, the effective date of this rule amendment~~ shall be subject to the provisions of this rule on the date the sign was damaged; provided, however, that the Department will look to the provisions of paragraph (1)(d) in effect on the effective date of this rule amendment to the extent that they clarify the terms of the rule and do not prejudice the permittee.

(f) A sign destroyed by vandalism or other criminal or tortious act may be re-erected in kind.

(g) A sign face which remains void of advertising matter for 12 months or longer shall be deemed an abandoned or discontinued sign and shall lose its nonconforming status; providing, however, signs displaying bona fide public interest messages with artwork done in a professional manner and presented in a manner consistent with outdoor advertising displays in the area will retain their nonconforming status if lawfully maintained. Signs displaying an "available for lease" or similar message, signs displaying advertising for a product or service which is no longer available, and partially obliterated signs which do not identify a particular product, service, or facility shall be considered void of advertising matter.

(2) The Department may authorize structural alterations to a nonconforming sign in instances where Occupational Safety and Health Administration (OSHA) or other safety related requirements necessitate alterations, provided that reconstruction shall not be authorized primarily for the purpose of replacement of deteriorated materials. Alterations to the structure are allowed only if no alternatives are available which address safety requirements without requiring structural alterations. Documentation of these requirements must be submitted to the Department for approval prior to making any sign alterations. If approval for structural alteration is granted by the Department, the location, structural configuration, number of faces, size of the sign faces, sign structure height, and the materials used in the sign structure and sign faces must be the same type as those used in the sign prior to approval of the alterations. During the period of temporary removal for those approved alterations, the permittee must permanently display the permit tag at the sign location.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9) FS. History—New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.07, Amended 6-28-98, 8-10-99,_____.

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE TITLE: Management Policies, Standards, and Criteria
 RULE NO.: 18-21.004

PURPOSE AND EFFECT: The purpose of this rulemaking is to preclude the use of sovereignty submerged lands by vessels used for gambling "cruises to nowhere."

SUBJECT AREA TO BE ADDRESSED: The subject matter to be addressed is the use of sovereignty submerged lands for the anchoring and mooring of vessels engaged in "cruises to nowhere."

SPECIFIC AUTHORITY: 253.03(7)(a),(b) FS.

LAW IMPLEMENTED: Art. X, s. 11, Fla. Const., 253.03, 253.04 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Phil Coram, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)488-0130

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

18-21.004 Management Policies, Standards, and Criteria. The following management policies, standards, and criteria shall be used in determining whether to approve, approve with conditions or modifications, or deny all requests for activities on sovereign submerged lands.

- (1) General Proprietary
- (a) through (h) No change.

(i) The use of sovereign submerged lands for the anchoring or mooring of vessels used primarily for the purposes of gambling shall be prohibited when such vessels are engaged in "cruises to nowhere," where the vessels leave and return to the State of Florida without an intervening stop within another state or foreign country, or waters within the jurisdiction of another state or foreign country. This prohibition also applies to any vessel used to carry passengers to, or from, "cruises to nowhere."

- (i) through (j) renumbered (j) through (k) No change.
- (2) through (5) No change.

Specific Authority 253.03, 253.73 FS. Law Implemented Art. X, s.11, Fla. Const., 253.03, 253.034, 253.04, 253.041, 253.141, 253.51, 253.61, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 7-21-92, 10-15-98,_____.

(6) A petition for a new formal determination for a property for which a formal determination already exists shall require the reduced fee set forth in Rule 40D-1.607, F.A.C., provided:

(a) physical conditions on the property have not changed so as to alter the boundaries of the wetlands and other surface waters during that period; and

(b) the petition is submitted prior to the existing determination's expiration.

(7) Pursuant to subsection 373.421(4), F.S., the Governing Board may revoke the formal wetland determination upon a finding that the petitioner has submitted inaccurate information to the District.

Specific Authority 373.044, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History--New 10-3-95, Amended 7-2-98.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Capital Region Community Development District

RULE CHAPTER TITLE: Capital Region Community Development District
RULE CHAPTER NO.: 42CC-1

RULE TITLES: Establishment 42CC-1.001
Boundary 42CC-1.002
Supervisors 42CC-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (CDD), the Capital Region Community Development District ("District"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by The St. Joe Company, (Petitioner), requests that the Florida Land and Water Adjudicatory Commission establish by rule the Capital Region CDD. (The petition was originally filed to establish the proposed CDD under the name of Southwood CDD. A Notice of Receipt of Petition for the Southwood CDD was published in the November 5, 1999, edition of the Florida Administrative Weekly. However, the petitioner has requested amendment to change the name to Capital Region CDD.) The land area proposed to be served by the District will consist of approximately 3,241 acres. All proposed lands in the District are within the City of Tallahassee and unincorporated Leon County, generally located south of Apalachee Parkway, on both sides of Capital Circle Southeast, to a point south of Tram Road. There are four out-parcels located within the external boundaries of the parcels of land to be included within the District. The out-parcels include two parcels of land comprising the Capital Circle Office Center, an existing cemetery site, and an existing residence. The future general distribution, location and extent of the public and private land uses under the Mixed Use B designation (Tallahassee-Leon County Comprehensive Plan) currently include residential, recreation, office, community service, commercial, and light industrial. The proposed land uses within the District are subject to the approved Southwood

Development of Regional Impact. The District, if established, intends to participate in the construction of certain road and entranceway improvements and to provide certain stormwater and recreation improvements for the lands within the District.

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

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 10:00 a.m. - Noon, Friday, December 17, 1999

PLACE: Room 2106, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)488-7793, at least 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 & Smith, Post Office Box 6526, Tallahassee, Florida 32314, telephone (850)222-7500 or Barbara Leighty, Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

CAPITAL REGION COMMUNITY DEVELOPMENT DISTRICT

42CC-1.001 Establishment

The Capital Region Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New

42CC-1.002 Boundary

The boundaries of the district are as follows:

The following descriptions include all or part of Sections 2, 3, 9, 10, 11, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28 and 29, Township 1 South, Range 1 East, Leon County, Florida.

Portions of Sections 2, 11, 14, 23 and 26, Township 1 South, Range 1 East, more particularly described as follows:

BEGIN at the Northwest corner of Section 26, Township 1 South, Range 1 East; thence run South along the West line of said Section 26 for 451.73 feet more or less to the Northerly right-of-way line of State Road 261-A (Tram Road); thence run South 77 degrees 00 minutes 41 seconds East 191.64 feet; thence run North 495.02 feet more or less to the North line of

said Section 26; thence continue North 2829.68 feet more or less to the beginning of a curve concave to the East; thence Northeasterly along said curve having a radius of 3444.00 feet through a central angle of 20 degrees 02 minutes 36 seconds for an arc distance of 1204.80 feet to the end of the curve; thence run North 20 degrees 02 minutes 37 seconds East for 635.00 feet to the beginning of a compound curve concave to the West; thence Northeasterly along said curve having a radius of 1956.02 feet, through a central angle of 19 degrees 57 minutes 51 seconds for an arc distance of 681.56 feet to the point of compound curvature; thence continue Northerly and Northwesterly along said curve having a radius of 1956.02 feet; through a central angle of 23 degrees 44 minutes 04 seconds for an arc distance of 810.27 feet to a point of reverse curve concave to the East; thence Northerly along said curve having a radius of 3144.08 feet, through a central angle of 21 degrees 38 minutes 15 seconds for an arc distance of 1187.35 feet to the beginning of a curve concave to the East; thence Northerly along said curve having a radius of 4983.90 feet through a central angle of 12 degrees 57 minutes 37 seconds for an arc distance of 1127.35 feet; thence run North 00 degrees 09 minutes 48 seconds East for 610.30 feet to the beginning of a curve concave to the West; thence Northerly along said curve having a radius of 10852.98 feet through a central angle of 04 degrees 30 minutes 46 seconds for an arc distance of 854.79 feet, thence run North 12 degrees 23 minutes 29 seconds West 425.58 feet to the beginning of a curve concave to the Southwest, thence Northwesterly along said curve having a radius of 3342.64 feet through a central angle of 07 degrees 08 minutes 57 seconds for an arc distance of 417.09 feet to the beginning of a curve concave to the Southwest, thence Northwesterly along said curve having a radius of 3342.64 feet through a central angle of 01 degrees 25 minutes 18 seconds for an arc distance of 82.93 feet; thence run North 06 degrees 51 minutes 48 seconds East for 945.08 feet to the beginning of a curve concave to the West, thence along said curve having a radius of 2700.04 feet through a central angle of 03 degrees 50 minutes 52 seconds for an arc distance of 181.33 feet; thence run North 03 degrees 00 minutes 57 seconds East for 4071.36 feet; thence continue North 03 degrees 00 minutes 57 seconds East for 1320.00 feet, more or less, to the North line of the South Half of the South Half of Section 2, Township 1 South, Range 1 East; thence run West along said North line of the South Half of the South Half of Section 2 to its intersection with the West line of said Section 2; thence run South along the West section lines of Sections 2, 11, 14 and 23, Township 1 South, Range 1 East to the Northwest corner of Section 26, Township 1 South, Range 1 East and the POINT OF BEGINNING.

LESS AND EXCEPT:

The rights of way for Southwood Plantation Road and Old St. Augustine Road.

ALSO, LESS AND EXCEPT:

That portion of the following description lying within Section 11, Township 1 South, Range 1 East.

COMMENCE at the intersection of the South right-of-way line of State Road No. 364 (Old St. Augustine Road) and the West boundary of the East Half of the Northeast Quarter of Section 10, Township 1 South, Range 1 Est, Leon County, Florida; thence run South 76 degrees 57 minutes East along the South right-of-way line of said State Road No. 364 a distance of 670.59 feet to the POINT OF BEGINNING; thence run South 00 degrees 34 minutes 40 seconds East 1399.27 feet to a concrete monument; thence run South 89 degrees 13 minutes 20 seconds East 648.44 feet to a St. Joe Paper Company concrete monument on the West right-of-way line of Southwood Plantation Road; thence run North 03 degrees 33 minutes 20 seconds East along said West right of way line of Southwood Plantation Road a distance of 1251.37 feet, more or less, to a concrete monument marking the intersection of the West right-of-way line of Southwood Plantation Road with the South right-of-way line of Old St. Augustine Road; thence run North 76 degrees 57 minutes West along said South right-of-way line of Old St. Augustine Road a distance of 758 feet, more or less, to the POINT OF BEGINNING.

SECTION 3

Commence at the Southwest corner of Section 3, Township 1 South, Range 1 East, and run thence North along the Section line 1336.6 feet, thence East 880.0 feet to a point which is the POINT OF BEGINNING. From said POINT OF BEGINNING run thence East 1250.0 feet more or less to a point 500 feet West of a point 1336.6 North of the Southeast corner of the Southwest Quarter of said Section 3, thence South 1336.6 feet more or less to the South line of said Section 3, thence West along said South line of Section 3 to a point due South of the point of beginning, thence North 1336.6 feet more or less to the POINT OF BEGINNING.

AND ALSO:

Begin at the Southwest corner of Section 3, Township 1 South, Range 1 East, thence run North 162.4 feet along the Section line to the South boundary of Old St. Augustine Road, thence southeasterly 845.19 along the South boundary of said road to its intersection with the South Line of said Section 3, thence West along said South line to the POINT OF BEGINNING.

AND ALSO:

Commence at the Northwest corner of the Northwest quarter of the Southeast quarter of Section 3, Township 1 South, Range 1 East, and run thence South 00 degrees 30 minutes West 1266.8 feet along the quarter-section line, thence South 89 degrees 30 minutes East 647.3 feet, thence South 00 degrees 30 minutes West 13.6 feet, thence South 89 degrees 30 minutes East 336.35 feet to a point which is the POINT OF BEGINNING. From said POINT OF BEGINNING, run thence South 89 degrees 30 minutes East 336.35 feet, thence North 00 degrees 30 minutes East 1081.3 feet along the East boundary of the Northwest quarter of the Southeast quarter of said Section 3, to

a point 207.7 feet South 00 degrees 30 minutes West of the Northeast corner of the Northwest quarter of the Southeast quarter of said Section 3, thence North 89 degrees 30 minutes West 336.35 feet, thence South 00 degrees 30 minutes West 1081.3 feet to the POINT OF BEGINNING.

AND ALSO:

Begin at the Southeast corner of Section 3, Township 1 South, Range 1 East, and thence run North 1495.0 feet along the East boundary of said Section 3, thence West 701.0 feet, thence North 1158.0 feet to a point on the North boundary of the Southeast Quarter of said Section 3, thence West 639.3 feet to the Northwest corner of the East ? of the Southeast quarter of said Section 3, thence South 1289.0 feet, thence West 672.7 feet, thence North 13.6 feet, thence West 323.15 feet, thence South 537.53 feet, thence West 324.15 feet to a point on the West boundary of the Southeast quarter of said Section 3, which said point is 1804.33 feet South of the Northwest corner of the Southeast quarter of said Section 3, thence run South 867.4 feet more or less to the South line of said Section 3, thence East along said South line 2640.0 feet more or less to the POINT OF BEGINNING.

AND ALSO:

Commence at the Southwest corner of the East half of the Northeast quarter of Section 3, Township 1 South, Range 1 East, Leon County, Florida, marked by a one inch iron pipe and run thence South 89 degrees 17 minutes 39 seconds East 429.17 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run thence South 89 degrees 17 minutes 38 seconds East 142.0 feet to the West boundary of that property described in Official Records Book 1410, Page 1913 of the Public Records of Leon County, Florida, thence North 00 degrees 49 minutes 21 seconds East along said boundary 322.92 feet to the southerly right of way boundary of State Road No.20 (Apalachee Parkway), thence South 85 degrees 40 minutes 30 seconds West along said boundary 200.81 feet, thence leaving said boundary South 00 degrees 58 minutes 17 seconds West 218.30 feet, thence South 32 degrees 54 minutes 08 seconds East 104.47 feet to the POINT OF BEGINNING.

LESS AND EXCEPT:

Begin at the Southwest corner of the East half of the Northeast quarter of Section 3, Township 1 South, Range 1 East, Leon County, Florida, marked by a one inch iron pipe and run thence North 00 degrees 36 minutes 43 seconds East along the West boundary of that property described in Official Records Book 1306, Page 2238 of the Public Records of Leon County, Florida 272.53 feet to the Southern right of way boundary of State Road 20 (Apalachee Parkway), thence along said right of way boundary North 83 degrees 40 minutes 30 seconds East 292.77 feet, thence leaving said right of way boundary run South 03 degrees 41 minutes 54 seconds East along the East boundary of said property in Official Records Book 1306, Page 2238 for a distance of 299.09 feet, thence South 89 degrees 17 minutes 38 seconds East 115.01 feet, thence South 32 degrees

53 minutes 35 seconds East 17.31 feet, thence South 00 degrees 35 minutes 30 seconds West 1171.25 feet, thence South 87 degrees 54 minutes 45 seconds West 777.95 feet to the East boundary of that property described in Official Records Book 610, Page 165 of the Public Records of Leon County, Florida, thence North 00 degrees 41 minutes 14 seconds East along said boundary 1012.36 feet to the South boundary of that property described in Official Records Book 1257, Page 614 of the Public Records of Leon County, Florida, thence South 89 degrees 11 minutes 08 seconds East along said boundary 336.62 feet, thence North 00 degrees 36 minutes 43 seconds East along the East boundary of said property 211.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

The rights of way for Southwood Plantation Road, Old St. Augustine Road and the 100 foot power line right of way conveyed to the City of Tallahassee.

SECTION 9

The Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 9, Township 1 South, Range 1 East, less the right-of-way of State Road No.363 (Capital Circle).

AND ALSO:

That part of the West Half of the Northeast Quarter lying South and East of State Road No. 363 (Capital Circle).

AND ALSO:

The Southeast Quarter of the Northeast Quarter less the North 66 feet thereof.

AND ALSO:

BEGIN at a point 66 feet South of the Southwest corner of the Northeast Quarter of the Northeast Quarter, thence run North 210 feet; thence East 210 feet; thence run South 210 feet; thence run West 210 feet to the POINT OF BEGINNING.

LESS AND EXCEPT:

The 100 foot Power Line right-of -way conveyed to the City of Tallahassee and the right-of-way for State Road No. 363 (Capital Circle).

SECTION 10

All of Section 10, Township 1 South, Range 1 East.

LESS AND EXCEPT:

COMMENCE at the intersection of the South right-of-way line of State Road No. 364 (Old St. Augustine Road) and the West boundary of the East Half of the Northeast Quarter of Section 10, Township 1 South, Range 1 Est, Leon County, Florida; thence run South 76 degrees 57 minutes East along the South right-of-way line of said State Road No. 364 a distance of 670.59 feet to the POINT OF BEGINNING; thence run South 00 degrees 34 minutes 40 seconds East 1399.27 feet to a concrete monument; thence run South 89 degrees 13 minutes 20 seconds East 648.44 feet to a St. Joe Paper Company concrete monument on the West right-of-way line of Southwood Plantation Road; thence run North 03 degrees 33

minutes 20 seconds East along said West right of way line of Southwood Plantation Road a distance of 1251.37 feet, more or less, to a concrete monument marking the intersection of the West right-of-way line of Southwood Plantation Road with the South right-of-way line of Old St. Augustine Road; thence run North 76 degrees 57 minutes West along said South right-of-way line of Old St. Augustine Road a distance of 758 feet, more or less, to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

BEGIN at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 10, Township 1 South, Range 1 East, and run thence North 200 feet, thence East 500 feet, thence South 185 feet, thence East 820 feet to the East line of said Section 10, thence South 15 feet to the South line of said Section 10, thence West 1320 feet, more or less, to the POINT OF BEGINNING, containing 2.57 acres, more or less.

ALSO, LESS AND EXCEPT:

BEGIN at the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 10,

Township 1 South, Range 1 East, thence run East 362 feet, thence run North 385 feet to a point in the center of the St. Augustine Road, thence run in a Northwesterly direction 398 feet to a point on the West boundary of the Northeast Quarter of said Section 10, said point being 579 feet North of the POINT OF BEGINNING, thence run South 579 feet to the POINT OF BEGINNING, except the portion thereof included in the right-of-way of the Old St. Augustine Road.

ALSO, LESS AND EXCEPT:

COMMENCE at the Southeast corner of Section 10, Township 1 South, Range 1 East, Leon County, Florida, and run thence West along the section line a distance of 20 feet, or to the West boundary of Southwood Road, thence North along the West boundary of said Southwood Road, a distance of 40 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue thence North along said West boundary 100 feet, thence West parallel to the South line of said Section 10 a distance of 435.6 feet, thence South 100 feet, thence East 435.6 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

BEGIN at the Northeast corner of the Northeast Quarter of the Northwest Quarter of Section 10, Township 1 South, Range 1 East and run West along the North line of said Section 10 for 500 feet; thence run south 456 feet, more or less, to the Northerly right-of-way line of Old St. Augustine Road; thence Southeasterly along the North right-of-way line of Old St. Augustine Road 589 feet, more or less, to the East boundary of the Northwest Quarter of said Section 10; thence North 678.6 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

The rights of way for Old St. Augustine Road, Southwood Plantation Road and the 100 foot power line right of way are conveyed to the City of Tallahassee.

SECTION 15

All of Section 15, Township 1 South, Range 1 East, Leon County, Florida.

LESS AND EXCEPT:

That part of the following described parcel lying in Section 15, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds

for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING.

SECTION 16

All of Section 16, Township 1 South, Range 1 East lying East of State Road 261 (Capital Circle).

AND ALSO:

The North 34.99 chains of the East half of the Northwest quarter of Section 16, Township 1 South, Range 1 East, Leon County, Florida, lying West of State Road 261 (Capital Circle).

AND ALSO:

The West half of the Southwest quarter of Section 16, Township 1 South, Range 1 East, Leon County, Florida.

AND ALSO:

All that part of the South 26.66 chains of the East half of the Southwest quarter of Section 16, Township 1 South, Range 1 East, Leon County, Florida, lying West of State Road 261 (Capital Circle).

LESS AND EXCEPT:

The right of way for State Road 261 (Capital Circle), the 100 foot power line right of way conveyed to the City of Tallahassee and the right of way conveyed as the Blair Stone Road Extension recorded in Leon County Official Records Book 2080, Page 1542.

ALSO, LESS AND EXCEPT:

That part of the following described property lying in Section 16, Township 1 South, Range 1 East.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17 degrees 06 minutes 44 seconds for an arc length of 957.24 feet (chord of 953.69 feet bears North 68 degrees 25 minutes 19 seconds West), thence North 59 degrees 51 minutes 57 seconds West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261), thence North 12 degrees 00 minutes 01 seconds East along said centerline 1.97 feet, thence North 12 degrees 00 minutes 27 seconds East along said centerline 1844.79 feet to a point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 05 degrees 31 minutes 26 seconds for an arc length of 368.25 feet (chord of 368.10 feet bears North 09 degrees 14 minutes 44 seconds East), thence leaving said centerline run North 82 degrees 45 minutes 59 seconds West 125.01 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 82 degrees 45 minutes 59 seconds West along the northerly right of way of a proposed road (100 foot right of way) a distance of 407.94 feet to set iron rebar and cap marking a point of curve to the left, thence along said curve with a radius of 4425.00 feet through a central angle of 06 degrees 47 minutes 31 seconds for an arc length of 524.55 feet (chord of 524.25 feet bears North 86 degrees 09 minutes 44 seconds West) to a set iron rebar and cap, thence North 89 degrees 33 minutes 30 seconds West 254.27 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 00 seconds for an arc length of 47.12 feet (chord of 42.43 feet bears North 44 degrees 33 minutes 30 seconds West) to a set iron rebar and cap on the easterly right of way of a proposed roadway (100 foot right of way), thence North 00 degrees 26 minutes 30 seconds East along said right of way 992.45 feet to a set iron rebar and cap marking a point of curve to the right, thence along said right of way curve with a radius of 750.00 feet through a central angle of 92 degrees 45 minutes 19 seconds for an arc length of 1214.16 feet (chord of 1085.85 feet bears North 46 degrees 49 minutes 10 seconds East) to a set iron rebar and cap thence South 86 degrees 48 minutes 11 seconds East along said right of way 444.13 feet to a set iron rebar and cap, thence leaving said right of way run South 00 degrees 18 minutes 28 seconds West 1433.65 feet to a set iron rebar and cap marking a point of curve to the right, thence along said

curve with a radius of 3694.66 feet through a central angle of 06 degrees 09 minutes 02 seconds for an arc length of 396.61 feet (chord of 396.42 feet bears South 03 degrees 22 minutes 59 seconds West) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described property lying in Section 16, Township 1 South, Range 1 East.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse

curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17 degrees 06 minutes 44 seconds for an arc length of 957.24 feet (chord of 953.69 feet bears North 68 degrees 25 minutes 19 seconds West), thence North 59 degrees 51 minutes 57 seconds West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261), thence North 12 degrees 00 minutes 01 seconds East along said centerline 1.96 feet, thence North 12 degrees 00 minutes 27 seconds East along said centerline 1844.79 feet to a point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 11 degrees 41 minutes

59 seconds for an arc length of 779.97 feet (chord of 778.61 feet bears North 06 degrees 09 minutes 27 seconds East), thence North 00 degrees 18 minutes 28 seconds East 2903.59 feet, thence leaving said centerline run South 89 degrees 57 minutes 06 seconds East 125.00 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 18 minutes 28 seconds East 812.00 feet to a set iron rebar and cap, thence South 89 degrees 41 minutes 32 seconds East 778.83 feet to a set iron rebar and cap on the westerly right of way of a proposed roadway (65 foot right of way), thence South along said westerly right of way 176.04 feet to a set iron rebar and cap marking a point of curve to the left, thence along said right of way curve with a radius of 2550.10 feet through a central angle of 13 degrees 38 minutes 55 seconds for an arc length of 607.47 feet (chord of 606.03 feet bears South 06 degrees 49 minutes 28 seconds East) to a set iron rebar and cap, thence South 13 degrees 38 minutes 58 seconds East 31.65 feet to a set iron rebar and cap, thence leaving said proposed right of way run North 89 degrees 57 minutes 06 seconds West 867.59 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described property lying in Section 16, Township 1 South, Range 1 East.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 east, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave

Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

SECTION 20

The East Half of Section 20, Township 1 South, Range 1 East LESS AND EXCEPT:

That part of the North Half of the North Half of said Section 20 lying North of State Road 261-A (Tram Road).

The right of way for State Road 261-A (Tram Road) and the 100 foot power line right of way conveyed to the City of Tallahassee.

SECTION 21

All of Section 21, Township 1 South, Range 1 East, lying North of State Road 261-A (Tram Road) and the following portion of said Section 21 lying South of Tram Road and West of Capital Circle:

BEGIN at the Southwest corner of Section 21, Township 1 South, Range 1 East, thence run North along the West line of said Section 21 to its intersection with the Southerly right-of-way line of State Road 261-A (Tram Road); thence run Southeasterly along said right-of-way line to the West boundary of that property described as Parcel No. Three in Official Records Book 2006, Page 2252 of the Public Records of Leon County, Florida; thence run South along said boundary and continuation thereof for 1002.3, more or less, to the North boundary of that property described in Official Records Book 1225, Page 2379 of the Public Records of Leon County, Florida; thence run South along the West boundary of said property described in Official Records Book 1225, Page 2379 and a continuation thereof to the South line of said Section 21; thence run West for 660 feet, more or less, to the Southwest corner of said Section 21 and the POINT OF BEGINNING.

AND ALSO;

The following described parcel lying in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida. Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet; thence leaving said centerline run North 76 degrees 58 minutes 38 seconds West 60.00 feet to a concrete monument on the westerly right-of-way boundary of said Tram Road Connector, thence run South 13 degrees 01 minutes 22 seconds West along said westerly right-of-way 53.22 feet to a concrete monument marking the north right-of-way boundary of said Tram Road; thence run North 76 degrees 58 minutes 41 seconds West along said northerly right-of-way of Tram Road 766.36 feet to a set iron rod and cap marking a point of curve to the right, thence run northwesterly along said right of way curve with a radius of 3172.07 feet through a central angle of 06 degrees 02 minutes 20 seconds for an arc distance of 334.34 feet (chord bears North 73 degrees 57 minutes 31 seconds West 334.18 feet) to a concrete monument marking the easterly boundary of the existing Capital Circle Office Center; thence leaving said northerly right-of-way run North 35 degrees 42 minutes 40 seconds East 1562.71 feet to a concrete monument; thence run North 27 degrees 52 minutes 52 seconds East 214.31 feet to a concrete monument; thence run North 21 degrees 57 minutes 48 seconds East 22.24 feet to an iron rod and cap to the POINT OF BEGINNING. From said POINT OF BEGINNING thence continue North 21 degrees 57 minutes 48 seconds East 95.89 feet to a concrete monument, thence run North 10 degrees 53 minutes 34 seconds East 219.79 feet to a concrete monument, thence run North 02 degrees 57 minutes 51 seconds East 603.14 feet to a concrete monument, thence run North 07 degrees 58 minutes 29 seconds East 112.07 feet to a point on the southerly right of way boundary of Shumard Oak Boulevard and a curve concave southwesterly, thence run southeasterly along said right of way curve with a radius of 666.67 feet through a central angle of 24 degrees 05 minutes 36 seconds for an arc distance of 280.34 feet (chord of 278.28 feet bears South 76 degrees 41 minutes 39 seconds East) to a point of reverse curve to the left, thence run southeasterly along said curve with a radius of 1293.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc distance of 528.55 feet (chord of 524.87 feet bears South 76 degrees 21 minutes 29 seconds East), thence run South 88 degrees 04 minutes 07 seconds East 297.07 feet to a point of curve to the right, thence run southeasterly along said curve with a radius of 30.00 feet through a central angle of 90 degrees 54 minutes 41

seconds for an arc distance of 47.60 feet (chord of 42.76 feet bears South 42 degrees 36 minutes 47 seconds East) to a point of curve to the right and the westerly right of way boundary of Tram Road Connector, thence run southwesterly along said right of way curve with a radius of 1168.00 feet through a central angle of 17 degrees 26 minutes 30 seconds for an arc distance of 355.56 feet (chord of 354.19 feet bears South 11 degrees 33 minutes 49 seconds West), thence run South 20 degrees 17 minutes 04 seconds West 816.47 feet, thence leaving said westerly right of way boundary run North 69 degrees 42 minutes 56 seconds West 934.79 feet to the POINT OF BEGINNING.

AND ALSO:

The existing St Joe Corp. property lying in the Southeast Quarter of Section 21, Township 1 South, Range 1 East, Leon County, Florida lying south of Tram Road (know as Tax ID parcel 31-21-20-002-000.0).

LESS AND EXCEPT:

The right-of-way of State Road No. 263 (Capital Circle), the right-of-way of State Road No. 261-A (Tram Road), and the 100 foot Power Line right-of-way deeded to the City of Tallahassee.

ALSO, LESS AND EXCEPT:

BEGIN at a point on the West line of Section 21, Township 1 South, Range 1 East, said point being 1326.2 feet North of the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 21, and run thence East 100 feet, thence North 01 degrees 58 minutes West for 390.25 feet to a point on the South boundary of the right-of-way of the public road, thence Northwesterly along said right-of-way boundary for 100 feet to a point on the West line of said Section 21, thence South along the Section line for 440 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying in Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking

a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve

with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17 degrees 06 minutes 44 seconds for an arc length of 957.24 feet (chord of 953.69 feet bears North 68 degrees 25 minutes 19 seconds West), thence North 59 degrees 51 minutes 57 seconds West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261), thence North 12 degrees 00 minutes 01 seconds East along said centerline 1.97 feet, thence North 12 degrees 00 minutes 27 seconds East along said centerline 1844.79 feet to a point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 05 degrees 31 minutes 26 seconds for an arc length of 368.25 feet (chord of 368.10 feet bears North 09 degrees 14 minutes 44 seconds East), thence leaving said centerline run North 82 degrees 45 minutes 59 seconds West 125.01 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 82 degrees 45 minutes 59 seconds West along the northerly right of way of a proposed road (100 foot right of way) a distance of 407.94 feet to set iron rebar and cap marking a point of curve to the left, thence along said curve with a radius of 4425.00 feet through a central angle of 06 degrees 47 minutes 31 seconds for an arc length of 524.55 feet (chord of 524.25 feet bears North 86 degrees 09 minutes 44 seconds West) to a set iron rebar and cap, thence North 89 degrees 33 minutes 30 seconds West 254.27 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 00 seconds for an arc length of 47.12 feet (chord of 42.43 feet bears North 44 degrees 33 minutes 30 seconds West) to a set iron rebar and cap on the easterly right of way of a proposed roadway (100 foot right of way), thence North 00 degrees 26 minutes 30 seconds East along said right of way 992.45 feet to a set iron rebar and cap marking a point of curve to the right, thence

along said right of way curve with a radius of 750.00 feet through a central angle of 92 degrees 45 minutes 19 seconds for an arc length of 1214.16 feet (chord of 1085.85 feet bears North 46 degrees 49 minutes 10 seconds East) to a set iron rebar and cap thence South 86 degrees 48 minutes 11 seconds East along said right of way 444.13 feet to a set iron rebar and cap, thence leaving said right of way run South 00 degrees 18 minutes 28 seconds West 1433.65 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 3694.66 feet through a central angle of 06 degrees 09 minutes 02 seconds for an arc length of 396.61 feet (chord of 396.42 feet bears South 03 degrees 22 minutes 59 seconds West) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet; thence leaving said centerline run North 76 degrees 58 minutes 38 seconds West 60.00 feet to a concrete monument on the westerly right-of-way boundary of said Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING thence run South 13 degrees 01 minutes 22 seconds West along said westerly right-of-way 53.22 feet to a concrete monument marking the north right-of-way boundary of said Tram Road; thence run North 76 degrees 58 minutes 41 seconds West along said northerly right-of-way of Tram Road 766.36 feet to a set iron rod and cap marking a point of curve to the right, thence run northwesterly along said right of way curve with a radius of 3172.07 feet through a central angle of 06 degrees 02 minutes 20 seconds for an arc distance of 334.34 feet (chord bears North 73 degrees 57 minutes 31 seconds West 334.18 feet) to a concrete monument marking the easterly boundary of the existing Capital Circle Office Center; thence leaving said northerly right-of-way run North 35 degrees 42 minutes 40 seconds East 1562.71 feet to a concrete monument; thence run North 27 degrees 52 minutes 52 seconds East 214.31 feet to a concrete monument; thence run North 21 degrees 57 minutes 48 seconds East 22.24 feet to an iron rod and cap; thence leaving said easterly boundary of the existing Capital Circle Office Center run South 69 degrees 42 minutes 56 seconds East 739.36 feet; thence run southwesterly along a non-tangent curve to the right with a radius of 140.00 feet through a central angle of 40 degrees 16 minutes 49

seconds for an arc distance 98.42 feet (chord bears South 14 degrees 04 minutes 23 seconds West 96.41 feet) to a point of reverse curve to the left; thence run southeasterly along said curve with a radius of 110.00 feet through a central angle of 101 degrees 55 minutes 47 seconds for an arc distance of 195.69 feet (chord bears South 16 degrees 42 minutes 26 seconds East 170.89 feet); thence run South 67 degrees 43 minutes 00 seconds East 81.70 feet to the westerly right-of-way boundary of said Tram Road Connector; thence run southwesterly along said westerly right-of-way along a curve to the right with a radius of 690.00 feet through a central angle of 14 degrees 01 minutes 10 seconds for an arc distance of 168.83 feet (chord bears South 29 degrees 17 minutes 35 seconds West 168.41 feet) to a concrete monument; thence run South 36 degrees 18 minutes 10 seconds West along said westerly right of way 873.23 feet to a concrete monument marking a point of curve to the right, thence run southwesterly along said right of way curve with a radius of 810.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc distance of 329.11 feet (chord bears South 24 degrees 39 minutes 46 seconds West 326.85 feet) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 east, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A

(Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described right of way of Satellite Boulevard, Shumard Oak Boulevard, and Tram Road Connector lying in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 east, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11

degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida; thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259-66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 575.14 feet to the easterly right-of-way boundary of Tram Connector (proposed 120' Right-of-way); thence along said easterly right-of-way boundary as follows: North 13 degrees 04 minutes 02 seconds East a distance of 53.58 feet to a point of curve to the right; thence Northeasterly, along said curve, on a radius of 690.00 feet, through a central angle of 23 degrees 16 minutes 48 seconds, an arc distance of 280.36 feet (chord of 278.43 feet bears North 24 degrees 42 minutes 26 seconds East) to a point of tangency; thence North 36 degrees 20 minutes 50 seconds East a distance of 182.52 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING, continue North 36 degrees 20 minutes 50 seconds East, along said easterly right-of-way boundary, a distance of 341.40 feet; thence South 53 degrees 39 minutes 10 seconds East, leaving said easterly

right-of-way boundary, a distance of 80.41 feet; thence South 24 degrees 32 minutes 39 seconds East a distance of 102.95 feet; South 22 degrees 38 minutes 05 seconds West a distance of 140.69 feet to a point of curve to the right; thence

Southwesterly, along said curve, on a radius of 125.00 feet, through a central angle of 103 degrees 42 minutes 45 seconds, an arc distance of 226.27 feet (chord of 196.62 feet bears South 74 degrees 29 minutes 27 seconds West) to a point of tangency; thence North 53 degrees 39 minutes 10 seconds West a distance of 82.27 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259-66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 695.14 feet to the westerly right-of-way boundary of Tram Connector (proposed 120' Right-of-way); thence along said westerly right-of-way boundary as follows: North 13 degrees 04 minutes 02 seconds East a distance of 53.58 feet to a point of curve to the right; thence Northeasterly, along said curve, on a radius of 810.00 feet, through a central angle of 23 degrees 16 minutes 48 seconds, an arc distance of 329.11 feet (chord of 326.86 feet bears North 24 degrees 42 minutes 26 seconds East) to a point of tangency; thence North 36 degrees 20 minutes 50 seconds East a distance of 908.41 feet to a point of curve to left; thence Northeasterly, along said curve, on a radius of 690.00, through a central angle of 14 degrees 01 minutes 10 seconds, an arc distance of 168.83 feet (chord of 168.41 feet bears North 29 degrees 20 minutes 15 seconds East) to the POINT OF BEGINNING.

From said POINT OF BEGINNING, thence North 67 degrees 40 minutes 20 seconds West a distance of 81.70 feet to a point of curve to the right; thence Northwesterly, along said curve, on a radius of 110.00 feet, an arc distance of 195.69 feet (chord of 170.89 feet bears North 16 degrees 42 minutes 26 seconds West) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 140.00 feet; through a central angle of 41 degrees 09 minutes 41 seconds, an arc distance of 100.58 feet (chord of 98.43 feet bears North 13 degrees 40 minutes 37 seconds East) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 150.00 feet, through a central angle of 65 degrees 22 minutes 28 seconds, an arc distance of 171.15 feet (chord of 162.02 feet bears North 25 degrees 47 minutes 01 seconds East) to a point of tangency; thence North 58 degrees 28 minutes 15 seconds East a distance of 108.90 feet; thence South 69 degrees 40 minutes 16 seconds East a distance of 113.74 feet to the westerly right-of-way boundary of said Tram Connector; thence South 20 degrees 19 minutes

44 seconds West a distance of 459.89 feet to a point of curve to the right; thence Southwesterly, along said curve, on a radius of 690.00 feet, through a central angle of 01 degrees 59 minutes 56 seconds, an arc distance of 24.07 feet (chord of 24.07 feet bears South 21 degrees 19 minutes 42 seconds West) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259-66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 1461.36 feet to a point of curve to the right; thence Northwesterly, along said northerly right-of-way curve, on a radius of 3173.42 feet, through a central angle of 06 degrees 02 minutes 35 seconds, an arc distance of 334.71 feet (chord of 334.55 feet bears North 73 degrees 54 minutes 41 seconds West) to the easterly boundary of the Capital Circle Office Center; thence along said easterly boundary as follows: North 35 degrees 45 minutes 00 seconds East a distance of 1562.75 feet; thence North 27 degrees 54 minutes 38 seconds East a distance of 214.56 feet; thence North 22 degrees 00 minutes 33 seconds East a distance of 117.90 feet; thence North 10 degrees 57 minutes 24 seconds East a distance of 219.90 feet; thence North 03 degrees 00 minutes 34 seconds East a distance of 403.26 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING, thence continue North 03 degrees 00 minutes 34 seconds East, along said easterly right-of-way boundary of Capital Circle Office Center, a distance of 200.00 feet; thence North 07 degrees 59 minutes 51 seconds East a distance of 111.96 feet to a point on a curve concave to the south for the southerly right-of-way boundary of Shumard Oak Boulevard (proposed 140' Right-of-way extension); thence Easterly, leaving said easterly boundary of Capital Circle Office Center, along said curve, on a radius of 666.68 feet, through a central angle of 24 degrees 07 minutes 25 seconds, an arc distance of 280.70 feet (chord of 278.63 feet bears South 75 degrees 39 minutes 54 seconds East); thence South 23 degrees 59 minutes 03 seconds West, leaving said southern right-of-way boundary of Shumard Oak Boulevard, a distance of 48.29 feet to a point of curve to the left; thence Southwesterly, along said curve, on a radius of 140.00 feet, through a central angle of 52 degrees 35 minutes 41 seconds, an arc distance of 128.51 feet (chord of 124.05 feet bears South 02 degrees 18 minutes 47 seconds West) to a point of reverse curve; thence Southeasterly, along said curve, on a radius of 140.00 feet, through a central angle of 42 degrees 21 minutes 34 seconds, an arc distance of 103.50 feet (chord of 101.16 feet bears South 07 degrees 25 minutes 51 seconds East); thence

South 13 degrees 44 minutes 56 seconds West a distance of 101.60 feet; thence South 76 degrees 08 minutes 21 seconds West a distance of 73.52 feet to a point on a curve concave to the northeast; thence Northwesterly, along said curve, on a radius of 320.00 feet, through a central angle of 33 degrees 52 minutes 27 seconds, an arc distance of 189.19 feet (chord of 186.45 feet bears North 43 degrees 46 minutes 53 seconds West) to a point on a line; thence North 86 degrees 59 minutes 26 seconds West a distance of 71.22 feet to the POINT OF BEGINNING.

SECTION 22

All of Section 22, Township 1 South, Range 1 East, Leon County, lying North of State Road 261-A (Tram Road).

LESS AND EXCEPT:

That part of the following described parcel lying Section 22, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38

seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING, containing 45.938 acres more or less.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41

seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet; thence leaving said centerline run North 76 degrees 58 minutes 38 seconds West 60.00 feet to a concrete monument on the westerly right-of-way boundary of said Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING thence run South 13 degrees 01 minutes 22 seconds West along said westerly right-of-way 53.22 feet to a concrete monument marking the north right-of-way boundary of said Tram Road; thence run North 76 degrees 58 minutes 41 seconds West along said northerly right-of-way of Tram Road 766.36 feet to a set iron rod and cap marking a point of curve to the right, thence run northwesterly along said right of way curve with a radius of 3172.07 feet through a central angle of 06 degrees 02 minutes 20 seconds for an arc distance of 334.34 feet (chord bears North 73 degrees 57 minutes 31 seconds West 334.18 feet) to a concrete monument marking the easterly boundary of the existing Capital Circle Office Center; thence leaving said northerly right-of-way run North 35 degrees 42 minutes 40 seconds East 1562.71 feet to a concrete monument; thence run North 27 degrees 52 minutes 52 seconds East 214.31 feet to a concrete monument; thence run North 21 degrees 57 minutes 48 seconds East 22.24 feet to an iron rod and cap; thence leaving said easterly boundary of the existing Capital Circle Office Center run South 69 degrees 42 minutes 56 seconds East 739.36 feet; thence run southwesterly along a non-tangent curve to the right with a radius of 140.00 feet through a central angle of 40 degrees 16 minutes 49 seconds for an arc distance 98.42 feet (chord bears South 14 degrees 04 minutes 23 seconds West 96.41 feet) to a point of reverse curve to the left; thence run southeasterly along said curve with a radius of 110.00 feet through a central angle of 101 degrees 55 minutes 47 seconds for an arc distance of 195.69 feet (chord bears South 16 degrees 42 minutes 26 seconds East 170.89 feet); thence run South 67 degrees 43 minutes 00 seconds East 81.70 feet to the westerly right-of-way boundary of said Tram Road Connector; thence run southwesterly along said westerly right-of-way along a curve to the right with a radius of 690.00 feet through a central angle of 14 degrees 01 minutes 10 seconds for an arc distance of 168.83 feet (chord bears South 29 degrees 17 minutes 35 seconds West 168.41 feet) to a concrete monument; thence run South 36 degrees 18 minutes 10 seconds West along said westerly right of way 873.23 feet to a concrete monument marking a point of curve to the right, thence run southwesterly along said right of way curve with a radius of 810.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc distance of 329.11 feet (chord bears South 24 degrees 39 minutes 46 seconds West 326.85 feet) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described right of way of Satellite Boulevard, Shumard Oak Boulevard, and Tram Road Connector lying in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 east, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord

bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 22, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259-66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 695.14 feet to the westerly right-of-way boundary of Tram Connector (proposed 120' Right-of-way); thence along said westerly right-of-way boundary as follows: North 13 degrees 04 minutes 02 seconds East a distance of 53.58 feet to a point of curve to the right; thence Northeasterly, along said curve, on a radius of 810.00 feet, through a central angle of 23 degrees 16 minutes 48 seconds, an arc distance of 329.11 feet (chord of 326.86 feet bears North 24 degrees 42 minutes 26 seconds East) to a point of tangency; thence North 36 degrees 20 minutes 50 seconds East a distance of 908.41 feet to a point of curve to left; thence Northeasterly, along said curve, on a radius of 690.00, through a central angle of 14 degrees 01 minutes 10 seconds, an arc distance of 168.83 feet (chord of 168.41 feet bears North 29 degrees 20 minutes 15 seconds East) to the POINT OF BEGINNING.

From said POINT OF BEGINNING, thence North 67 degrees 40 minutes 20 seconds West a distance of 81.70 feet to a point of curve to the right; thence Northwesterly, along said curve, on a radius of 110.00 feet, an arc distance of 195.69 feet (chord of 170.89 feet bears North 16 degrees 42 minutes 26 seconds West) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 140.00 feet; through a central angle of 41 degrees 09 minutes 41 seconds, an arc distance of 100.58 feet (chord of 98.43 feet bears North 13 degrees 40 minutes 37 seconds East) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 150.00 feet, through a central angle of 65 degrees 22 minutes 28 seconds, an arc distance of 171.15 feet (chord of 162.02 feet bears North 25 degrees 47 minutes 01 seconds East) to a point of tangency; thence North 58 degrees 28 minutes 15 seconds East a distance of 108.90 feet; thence South 69 degrees 40 minutes 16 seconds East a distance of 113.74 feet to the westerly right-of-way boundary of said Tram Connector; thence South 20 degrees 19 minutes 44 seconds West a distance of 459.89 feet to a point of curve to the right; thence Southwesterly, along said curve, on a radius of 690.00 feet, through a central angle of 01 degrees 59 minutes 56 seconds, an arc distance of 24.07 feet (chord of 24.07 feet bears South 21 degrees 19 minutes 42 seconds West) to the POINT OF BEGINNING.

SECTION 27

That portion of Section 27, Township 1 South, Range 1 East, lying North of the right of way of State road 261-A (Tram Road).

SECTIONS 28 and 29

Any portions of the North Half of Sections 28 and 29, Township 1 South, range 1 East, which may be found to lie North of State Road 261 (Capital Circle).

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History--New

42CC-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Ed Hill, Joseph Kelley, J. Everitt Drew, David G. Tillis, and Trey Patton.

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History--New

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE TITLES:	RULE NOS:
Reporting Instructions	59B-13.001
Definitions	59B-13.002
Uniform Data Specifications	59B-13.003
Certification	59B-13.004
Penalties for Report Deficiencies	59B-13.005
Uniform Publication Format	59B-13.006

PURPOSE AND EFFECT: The proposed rules require that health maintenance organizations report data to the agency that are indicators of access and quality of care for members residing in Florida. The proposed rules require an annual report of indicator data in a uniform electronic format. The proposed rules require that the health maintenance organizations deliver a certification to the agency from an independent auditor that certifies that the indicator data is an accurate representation of the specified health care services afforded to members of the health maintenance organization residing in Florida. The proposed rules establish penalties for late reports or late certification, incomplete reports or certification, false reports or certification, and refusal to report or to certify. The proposed rules establish a uniform format for publication of health maintenance indicator data.

SUBJECT AREA TO BE ADDRESSED: Health maintenance organizations are required to release to the agency data that are indicators of access and quality of care. The agency is developing rules specifying data reporting procedures for these indicators as required by s. 641.51(8) FS.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS.

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

TIME AND DATE: 10:00 a.m., December 14, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jerry Mayer, Director, State Center for Health Statistics, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59B-13.001 Reporting Instructions.

(1) Any health maintenance organization authorized to transact business in the state under Chapter 641, Florida Statutes shall report access and quality indicator data for members residing in Florida to the agency as described in Rules 59B-13.001, 59B-13.002, 59B-13.003 and 59B-13.004.

(2) Beginning with calendar year 1999 data, each health maintenance organization shall submit indicator data for each calendar year period no later than June 15 of the following year.

(3) Extensions to the indicator data due date will be granted by the Administrator of Research and Analysis for a maximum of 30 days from the due date in response to a written request signed by the chief executive officer of the health maintenance organization or his or her designee. The request must be received prior to the due date and the delay must be due to unforeseen and unforeseeable factors beyond the control of the reporting health maintenance organization. Extensions shall not be granted verbally.

(4) Each health maintenance organization shall submit indicator data in a text (ASCII) file. The file name shall be in the format: HMOyyyyy.txt where yyyy is the year of the indicator data.

(5) Each health maintenance organization shall send indicator data by electronic mail to HMOguide@fdhc.state.fl.us or to the agency's mailing address using a 3.5" diskette. The mailing address of the agency is: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308 with the statement, "Attention: State Center for Health Statistics." The diskette must have an external label affixed with the following information:

(a) "HMO Indicator Data";

(b) Health maintenance organization identification number assigned by the agency;

(c) Health maintenance organization name;

(d) File name in the format HMOyyyyy.txt where yyyy is the year of the indicator data; and

(e) Number of records in the file. Health maintenance organizations submitting indicator data using electronic mail shall include in the electronic mailing their HMO identification number as assigned by the agency, organization name, the file name and number of records in the file.

Specific Authority 408.15(8) FS. Law Implemented 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History--New

59B-13.002 Definitions.

(1) "HEDIS" means the Health Plan Employer Data Information Set developed and published by the National Committee for Quality Assurance, 2000 L Street NW, Suite 500 Washington, DC 20036. HEDIS includes technical specifications for the calculation of indicators of access and quality of care.

(2) "Hybrid" means a source and method of data collection using both administrative records and a sample of medical records as specified by HEDIS.

Specific Authority 408.15(8) FS. Law Implemented 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History--New

59B-13.003 Uniform Data Specifications.

(1) Each health maintenance organization shall submit Florida member data for the following indicators of access or quality of care using the HEDIS specifications for the time period of data:

(a) Indicator 001 – Childhood diphtheria, tetanus toxoids, whole cell pertussis (DTP) or diphtheria, tetanus toxoids, and acellular pertussis (DtaP) vaccinations. Required for Medicaid and commercial patients.

(b) Indicator 002 – Childhood polio vaccinations. Required for Medicaid and commercial patients.

(c) Indicator 003 – Childhood measles, mumps, and rubella vaccinations. Required for Medicaid and commercial patients.

(d) Indicator 004 – Childhood H influenza type b vaccinations. Required for Medicaid and commercial patients.

(e) Indicator 005 – Childhood hepatitis B vaccinations. Required for Medicaid and commercial patients.

(f) Indicator 006 – Childhood chicken pox vaccinations. Required for Medicaid and commercial patients.

(g) Indicator 007 – Children who have received four diphtheria, tetanus toxoids and whole cell pertussis (DTP) or diphtheria, tetanus toxoids, and acellular pertussis (DtaP) vaccinations, three polio vaccinations, one measles, mumps, rubella vaccination, two hepatitis B vaccinations, and two H influenza type b vaccinations. Required for Medicaid and commercial patients.

(h) Indicator 008 – Children who have received four diphtheria, tetanus toxoids, and whole cell pertussis (DTP) or diphtheria, tetanus toxoids, and acellular pertussis (DtaP) vaccinations, three polio vaccinations, one measles, mumps, rubella vaccination, two H influenza type b vaccinations, and three hepatitis B vaccinations. Required for Medicaid and commercial patients.

(i) Indicator 009 – Children who have received four diphtheria, tetanus toxoids, and whole cell pertussis (DTP) or diphtheria, tetanus toxoids, and acellular pertussis (DtaP) vaccinations, three polio vaccinations, one measles, mumps,

rubella vaccination, two H influenza type b vaccinations, three hepatitis B vaccinations, and one chicken pox vaccination. Required for Medicaid and commercial patients.

(j) Indicator 010 – Adolescent measles, mumps and rubella vaccinations. Required for Medicaid and commercial patients.

(k) Indicator 011 – Adolescent hepatitis B vaccinations. Required for Medicaid and commercial patients.

(l) Indicator 012 – Adolescent chicken pox vaccinations. Required for Medicaid and commercial patients.

(m) Indicator 013 – Combined rate including children who have received all immunizations for indicators 010, 011, and 012. Required for Medicaid and commercial patients.

(n) Indicator 014 – Combined rate including children who have received all immunizations for indicator 010 and 011. Required for Medicaid and commercial patients.

(o) Indicator 015 – Advising smokers to quit. Rate for survey question, “On how many of these visits were you advised to quit smoking by a doctor or other health professional in your plan?” as specified by HEDIS. Required for Medicaid, commercial, and Medicare patients.

(p) Indicator 016 – Flu shots for older adults. Rate for survey question, “Did you get a flu shot last year?” as specified by HEDIS. Required for Medicare patients.

(q) Indicator 017 – Breast cancer screening. Required for Medicaid, commercial, and Medicare patients.

(r) Indicator 018 – Cervical cancer screening. Required for Medicaid and commercial patients.

(s) Indicator 019 – Prenatal care in the first trimester. Required for Medicaid and commercial patients.

(t) Indicator 020 – Check-ups after delivery. Required for Medicaid and commercial patients.

(u) Indicator 021 – Beta blocker treatment after a heart attack. Required for Medicaid, commercial, and Medicare patients.

(v) Indicator 022 – Cholesterol management after acute cardiovascular events, screening performed. Required for Medicaid, commercial, and Medicare patients.

(w) Indicator 023 – Cholesterol management after acute cardiovascular events, cholesterol level (LDL-C). Required for Medicaid, commercial, and Medicare patients.

(x) Indicator 024 – Eye exams for people with diabetes. Required for Medicaid, commercial, and Medicare patients.

(y) Indicator 025 – Diabetes care, hemoglobin A1c tested. Required for Medicaid, commercial, and Medicare patients.

(z) Indicator 026 – Diabetes care, hemoglobin A1c poorly controlled. Required for Medicaid, commercial, and Medicare patients.

(aa) Indicator 027 – Diabetes care, lipid profile performed. Required for Medicaid, commercial, and Medicare patients.

(bb) Indicator 028 – Diabetes care, lipids controlled. Required for Medicaid, commercial, and Medicare patients.

(cc) Indicator 029 – Diabetes care, dilated eye exam performed. Required for Medicaid, commercial, and Medicare patients.

(dd) Indicator 030 – Diabetes care, kidney disease monitored. Required for Medicaid, commercial, and Medicare patients.

(ee) Indicator 031 – Follow-up within 30 days after hospitalization for mental illness. Required for Medicaid, commercial, and Medicare patients.

(ff) Indicator 032 – Follow-up within 7 days after hospitalization for mental illness. Required for Medicaid, commercial, and Medicare patients.

(gg) Indicator 033 – Antidepressant medication management, optimal practitioner contacts for medication management. Required for Medicaid, commercial, and Medicare patients.

(hh) Indicator 034 – Antidepressant medication management, effective acute phase treatment. Required for Medicaid, commercial, and Medicare patients.

(ii) Indicator 035 – Antidepressant medication management, effective continuation phase treatment. Required for Medicaid, commercial, and Medicare patients.

(jj) Indicator 036 – Self-reported physical health status of seniors, improved. Required for Medicare patients.

(kk) Indicator 037 – Self-reported physical health status of seniors, same. Required for Medicare patients. (ll) Indicator 038 – Self-reported physical health status of seniors, worsened. Required for Medicare patients.

(mm) Indicator 039 – Self-reported mental health status of seniors, improved. Required for Medicare patients.

(nn) Indicator 040 – Self-reported mental health status of seniors, same. Required for Medicare patients.

(oo) Indicator 041 – Self-reported mental health status of seniors, worsened. Required for Medicare patients.

(pp) Indicator 042 – Well-child visits in the first 15 months of life, zero visits. Required for Medicaid and commercial patients.

(qq) Indicator 043 – Well-child visits in the first 15 months of life, one visit. Required for Medicaid and commercial patients.

(rr) Indicator 044 – Well-child visits in the first 15 months of life, two visits. Required for Medicaid and commercial patients.

(ss) Indicator 045 – Well-child visits in the first 15 months of life, three visits. Required for Medicaid and commercial patients.

(tt) Indicator 046 – Well-child visits in the first 15 months of life, four visits. Required for Medicaid and commercial patients.

(uu) Indicator 047 – Well-child visits in the first 15 months of life, five visits. Required for Medicaid and commercial patients.

(vv) Indicator 048 – Well-child visits in the first 15 months of life, six or more visits. Required for Medicaid and commercial patients.

(ww) Indicator 049 – Well-child visits in the third, fourth, fifth and sixth year of life. Required for Medicaid and commercial patients.

(xx) Indicator 050 – Adolescent well-care visits. Required for Medicaid and commercial patients.

(2) Each health maintenance organization shall report the following data elements for each of the indicators in (1) above and report the indicator data separately for each payer type required in (1) above, as described below:

(a) Health maintenance organization identification number - An eight-digit number assigned by the agency for reporting purposes.

(b) Calendar year – The calendar year of the data.

(c) Indicator number – The number of the indicator as specified in (1) above.

(d) Payer type – The payer type of the data:

1. Medicare – Use code 01 to indicate that the payer type is Medicare.

2. Medicaid – Use code 02 to indicate that the payer type is Medicaid.

3. Commercial insurance – Use code 03 to indicate that the payer type is commercial insurance.

(e) Data collection method – The source of data and approach used in gathering the data as specified by HEDIS:

1. Administrative records – Use code 01. The administrative method must be used for indicators 033 through 035.

2. Hybrid – Use code 02. The hybrid method must be used for indicators 025 through 030.

3. Survey – Use code 03. The survey method must be used for indicators 015, 016, and 036 through 041. The survey method shall not be used for any other indicators.

(f) Eligible member population – The number meeting criteria as specified by HEDIS.

(g) Sample size – Minimum required sample size as specified by HEDIS or other sample size. This data element is not required if the administrative method is used. Leave blank (zero-fill) if (e) above is 01.

(h) Denominator – Eligible member population minus members with contraindications or other criteria for exclusion, if any, as specified by HEDIS.

(i) Number of responses – Number of responses to survey. This data element is not required if the administrative method or the hybrid method is used. Leave blank (zero-fill) if (e) above is 01 or 02.

(j) Number of numerator events – Number of numerator events from all data sources minus exclusions, if any, as specified by HEDIS. If a survey is used, report number of respondents that meet the numerator criteria.

(k) Number of substitute records – Number of substitute records added to the original sample as specified by HEDIS. This data element is not required if the administrative or survey method is used. Leave blank (zero-fill) if (e) above is 01 or 03.

(l) Rate – Numerator divided by denominator times 100.00 or as specified by HEDIS if survey used.

(m) Lower CI – Lower 95% confidence interval as specified by HEDIS.

(n) Upper CI – Upper 95% confidence interval as specified by HEDIS.

(o) Percentage with pharmacy benefits – Number of members in the denominator for which the health maintenance organization manages or provides pharmacy benefits. Leave blank (zero fill) if the indicator is not indicators 021, 033, 034, or 035.

(3) Each health maintenance organization shall report indicator data in the following formats:

(a) Health maintenance organization identification number – Eight characters.

(b) Calendar year – Four digits.

(c) Indicator number – Four digits with a leading zero.

(d) Payer type – Two digits.

(e) Data collection method – Two digits.

(f) Eligible member population – Eight digits, right-justified. Zero fill leading digits.

(g) Sample size – Eight digits, right-justified. Zero fill leading digits.

(h) Denominator – Eight digits, right-justified. Zero fill leading digits.

(i) Number of responses – Eight digits, right-justified. Zero fill leading digits.

(j) Number of numerator events – Eight digits, right-justified. Zero fill leading digits.

(k) Number of substitute records – Eight digits, right-justified. Zero fill leading digits.

(l) Rate – Five digits with two decimal places required, right-justified. Zero fill leading digits. Include decimal. Use the format: xxx.xx where x represents any digit and xxx.xx is a value between 0 and 100.00.

(m) Lower CI – Five digits with two decimal places required, right-justified. Zero fill leading digits. Include decimal. Use the format: xxx.xx where x represents any digit and xxx.xx is a value between 0 and 100.00. If the lower CI is less than zero, report 000.00.

(n) Upper CI – Five digits with two decimal places required, right-justified. Zero fill leading digits. Include decimal. Use the format: xxx.xx where x represents any digit and xxx is a value between 0 and 100.00. If the upper CI exceeds 100 report 100.00.

(o) Percentage with pharmacy benefits – Five digits with two decimal places required, right-justified. Zero fill leading digits. Include decimal. Use the format: xxx.xx where x represents any digit and xxx.xx is a value between 0 and 100.00.

Specific Authority 408.15(8) FS. Law Implemented 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History–New

59B-13.004 Certification.

(1) Each health maintenance organization shall deliver to the agency a certification by an independent auditor approved by the agency that the indicator data reported to the agency for the calendar year is a fair and accurate representation of the specified health care services afforded to members of the health maintenance organization residing in Florida by October 1 of the year following the year of the data.

(2) Extensions to the certification due date will be granted by the Administrator of Research and Analysis for a maximum of 30 days from the due date in response to a written request signed by the chief executive officer of the health maintenance organization or his or her designee. The request must be received prior to the due date and the delay must be due to unforeseen and unforeseeable factors beyond the control of the reporting health maintenance organization. Extensions shall not be granted verbally.

Specific Authority 408.15(8) FS. Law Implemented 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History–New

59B-13.005 Penalties for Report Deficiencies.

(1) For purposes of this rule, a report, certification, or other information is incomplete when it does not contain all data required by the agency in this rule and in forms incorporated by reference or when it contains inaccurate data. A report or certification is “false” if done or made with the knowledge of the preparer or a superior of the preparer that it contains information or data which is not true or accurate.

(2) A health maintenance organization that refuses to file, fails to timely file, or files a false or incomplete report, certification or other information required to be filed under the provisions of s. 408.061, F.S., other Florida law, or rules adopted thereunder, shall be subject to administrative penalties pursuant to s. 408.08(5), F.S.

(3) The penalty period will begin on the first work day following the due date for purposes of penalty assessments.

Specific Authority 408.15(8) FS. Law Implemented 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History–New

59B-13.006 Uniform Publication Format.

(1) The agency shall publish the following indicator data for each indicator no less frequently than every two years:

- (a) Health maintenance organization name;
- (b) Calendar year of data;
- (c) Type of payer;
- (d) Rate;

(e) Upper and lower confidence interval.

(2) In each publication of indicator data, the agency shall include a title and a summary description of the indicator.

Specific Authority 408.15(8) FS. Law Implemented 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History–New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: RULE NO.:

Requirements for Certification and Registration 61G4-15.005
PURPOSE AND EFFECT: The Board proposes to implement the requirements for certification and registration of new applicants.

SUBJECT AREA TO BE ADDRESSED: Certification and Registration.

SPECIFIC AUTHORITY: 489.115(5),(6), 489.129(1), 489.132(5) FS.

LAW IMPLEMENTED: 489.113(1), 489.115(5),(6), 489.129(1), 489.132(5) 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: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G4-15.005 Requirements for Certification and Registration.

In order that the Board may carry out its statutory duty to investigate the financial responsibility, credit, and business reputation of a new applicant for certification or registration or a change of status of a certification or registration, an applicant shall be required to forward the following to the Department for a review by the Board:

(1) through (2) No change.

(3) As a prerequisite to issuance of a certificate, an applicant shall, in addition to the submissions required in subsections (1) and (2) above, submit competent, substantial evidence to the Florida Construction Industry Licensing Board demonstrating the following:

(a) Net worth as listed below for the following categories of contractors:

- 1. General Contractor, \$20,000;
- 2. Building Contractor, \$20,000;

- 3. Residential Contractor, \$20,000;
- 4. Sheet Metal Contractor, \$10,000;
- 5. Roofing Contractor, \$10,000;
- 6. Class A Air Conditioning Contractor, \$10,000;
- 7. Class B Air Conditioning Contractor, \$10,000;
- 8. Class C Air Conditioning Contractor, \$10,000;
- 9. Mechanical Contractor, \$10,000;
- 10. Commercial Pool/Spa Contractor, \$10,000;
- 11. Residential Pool/Spa Contractor, \$10,000;
- 12. Swimming Pool/Spa Servicing Contractor, \$2,500;
- 13. Plumbing Contractor, \$10,000;
- 14. Underground Utility and Excavation Contractor, \$10,000;
- 15. Solar Contractor, \$10,000;
- 16. Residential Solar Water Heating Specialty Contractor, \$2,500;
- 17. Specialty Structure Contractor, \$10,000;
- 18. Pollutant Storage System Specialty Contractor, \$10,000;
- 19. Gypsum Drywall Specialty Contractor, \$2,500;
- 20. Gas Line Specialty Contractor, \$10,000; or

(b) Possession of either a letter of credit or a compliance bond established to reimburse the appropriate parties for diversion of funds, abandonment, and all other statutory violations, said instruments to be issued in the same license classification to dollar ratio listed in paragraph (a), above. The aforementioned instruments are not to be construed as performance bonds.

(c) Net worth shall be defined to require a showing for all contractor licensure categories that the applicant has a minimum of 50 percent (%) of the amount in cash.

(d) Cash shall be defined to include a line letter of credit.

(4) No change.

(a) through (j) No change.

Specific Authority 489.115(5),(6), 489.129(1), 489.132(5) FS. Law Implemented 489.113(1), 489.115(5), (6), 489.129(1), 489.132(5) FS. History--New 1-10-80, Amended 4-15-82, 9-5-82, 3-21-83, Formerly 21E-15.05, Amended 4-18-86, 1-19-87, 7-1-87, 1-26-88, 1-1-89, 5-23-89, 6-5-90, 4-16-92, Formerly 21E-15.005, Amended 10-17-93, 7-18-94, 7-19-95, 4-24-96, 9-8-96, 10-31-96, 2-4-97, 8-2-98, 9-15-98, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE:	RULE NO.:
Definitions	61G4-18.002
Approval of Continuing Education Courses	61G4-18.004
Required Records Maintained by	
Course Sponsors	61G4-18.007

PURPOSE AND EFFECT: In Rule 61G4-18.002, the Board proposes to define the phrase "interactive distance learning hour". The Board shall approve all continuing education

courses in Rule 61G4-18.004. And in rule 61G4-18.007, the Board shall hold course sponsors responsible for maintaining required records.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 455.213(7), 489.108 FS.

LAW IMPLEMENTED: 455.271(10), 489.115, 489.116, 455.2123 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: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE PRELIMINARY TEXT OF THE PROPOSED RULES DEVELOPMENT IS:

61G4-18.002 Definitions.

When used in this rule, the following terms shall have the following meanings:

(1) through (3) No change.

(4) "Interactive Distance Learning Hour" means fifty minutes of instruction presented in an alternative nonclassroom interactive distance learning setting, exclusive of any breaks, recesses, or other time not spent in instruction.

(5) "Interactive Distance Learning" means the delivery of educational offerings or courses via the internet and/or other interactive electronic media. Such offerings or courses shall be interactive, providing for the interchange of information between the student, and teacher, and shall provide for the registration, evaluation, monitoring, and verification of continuing education. The courses shall be accessible at locations and times determined by the student.

(6)(4) "Course Sponsor" means the person or legal entity who is registered pursuant to this rule and who is responsible for conducting a course approved pursuant to this rule. The course sponsor is responsible for maintaining records regarding the name and license number of each person who attends a continuing education course and for reporting the attendance to the board on forms approved by the board.

(7)(5) "Person" means any natural person and does not include any corporation, partnership or other type of legal entity.

Specific Authority 489.108, 489.115, 455.2123 FS. Law Implemented 489.115 FS. History--New 12-2-93, Amended 5-17-99, _____.

61G4-18.004 Approval of Continuing Education Courses.

(1) through (2) No change.

(3) The application shall include the total number of classroom or interactive distance learning hours, the course syllabus, a detailed outline of the contents of the course, the name and qualifications of all instructors known at the time of the application and the minimum qualifications of any instructors not known at the time of the application.

(4) through (12) No change.

Specific Authority 489.108, 489.115, 455.2123 FS. Law Implemented 489.115 FS. History--New 12-2-93, Amended 7-20-94, 1-18-95, 7-2-95, 11-25-97, _____.

61G4-18.007 Required Records Maintained by Course Sponsors.

Each course sponsor must maintain the following records with respect to each course:

(1) The time, date and place each course is ~~conducted~~ completed.

(2) through (6) No change.

(7) For interactive distance learning courses, in lieu of the original sign-in sheet required in (4), the course sponsor shall maintain and provide a record of the registration, login, course access log, and course completion, which shall contain the information required in (6)(a)1-7. In lieu of providing a document bearing the contractor's signature, the course sponsor shall provide the student's identity verification data, which shall include the student's password and the student's mother's maiden name.

~~(8)(7)~~ Each person who completes an approved course shall be issued a certificate of completion by the course sponsor. The certificate of completion shall contain the name and the license number of the person who completed the course, the course sponsor, the course name, the course number, the date the course was offered, the number of continuing education hours awarded for the course, and whether the course includes workers' compensation, workplace safety or business practices. The course sponsor shall maintain a list of the names and license numbers of each person who completes each course conducted by the course sponsor for four years from the date of the course.

~~(9)(8)~~ The records must be maintained for at least four years following the date the course is conducted.

~~(10)(9)~~ Each course sponsor shall provide the board with copies of any of these required records, upon request by the board.

Specific Authority 489.108 FS, Chapter 93-166, Laws of Florida. Law Implemented Chapter 93-166, Laws of Florida, Sec. 455.2123 FS. History--New 12-2-93, Amended 7-2-95, 11-25-97, 4-15-99, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE TITLE: Total Maximum Daily Loads **RULE NO.:** 62-302.550
PURPOSE AND EFFECT: To establish the total maximum daily load (TMDL) for Lake Okeechobee.

SUBJECT AREA TO BE ADDRESSED: The TMDL for Lake Okeechobee.

SPECIFIC AUTHORITY: 403.067 FS.

LAW IMPLEMENTED: 403.067 FS.

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

TIME AND DATE: 9:00 a.m., December 10, 1999

PLACE: Okeechobee Health Department Auditorium, 1728 N. W. 9th Ave., Okeechobee, Florida 34972

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 Personnel Services Specialist in the Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 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: Greg Knecht, Water Quality Assessment Section, Department of Environmental Protection, 2600 Blair Stone Road, MS # 3555, Tallahassee, Florida 32399-2400, Telephone (850)921-2993.

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Acupuncture Program Requirements **RULE NO.:** 64B1-4.001

PURPOSE AND EFFECT: The proposed amendments to the current Rule will set forth the standards for the 4-year course of study which shall be required for licensure effective July 31, 2001.

SUBJECT AREA TO BE ADDRESSED: Acupuncture Program Requirements.

SPECIFIC AUTHORITY: 457.104 FS.

LAW IMPLEMENTED: 457.105 FS.

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

TIME AND DATE: 10:00 a.m., December 10, 1999

PLACE: The Embassy Suites, 1100 Southeast 17th Street, West Palm Beach, Florida 33316

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE TITLE: Physician Office Incident Reporting
RULE NO.: 64B-3.004
PURPOSE AND EFFECT: The Department of Health, Division of Medical Quality Assurance, proposes the development of a rule to address the new statutory provision requiring physicians to report adverse incidents which occur in the office.
SUBJECT AREA TO BE ADDRESSED: Criteria for reporting adverse incidents and contents of the reports.
SPECIFIC AUTHORITY: 455.521(5), 455.621, 458.351, 459.026 FS.
LAW IMPLEMENTED: 455.621, 458.351, 459.026 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE TITLE: Requirement for Physician Office Registration; Inspection or Accreditation
RULE NO.: 64B-3.005
PURPOSE AND EFFECT: The Department of Health, Division of Medical Quality Assurance, proposes the development of a rule to address the requirement for physician office registration and for inspection or accreditation.
SUBJECT AREA TO BE ADDRESSED: The registration of offices where Level II and Level III procedures are being performed and the requirement for inspection or accreditation for those settings.
SPECIFIC AUTHORITY: 455.521(5),(6),(8), 458.309(1),(3), 459.005(1),(2) FS.
LAW IMPLEMENTED: 455.521(6),(8), 455.681, 458.309(3) FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Formulary
RULE NO.: 64B15-6.0038
PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address additions to the P.A. formulary in response to the recommendation of the Formulary Committee.
SUBJECT AREA TO BE ADDRESSED: The P.A. formulary.
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 HEARING 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: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.0038 Formulary.
THE APPROVED FORMULARY FOR THE WRITING OF PRESCRIPTIONS BY PHYSICIAN ASSISTANTS APPROVED TO PRESCRIBE MEDICINAL DRUGS UNDER THE PROVISIONS OF SECTIONS 458.347(4)(e) AND 459.022(4)(e), FLORIDA STATUTES:

- (1) through (2) No change.
- (3) Formulary.
 - (a) No change.
 - (b) Subject to the requirements of this subsection, Sections 458.347 and 459.022, F.S., and the rules enacted thereunder, only the following drugs may be delegated by a Supervising Physician to a Physician Assistant to prescribe. Medicinal drugs not specifically included in this formulary are excluded. Excluded medicinal drugs may not be prescribed, regardless of whether they are in a pure form or in combination with a drug included in this formulary.
 - 1. through 31. No change.
 - 32. Amprenavir
 - 33. through 38. renumbered 32. through 37. No change.
 - 39. Atropine/Scopolamine/Hyoscyamine/Phenobarbital
 - 40. through 84. renumbered 38. through 82. No change.
 - 85. Candesartan Cilexetil
 - ~~86, 83.~~ Cantharidin
 - 87. Capsaicin
 - 88. through 102. renumbered 84. through 98. No change.
 - 103. Celecoxib

104. through 123. renumbered 99. through 118. No change.

124. Cilostazol

125. through 128. renumbered 119. through 122. No change.

129. Citalopram

130. through 184. renumbered 123. through 177. No change.

185. Dihydroergotamine Mesylate

186. through 202. renumbered 178. through 194. No change.

203. Efavirenz

204. through 235. renumbered 195. through 226. No change.

236. Fenofibrate

237. through 328. renumbered 227. through 318. No change.

329. Levalbuterol

330. through 414. renumbered 319. through 403. No change.

415. Nicotine

416. through 441. renumbered 404. through 429. No change.

442. Orlistat

443. through 482. renumbered 430. through 469. No change.

483. Polyethylene Glycol

484. through 530. renumbered 470. through 516. No change.

531. Rizatriptan Benzoate

532. Rofecoxib

533. Rosiglitazone Maleate

534. through 543. renumbered 517. through 526. No change.

544. Sildenafil Citrate

545. through 573. renumbered 527. through 555. No change.

574. Synthetic Conjugated Estrogens, A

575.556. Tamsulosin HCl

576.557. Tazarotene

577. Telmisartan

578. through 588. renumbered 558. through 568. No change.

589. Tiagabine

590. through 638. renumbered 569. through 617. 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.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE:

RULE NO.:

Standards for the Use of Controlled

Substances for Treatment of Pain

64B15-14.005

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to address the standards for the use of controlled substances for the treatment of pain.

SUBJECT AREA TO BE ADDRESSED: Standards for use of controlled substances for treating pain.

SPECIFIC AUTHORITY: 459.005(1) FS.

LAW IMPLEMENTED: 459.015(1)(g),(x) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A HEARING WILL 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: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.005 Standards for the Use of Controlled Substances for Treatment of Pain.

(1) Pain management principles.

(a) The Board of Osteopathic Medicine recognizes that principles of quality medical practice dictate that the people of the State of Florida have access to appropriate and effective pain relief. The appropriate application of up-to-date knowledge and treatment modalities can serve to improve the quality of life for those patients who suffer from pain as well as reduce the morbidity and costs associated with untreated or inappropriately treated pain. The Board encourages osteopathic physicians to view effective pain management as a part of quality medical practice for all patients with pain, acute or chronic, and it is especially important for patients who experience pain as a result of terminal illness. All osteopathic physicians should become knowledgeable about effective methods of pain treatment as well as statutory requirements for prescribing controlled substances.

(b) Inadequate pain control may result from an osteopathic physician's lack of knowledge about pain management or an inadequate understanding of addiction. Fears of investigation or sanction by federal, state, and local regulatory agencies may also result in inappropriate or inadequate treatment of chronic pain patients. Osteopathic physicians should not fear disciplinary action from the Board or other state regulatory or enforcement agencies for prescribing, dispensing, or administering controlled substances including opioid analgesics, for a legitimate medical purpose and that is

supported by appropriate documentation establishing a valid medical need and treatment plan. Accordingly, these guidelines have been developed to clarify the Board's position on pain control, specifically as related to the use of controlled substances, to alleviate physician uncertainty and to encourage better pain management.

(c) The Board recognizes that controlled substances, including opioid analgesics, may be essential in the treatment of acute pain due to trauma or surgery and chronic pain, whether due to cancer or non-cancer origins. Osteopathic physicians are referred to the U.S. Agency for Health Care Policy and Research Clinical Practice Guidelines for a sound approach to the management of acute and cancer-related pain. The medical management of pain including intractable pain should be based on current knowledge and research and includes the use of both pharmacologic and non-pharmacologic modalities. Pain should be assessed and treated promptly, and the quantity and frequency of doses should be adjusted according to the intensity and duration of the pain. Osteopathic physicians should recognize that tolerance and physical dependence are normal consequences of sustained use of opioid analgesics and are not synonymous with addiction.

(d) The Board of Osteopathic Medicine is obligated under the laws of the State of Florida to protect the public health and safety. The Board recognizes that inappropriate prescribing of controlled substances, including opioid analgesics, may lead to drug diversion and abuse by individuals who seek them for other than legitimate medical use. Osteopathic physicians should be diligent in preventing the diversion of drugs for illegitimate purposes.

(e) The Board will consider prescribing, ordering, administering, or dispensing controlled substances for pain to be for a legitimate medical purpose if based on accepted scientific knowledge of the treatment of pain or if based on sound clinical grounds. All such prescribing must be based on clear documentation of unrelieved pain and in compliance with applicable state or federal law.

(f) Each case of prescribing for pain will be evaluated on an individual basis. The Board will not take disciplinary action against an osteopathic physician for failing to adhere strictly to the provisions of these guidelines, if good cause is shown for such deviation. The osteopathic physician's conduct will be evaluated to a great extent by the treatment outcome, taking into account whether the drug used is medically and/or pharmacologically recognized to be appropriate for the diagnosis, the patient's individual needs including any improvement in functioning, and recognizing that some types of pain cannot be completely relieved.

(g) The Board will judge the validity of prescribing based on the osteopathic physician's treatment of the patient and on available documentation, rather than on the quantity and chronicity of prescribing. The goal is to control the patient's

pain for its duration while effectively addressing other aspects of the patient's functioning, including physical, psychological, social, and work-related factors. The following guidelines are not intended to define complete or best practice, but rather to communicate what the Board considers to be within the boundaries of professional practice.

(2) Definitions.

(a) Acute Pain. For the purpose of this rule, "acute pain" is defined as the normal, predicted physiological response to an adverse chemical, thermal, or mechanical stimulus and is associated with surgery, trauma, and acute illness. It is generally time-limited and is responsive to opioid therapy, among other therapies.

(b) Addiction. For the purpose of this rule, "addiction" is defined as a neurobehavioral syndrome with genetic and environmental influences that results in psychological dependence on the use of substances for their psychic effects and is characterized by compulsive use despite harm. Addiction may also be referred to by terms such as "drug dependence" and "psychological dependence." Physical dependence and tolerance are normal physiological consequences of extended opioid therapy for pain and should not be considered addiction.

(c) Analgesic Tolerance. For the purpose of this rule, "analgesic tolerance" is defined as the need to increase the dose of opioid to achieve the same level of analgesia. Analgesic tolerance may or may not be evident during opioid treatment and does not equate with addiction.

(d) Chronic Pain. For the purpose of this rule, "chronic pain" is defined as a pain state which is persistent.

(e) Pain. For the purpose of this rule, "pain" is defined as an unpleasant sensory and emotional experience associated with actual or potential tissue damage or described in terms of such damage.

(f) Physical Dependence. For the purpose of this rule, "physical dependence" on a controlled substance is defined as a physiologic state of neuro-adaptation which is characterized by the emergence of a withdrawal syndrome if drug use is stopped or decreased abruptly, or if an antagonist is administered. Physical dependence is an expected result of opioid use. Physical dependence, by itself, does not equate with addiction.

(g) Pseudoaddiction. For the purpose of this rule, "pseudoaddiction" is defined as a pattern of drug-seeking behavior of pain patients who are receiving inadequate pain management that can be mistaken for addiction.

(h) Substance Abuse. For the purpose of this rule, "substance abuse" is defined as the use of any substances for non-therapeutic purposes or use of medication for purposes other than those for which it is prescribed.

(i) Tolerance. For the purpose of this rule, "tolerance" is defined as a physiologic state resulting from regular use of a drug in which an increased dosage is needed to produce the same effect, or a reduced effect is observed with a constant dose.

(3) Guidelines. The Board has adopted the following guidelines when evaluating the use of controlled substances for pain control:

(a) Evaluation of the Patient. A complete medical history and physical examination must be conducted and documented in the medical record. The medical record should document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, and history of substance abuse. The medical record also should document the presence of one or more recognized medical indications for the use of a controlled substance.

(b) Treatment Plan. The written treatment plan should state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and should indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the osteopathic physician should adjust drug therapy to the individual medical needs of each patient. Other treatment modalities or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

(c) Informed Consent and Agreement for Treatment. The osteopathic physician should discuss the risks and benefits of the use of controlled substances with the patient, persons designated by the patient, or with the patient's surrogate or guardian if the patient is incompetent. The patient should receive prescriptions from one osteopathic physician and one pharmacy where possible. If the patient is determined to be at high risk for medication abuse or have a history of substance abuse, the osteopathic physician may employ the use of a written agreement between physician and patient outlining patient responsibilities, including, but not limited to:

1. urine/serum medication levels screening when requested;
2. number and frequency of all prescription refills; and
3. reasons for which drug therapy may be discontinued (i.e., violation of agreement).

(d) Periodic Review. At reasonable intervals based on the individual circumstances of the patient, the osteopathic physician should review the course of treatment and any new information about the etiology of the pain. Continuation or modification of therapy should depend on the osteopathic physician's evaluation of progress toward stated treatment objectives such as improvement in patient's pain intensity and improved physical and/or psychosocial function, i.e., ability to work, need of health care resources, activities of daily living,

and quality of social life. If treatment goals are not being achieved, despite medication adjustments, the osteopathic physician should reevaluate the appropriateness of continued treatment. The osteopathic physician should monitor patient compliance in medication usage and related treatment plans.

(e) Consultation. The osteopathic physician should be willing to refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. Special attention should be given to those pain patients who are at risk for misusing their medications and those whose living arrangements pose a risk for medication misuse or diversion. The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder may require extra care, monitoring, documentation, and consultation with or referral to an expert in the management of such patients.

(f) Medical Records. The osteopathic physician is required to keep accurate and complete records to include, but not be limited to:

1. the medical history and physical examination;
2. diagnostic, therapeutic, and laboratory results;
3. evaluations and consultations;
4. treatment objectives;
5. discussion of risks and benefits;
6. treatments;
7. medications (including date, type, dosage, and quantity prescribed);
8. instructions and agreements; and
9. periodic reviews.

Records must remain current and be maintained in an accessible manner and readily available for review.

(g) Compliance with Controlled Substances Laws and Regulations. To prescribe, dispense, or administer controlled substances, the osteopathic physician must be licensed in the state and comply with applicable federal and state regulations. Osteopathic physicians are referred to the *Physicians Manual: An Informational Outline of the Controlled Substances Act of 1970*, published by the U.S. Drug Enforcement Agency, for specific rules governing controlled substances as well as applicable state regulations.

Specific Authority 459.005(1) FS. Law Implemented 459.015(1)(g),(x) FS. History--New

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: RULE NO.:

Fees for Licensure Pursuant to Section 461.018, Florida Statutes 64B18-12.009

PURPOSE AND EFFECT: The Board proposes the development of a rule to address fees for licensure pursuant to Section 461.018, F.S.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 461.005, 461.018 FS.
LAW IMPLEMENTED: 455.641, 455.694, 461.006(1), 467.007(1), 461.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-12.009 Fees for Licensure Pursuant to Section 461.018, Florida Statutes.

The following fees are prescribed by the Board for licensure pursuant to Section 461.018, F.S.:

- (1) The fee for initial application, licensure, and renewal is \$100.
- (2) The fee for renewal of inactive status is \$50.
- (3) The fee for renewal of delinquent status is \$50.
- (4) The fee for renewal or reactivation is \$50.
- (5) The fee for unlicensed activity is \$5 which is imposed by the Department and shall be in addition to the other licensure fees.
- (6) Proof of financial responsibility shall be demonstrated by a letter of credit for \$1,000.

Specific Authority 461.005, 461.018 FS. Law Implemented 455.641, 455.694, 461.006(1), 461.007(1), 461.018 FS. History—New

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLES:	RULE NOS.:
Penalties	64B18-14.002
Mediation	64B18-14.011

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to Rule 64B18-14.002 to address violations pursuant to recent statutory changes. The Board proposed to amend Rule 64B18-14.011 to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Additional penalties pursuant to recent statutory changes.

SPECIFIC AUTHORITY: 455.614, 455.624, 455.711, 461.005 FS.

LAW IMPLEMENTED: 455.614, 455.624, 455.711 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: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin #07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE:	RULE NO.:
Continuing Education Required for License Renewal	64B18-17.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address language which is no longer needed in the rule because it is addressed by statute.

SUBJECT AREA TO BE ADDRESSED: Continuing education for licensure renewal.

SPECIFIC AUTHORITY: 455.564(6), 455.604, 461.005, 461.007 FS.

LAW IMPLEMENTED: 455.564(6), 455.604, 461.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-17.001 Continuing Education Required for License Renewal.

- (1) through (4) No change.
- ~~(5) Failure to comply with continuing education requirements shall prohibit license renewal and shall also result in the license reverting to delinquent status. When poor health prevents a podiatrist from obtaining the required number of continuing education hours, however, the Board shall excuse the podiatrist from complying with the continuing education requirements for that biennium under the following circumstances: the application for waiver must be in writing; it must be received by the Agency on or before the last day for~~

biennial renewal; it must affirmatively demonstrate that the onset of the poor health which precluded attendance at continuing education programs occurred at least three months before the last day for biennial renewal, and it must be accompanied by:

(a) a physician's diagnosis of the licensee's condition, including the date of its onset;

(b) a physician's prognosis of the licensee's condition;

(c) a physician's explanation of how the condition affects the podiatrist's ability to attend continuing education programs.

(5)(6) No change.

(6)(7) No change.

(7)(8) No change.

Specific Authority 455.564(6), 455.604, 461.005, 461.007 FS. Law Implemented 455.564(6), 455.604, 461.007 FS. History--New 11-24-80, Formerly 21T-17.01, Amended 10-14-86, 2-21-88, 5-16-89, Formerly 21T-17.001, Amended 7-6-94, Formerly 61F12-17.001, Amended 1-1-96, 1-2-97, 6-1-97, Formerly 59Z-17.001, Amended _____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLES:

Definitions	RULE NOS.:
Scope of Practice; Limitations	64B18-18.001
Podiatric Technicians Certified to Podiatrist	64B18-18.003
Policies and Procedures	64B18-18.004
License to Practice Without Supervision	64B18-18.005
	64B18-18.006

PURPOSE AND EFFECT: The Board proposes to amend Rule Chapter 64B18-18 to rename the rule chapter title to properly clarify the rules contained within this chapter. Rule 64B18-18.001 is being amended to add a new subsection (2), which will give the definition for "Specialty designated area of need" and subsections (2) and (3) will be deleted as they are no longer needed. Rule 64B18-18.003 requires a substantial rewording to change the rule title and properly define the rule text. Rule 64B18-18.004, 18.005 and 18.006 are being repealed as they are no longer necessary.

SUBJECT AREA TO BE ADDRESSED: Definitions; scope of practice; limitations; podiatric technicians certified to podiatrist; policies and procedures; license to practice without supervision.

SPECIFIC AUTHORITY: 461.005, 461.018 FS.

LAW IMPLEMENTED: 455.641, 455.694, 461.006(1), 461.007(1), 461.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS:

64B18-18.001 Definitions.

As used in these rules:

(1) No change.

(2) "Specialty designated area of need" as used in Section 461.018, F.S., as created in 1996, is Dade County, Florida "Direct supervision" means supervision and control by a licensed podiatrist who assumes legal liability for the services rendered by a Certified Podiatric Technician, which supervision requires the immediate physical presence of the licensed podiatrist for consultation and direction of the actions taken by the Certified Podiatric Technician.

(3) "General supervision" means supervision and control by a licensed podiatrist who assumes legal liability for the services rendered by a Certified Podiatric Technician. General supervision shall require the licensed podiatric physician who acts as a supervising podiatrist to establish written protocols for the utilization of the services of a Certified Podiatric Technician. General supervision shall require the ready and easy availability or physical presence of the licensed podiatric physician for consultations and directions of the actions of the Certified Podiatric Technician. The term "ready and easy availability" may include the ability to communicate by way of telecommunication, provided the podiatrist is otherwise readily physically accessible.

Specific Authority 461.005 FS. Law Implemented 461.018 FS. History--New 12-13-88, Amended 5-22-89, Formerly 21T-18.001, 61F12-18.001, Amended 6-17-97, Formerly 59Z-18.001, Amended _____.

(Substantial rewording of Rule 64B18-18.003 follows. See Florida Administrative Code for present text.)

64B18-18.003 Scope of Practice; Limitations Description of Responsibilities.

In order to implement the provisions of 461.013(1)(w) and 461.018, F.S., the Board gives notice that it is outside the scope of practice for any person authorized to practice under a limited scope of practice set forth in s. 461.018, F.S., to perform services on a patient who has a systemic condition. Such systemic conditions shall include, but not be limited to, peripheral vascular disease, diabetes, blood dyscrasias, peripheral neuropathies or any other condition which renders the lower extremities insensate.

Specific Authority 461.005 FS. Law Implemented 461.018 FS. History--New 12-13-88, Amended 5-22-89, 3-15-92, Formerly 21T-18.003, 61F12-18.003, Amended 6-17-97, Formerly 59Z-18.003, Amended _____.

64B18-18.004 Podiatric Technicians Certified to Podiatrist.

Specific Authority 461.005 FS. Law Implemented 461.018 FS. History--New 12-13-88, Amended 5-22-89, 3-15-92, Formerly 21T-18.004, 61F12-18.004, Amended 6-17-97, Formerly 59Z-18.004, Repealed _____.

64B18-18.005 Policies and Procedures.

Specific Authority 461.005 FS. Law Implemented 461.007, 461.018 FS. History--New 12-13-88, Amended 5-22-89, Formerly 21T-18.005, Amended 9-29-93, Formerly 61F12-18.005, Amended 6-17-97, Formerly 59Z-18.005, Repealed

64B18-18.006 License to Practice Without Supervision.

Specific Authority 461.005, 461.018 FS. Law Implemented 455.641, 455.694, 461.006(1), 461.007(1), 461.018 FS. History--New 12-22-96, Amended 2-24-97, Formerly 59Z-18.006, Amended 6-15-98, 9-3-98, Repealed

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Fees for Application, Initial and Renewal Registration RULE NO.: 64B32-2.003

PURPOSE AND EFFECT: The Board proposes to raise the licensure fee to \$110.00.

SUBJECT AREA TO BE ADDRESSED: Fees for application, initial and renewal registration.

SPECIFIC AUTHORITY: 455.641, 455.564(2), 468.364 FS.

LAW IMPLEMENTED: 455.641, 468.364 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: , Kaye Howerton, Executive Director, Board of Respiratory Care, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-2.003 Fees for Application, Initial and Renewal Registration.

(1) No change.

(2) The initial licensure registration fee for a person who becomes licensed shall be \$110.00 \$70.00.

(3) No change.

Specific Authority 455.641, 455.564(2), 468.364 FS. Law Implemented 455.641, 468.364 FS. History--New 4-29-85, Formerly 21M-34.04, 21M-34.004, Amended 2-15-94, Formerly 61F6-34.004, Amended 9-29-94, Formerly 59R-71.004, 64B8-71.004, Amended

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Fees for Application, Examination, Initial and Renewal Registration RULE NO.: 64B32-3.005

PURPOSE AND EFFECT: Board proposes to change the word "registration" to "licensure" for clarity.

SUBJECT AREA TO BE ADDRESSED: Correcting terminology used in the rule.

SPECIFIC AUTHORITY: 455.641, 468.364 FS.

LAW IMPLEMENTED: 455.641, 468.364 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-3.005 Fees for Application, Examination, Initial and Renewal Registration.

(1) through (2) No change.

(3) The initial licensure registration fee for a person who becomes licensed shall be \$70.00.

(4) No change.

Specific Authority 455.641, 468.364 FS. Law Implemented 455.641, 468.364 FS. History--New 4-29-85, Formerly 21M-35.05, 21M-35.005, Amended 9-21-93, 1-3-94, Formerly 61F6-35.005, Amended 9-29-94, Formerly 59R-72.006, 64B8-72.006, Amended

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Fees RULE NO.: 64B32-4.001

PURPOSE AND EFFECT: The Board proposes to raise the amount of fees charged for biennial renewal, for delinquency, and for an inactive license.

SUBJECT AREA TO BE ADDRESSED: The Board proposes to replace the term "certification or registration" for "licensure," and raise certain fees.

SPECIFIC AUTHORITY: 455.587(1), 455.641, 455.711(7), (8), 468.353(1), 468.364 FS.

LAW IMPLEMENTED: 455.587(6), 455.641, 455.711, 468.364 FS.

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

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

Howerton, Executive Director, Board of Respiratory Care, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-4.001 Fees.

(1) The biennial renewal fee for ~~licensure certification or registration~~ shall be ~~\$110.00 \$70.00~~.

(2) through (5) No change.

(6) The delinquency fee shall be ~~\$110.00 \$70.00~~.

(7) The application for inactive license fee shall be ~~\$50.00 \$35.00~~.

(8) No change.

Specific Authority 455.587(1), 455.641, 455.711(7), (8), 468.353(1), 468.364 FS. Law Implemented 455.587(6), 455.641, 455.711, 468.364 FS. History--New 4-29-85, Formerly 21M-36.04, Amended 5-10-92, Formerly 21M-36.004, Amended 9-21-93, 1-3-94, Formerly 61F6-36.004, Amended 7-18-95, Formerly 59R-73.004, 64B8-73.004, Amended.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: RULE NO.:

Procedures for Approval of Attendance at Continuing Education Courses 64B32-6.004

PURPOSE AND EFFECT: The Board proposes to revise the groups and/or organizations that may provide for continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Procedures for approval of attendance at continuing education courses.

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: , Kaye Howerton, Executive Director, Board of Respiratory Care, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: RULE NO.:

AIDS Education 64B32-6.006

PURPOSE AND EFFECT: The proposed amendment UPDATES this rule to set forth the current the requirements regarding AIDS education.

SUBJECT AREA TO BE ADDRESSED: In addition to AIDS education, biennial relicensure or recertification, and counseling protocol is stipulated and defined.

SPECIFIC AUTHORITY: 455.604 FS.

LAW IMPLEMENTED: 455.604 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Respiratory Care 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-6.006 AIDS Education.

Pursuant to Section 455.604, Florida Statutes, any Category I, American Medical Association (AMA) continuing medical education course, any Category I or Category III, American Association for Respiratory Care (AARC) continuing education course offered by an AMA approved respiratory therapy program and any courses approved by any board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 455.604, Florida Statutes, which includes topics on the transmission, infection treatment, control procedures, clinical management and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome, with emphasis on appropriate behavior and attitude change, and which has been taken and completed subsequent to January 1, 1988, shall satisfy the requirements of Section 455.604, Florida Statutes, as part of biennial relicensure or recertification. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, Florida Statutes standard isolation techniques.

(1) through (3) No change.

Specific Authority 455.604 FS. Law Implemented 455.604 FS. History--New 6-20-89, Amended 7-28-92, Formerly 21M-38.006, Amended 1-2-94, Formerly 61F6-38.006, 59R-75.006, 64B8-75.006, Amended.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE CHAPTER TITLE: Probable Cause and Related Matters
RULE CHAPTER NO.: 64B32-7

PURPOSE AND EFFECT: The Board of Respiratory Care proposes to create a new Rule Chapter that will provide rules enabling the Board to handle disciplinary cases.

SUBJECT AREA TO BE ADDRESSED: This chapter, 64B32-7, will include probable cause, establishment of probable cause panel(s), and related matters,

SPECIFIC AUTHORITY: 5455.621(4) FS.

LAW IMPLEMENTED: 5455.621(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLES: Scope and Purpose
Definitions
Procedures
RULE NOS.: 64F-18.001
64F-18.002
64F-18.003

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish a procedure for the distribution of insulin to financially needy Florida residents.

SUBJECT AREA TO BE ADDRESSED: Distribution of insulin.

SPECIFIC AUTHORITY: 385.204 FS.

LAW IMPLEMENTED: 385.204 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: 9:00 a.m., December 14, 1999

PLACE: Betty Easley Conference Center, Conference Room 178, 4075 Esplanade Way, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Virginia Foster, Family Health Services, Department of Health, 2020 Capital Circle, S. E., Bin #A18, Tallahassee, FL 32300-1744

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-18.001 Scope and Purpose.

The purpose of this rule is to establish definitions and a procedure for the distribution of insulin to financially disadvantaged bona fide Florida residents suffering from diabetes pursuant to the provisions of Section 385.204, F.S.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History—New

64F-18.002 Definitions.

As used in these rules.

(1) “Bona fide resident” means a person living in Florida with the intent to remain as evidenced by self-declaration.

(2) “Current prescription” means a prescription written within three months of application and effective for 6 months after it was written.

(3) “Designated agents” mean any pharmacy that has entered into a written agreement with a county health department to provide insulin to approved insulin program participants.

(4) “Poverty guidelines” mean the poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services under the authority of the Omnibus Budget Reconciliation Act of 1981 (42 USC 9902).

(5) “Self declaration” means a statement regarding income, family size or residency made by a person applying for Insulin services. Self-declaration does not include any documentation other than the signature of the person making the statement. The self-declaration statement shall include a signed acknowledgement that the statement is true at the time it is made that the person understands that the provider shall have the option of verifying the statement.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History—New

64F-18.003 Procedure.

(1) A person wishing to participate in the insulin program can obtain an application from any county health department. Form number DH2105, “Insulin Application Form” adopted herein by reference.

(2) Annually, a completed application must be submitted to the health department or designated agent who will approve the application based upon the following criteria:

(a) the applicant is a bona fide Florida resident;

(b) the applicant is unable to pay because the applicant is:

1. uninsured, or lacking insurance that would reimburse for insulin, and

2. has a net family income at or below 100% of poverty, and

3. has no more than \$2,500 per family in private funds, bank accounts or investments to defray the cost.

4. is temporarily without current resources to purchase insulin;

(c) the applicant must submit a current prescription for insulin written by a licensed health care practitioner; and

(d) If Insulin Program resources permit applicants with a net family income of 101-200% of poverty that meet the requirements in 2(a),(b)1. and (b)3. above will be eligible for the program and receive insulin at reduced cost based on a sliding fee scale as set forth in 64F-16, F.A.C.

(3) If at any time the applicant experiences a change in status which could affect their eligibility, the client must report this change within 30 days of that change.

(4) Clients receiving insulin through this program who become or are found to be ineligible for insulin should be assisted in locating another source for insulin and can continue to receive insulin until another source can be found.

(5) the Insulin Application Form and a copy of the prescriptions written for insulin.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History--New

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

Table with 2 columns: RULE TITLES and RULE NOS.:
Definitions 65C-13.001
Private Agency Foster Homes 65C-13.002
Pre-Service and In-Service Training 65C-13.003
Initial Licensing Procedures for Foster Homes, Emergency Shelters and Group Homes 65C-13.004
Changes During the Licensed Year 65C-13.005
Relicensing Procedures 65C-13.006
Respite Care 65C-13.007
Prospective Substitute Care Inquiries 65C-13.008
Parent Preparation 65C-13.009
Substitute Care Parents' Role as a Team Member 65C-13.010
Minimum Standards for Licensure of Family Foster Homes, Family Emergency Shelter Homes and Family Group Homes 65C-13.011
Substitute Family Records 65C-13.012

PURPOSE AND EFFECT: Section 409.175, Florida Statutes (F.S.) allows the Department of Children and Family Services to update the administrative rule 65C-13 for the purpose to protect the health, safety, and well-being of all children in the state who are cared for by family foster homes by the establishment of licensing requirements.

SUBJECT AREA TO BE ADDRESSED: Substitute Care for Dependent Children.

SPECIFIC AUTHORITY: 402.305(1)(d), 402.313(10), 409.175 FS.

LAW IMPLEMENTED: 409.175 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., December 8, 1999

PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy West, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399 or by telephoning (850)921-2594

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-13.001 Definitions.

The following definitions describe the types of care that are addressed in this chapter, of the manual:

(1) "Bilateral Service Agreement" means a written agreement entered into by the substitute care parents and the Department of Children and Families which stipulates the duties and responsibilities both parties have to each other and to children served in the substitute care program. "Family Foster Home" means a private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Such homes include emergency shelter family homes, family foster group homes, and specialized foster homes for children with special needs. A person who cares for a child of a friend for a period not to exceed 90 days, a relative who cares for a child and does not receive reimbursement for such care from the state or federal government, or an adoptive home which has been approved by the department or by a licensed child placing agency for children placed for adoption is not considered a family foster home. Exceptions may be made in order to keep siblings together. No more than two of the five children should be infants.

(a) Family foster homes are limited to five children, including the family's own children.

(b) Therapeutic foster homes are limited to two children.

(c) Individual residential treatment family homes are limited to one child.

(2) "Emergency Family Shelter Homes" means a private residence licensed under 65C-13.001 through 65C-13.012 F.A.C. to provide care to children on an emergency basis. Family emergency shelter homes are limited to five children including the family's own children. Exceptions may only be made for sibling groups, children who have been previously placed in the home, and teenage mothers and their babies. "Foster Family Group Home" means a licensed private family home occupied by a married couple or individual who have demonstrated the interest and special qualifications to care for a total of no more than five pre-adolescent and adolescent children, including the family's own children. The family

group home parent should be able to work in close cooperation with the department. Foster family group homes differ from a traditional foster family home in several respects:

(a) ~~Group homes must submit any requested written reports and carry out any designated treatment plans for the children in their care.~~

(b) ~~Group home parents must sign the affidavit of civil rights compliance.~~

(c) ~~Group work, individual casework, and psychiatric consultation are provided as needed to group homes to further the treatment objectives.~~

(3) "Family Foster Home" means a private residence licensed under 65C-13.001 through 65C-13.012 F.A.C. to provide 24 hour care to children who are unattended by a parent or legal guardian. Family foster homes are limited to five children including the family's own children. Exceptions may be made to keep siblings together, children returning to care or teenage mothers and their babies.

(4) "Foster Family Group Home" means a private residence licensed under 65C-13.001 through 65C-13.012 F.A.C. that specializes in the care of a group of adolescents or pre-adolescent children. Foster family group homes are limited to five children including the family's own children. "Group Preparation and Selection — Model Approach to Partnerships in Parenting" is the pre-service training program selected by the department. References to this program throughout the rule will be by its initials, GPS MAPP.

(5) "Substitute Care" is a service for children who are unable to live with their own families and are placed in family foster homes, family emergency shelters or family group homes.

(6) "Respite Care" is time limited care, one to fourteen days, which allows licensed substitute care parents to use a licensed temporary caretaker in order to obtain relief. Continuous respite care which exceeds fourteen days, must be approved by the District Administrator or designee.

(7) "Therapeutic Foster Home" includes homes certified as a Medicaid provider and is a private residence licensed under 65C-13.001 through 65C-13.012, F.A.C. that provides specialized care to children diagnosed with moderate to severe emotional problems which meets or exceeds standards under 65E-10, F.A.C. to provide such care. These homes are limited to no more than two children, not including the family's own biological children.

(8) "Intensive Residential Treatment Home" means a private residence licensed under 65C-13.001 through 65C-13.012, F.A.C. that provides specialized care to children with severe emotional problems and which has been approved under 65E-10, F.A.C. to provide such care.

(9) "Medical Foster Home" means a licensed private residence providing 24-hour care for children in voluntary or involuntary foster care. A health care site used by an individual who has been assessed by the Children's Multidisciplinary

Assessment Team, CMAT and placed by the medical director of the program in order for the individual to receive routine and required health care treatment, consultation and referral.

(10) "Child Resource Record" (CRR) means a standardized record which contains the basic legal, demographic and known medical information pertaining to a specific child. This folder is to be kept with the child and shall accompany the child to every health care encounter so that medical information may be shared with the provider and updated. The information includes medical/psychological information; immunization record; Medicaid card; service agreement; school information and records; name, telephone number and address of the child's parent (s) or significant other person(s); names and telephone numbers of the Family Service Counselor and the Family Service Counselor Supervisor; the emergency contact person and the way such person can be contacted; dates and duration of Family Service Counselor visits with the family; and any other information pertinent to the child's care and well being.

(11) "Substitute Care Home" means family foster homes, family emergency shelter, family group homes, therapeutic family foster homes, medical foster homes or Intensive Residential Treatment homes.

(12) "Regular license" means the substitute care home is in compliance with all licensing requirements set forth in F.A.C. 6C-13.001 through 65C-13.012. A regular license may be issued for a period up to one year.

(13) "Provisional license" means the substitute care home has not met all of the licensing requirements set forth in 65C-13.001 through 65C-13.012, F.A.C. A provisional license may be issued when the applicant fails to meet licensing requirements in matters that are not of immediate danger to the children and the foster parent(s) have submitted a written corrective action plan which has been approved by the department prior to the issuance of the provisional license. A provisional license shall not be issued for a period in excess of one year and shall not be subject to renewal; and it may be suspended if periodic inspection by the department indicates that insufficient progress has been made toward compliance with the requirements.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Amended 7-18-95, Formerly 10M-6.015, Amended _____.

65C-13.002 Private Agency Foster Homes.

(1) A private child-placing agency licensed under 65C-15, F.A.C. is responsible for recruitment, assessment, training and supervision of their substitute care parents who volunteer or are paid for the service by that agency. The child placing agency's substitute care home application will be considered an official application the date the department receives the signed application. The department is responsible for the issuance of licenses to family foster homes approved by licensed child-placing agencies that operate throughout the state. Licensed child-placing agencies will receive the

~~application and complete the foster home study. A private child placing agency must certify shall submit copies of the following supportive documentation to the department:~~

- ~~(a) Licensing Standard Checklist.~~
- ~~(b) Application.~~
- ~~(c) Letters of recommendation.~~
- ~~(d) Copy of the home study and floor plan of the home.~~
- ~~(e) Florida Abuse Hotline Information System (FAHIS) report clearances.~~
- ~~(f) Local law enforcement checks.~~
- ~~(g) Florida Department of Law Enforcement printout.~~
- ~~(h) Personal and school references.~~
- ~~(i) Medical information.~~
- ~~(j) Sanitation and fire inspection documentation.~~
- ~~(k) Federal Bureau of Investigation screening clearance letter, and~~

~~(l) Initial pre-service training or the annual in-services training documentation.~~

~~The department will notify the agency, in writing, within 10 working days of the approval or denial of the license. If the license is approved, the department will issue a license, in writing that the family meets the licensing requirements and request the department to issue the license. Responsibility for recruitment, assessment, training of staff and supervision of these homes rests with the licensed child placing agencies. Responsibility for investigating complaints of family foster homes of licensed by child-placing agencies rests with the department. Subsection Section 409.175(7)(a), F.S., requires that all foster homes and agencies are inspected annually. Inspections shall be conducted by the county health unit pursuant to s. 409.175(5)(e), F.S. The department will verify the agency's compliance with the licensing standards set forth in 65C-15 F.A.C. at the time of the agency's yearly relicensing study.~~

~~(2)(4) The private child-placing agency is responsible for assuring the qualifications of their substitute parents. Substitute care parents licensed through private agencies are not required by statute to attend mandatory pre-service or in-service training provided to department substitute care parents.~~

~~(3)(2) Department personnel in the district responsible for licensing the child-placing agency will issue the family foster home license to the private agency foster home. The district responsible for licensing the child-placing agency will issue the family foster home license to the private agency home. If the home is located in a district other than the district where the child-placing agency is located, it will be the responsibility of the district program office to notify the district where the private agency home is located.~~

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 5-27-92, Formerly 10M-6.016, Amended _____.

65C-13.003 Pre-Service and In-Service Training.

Section 409.175(13)(a), (b), F.S., requires the department to provide or cause to provide pre-service and in-service training for foster and emergency shelter parents who are licensed and supervised by the department as a condition of licensure.

(1) Pre-Service Training. Substitute care parents ~~licensed by the department~~ are required by statute to complete a minimum of 21 hours of training. The department's Central Office shall consider the pre-service training uniform statewide if the training and the curriculum, at a minimum, addresses the topics found in s. 409.175(13)(b). The pre-service training schedule may be flexible to accommodate the participants, such as day time, evenings and weekend hours and can be scheduled more than once during the week, i.e. a weeknight and all day Saturday. This pre-service training must be uniform statewide. The department has selected a pre-service training program for its prospective foster family parents, emergency shelter parents, group home parents and adoptive parents called Group Preparation and Selection, GPS MAPP. This program provides 30 hours of pre-service training which is focused on parent preparation, education and mutual selection. The department will not offer any other program for use in preparing its prospective parents. During the GPS MAPP program, prospective parents will be given a number of handouts to enhance their learning experience and for future reference. These handouts will not appear as attachments to this chapter. GPS leaders will have received training on the contents and use of these handouts during certification training at the Professional Development Centres. The handouts should be ordered from the warehouse in Jacksonville.

(2) In-Service Training. Section 409.175(13)(c), F.S., requires that prior to the renewal of a license, each foster parent, emergency shelter parent and family group home parent successfully complete eight hours of in-service training. Districts must supply in-service training at least quarterly to family foster parents licensed and supervised by the department. This training shall include subjects affecting the daily living experiences of these families and must be appropriate to the need of the substitute care parents and the children for whom they provide care. All the in-service training must be approved by the department prior to its use. Upon completion of the training, staff will document completion in the licensure file. Appropriate training may include, but not be limited to: CPR, child safety and injury prevention, sexual abuse, HIV infection, addictions, etc. If a parent chooses to obtain their in-service training hours through reading books or viewing videos, they must have the materials selected for the in-service training approved by staff prior to its use. The parents must also be able to demonstrate to staff that their knowledge and skills have been enhanced. Upon completion of the training, staff will issue the parent a certificate of completion. A copy will be retained in the licensure file. Parents will be reimbursed for travel and child

care, as stipulated in the statute, from the district's expense funds. Travel will be reimbursed at the established rate set by the department for all travel, and child care will be reimbursed at a reasonable rate consistent with expenses found locally. The statute specifically requires the department to:

- (a) Reimburse such parents for travel expenses to attend this training; and
- (b) To provide child care or reimburse the parents for baby sitting expenses, if both parents attend the training. Single parents may also be reimbursed for baby-sitting expenses to attend this training.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 5-27-92, Formerly 10M-6.017, Amended.

65C-13.004 Initial Licensing Procedures for Foster Homes, Emergency Shelters and Group Homes.

(1) The unit office submits to the district administrator or his designated representative a copy of the family portfolio substitute care family licensing file, including all required and completed forms. The study must be reviewed and signed by the prospective parent and pre-service training certified GPS leader prior to submission to the GPS pre-service training leader's supervisor for review.

(2) The district administrator or his designated representative will review the Family Portfolio substitute care family licensing file, including the supporting documentation and either approve or reject the application.

(3) through (5) No change.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 5-27-92, Formerly 10M-6.018, Amended.

65C-13.005 Changes During the Licensed Year.

(1) If the district establishes that the substitute care parents violated the standards found in s. 409.175, F.S., or in the current Administrative Rule 65C-13, FAC., or any successor rule or have been found to have abused or neglected children as defined in Chapter 39, F.S., the department has the authority to discontinue the use of the home or revoke the license. The reasons for such action must be discussed with the substitute care parents and they must be advised that they have the right to appeal the department's decision under Section 120.57, F.S. If any administrative action is required, the administrative complaint must be reviewed and signed by the district administrator or his designated representative in accordance with the Administrative Procedures Act. Both the license and the form Closing of Substitute Care Home for Dependent Children, CF-FSP 5026, which is hereby incorporated by reference, must be sent to the district office where the license will be canceled. A copy of form 5026 may be obtained from the Department of Children and Families, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700. If the district decides to discontinue the use of a home or revoke the license prior to the expiration date of the license, the reasons for such action must be discussed with the substitute care

parents. If they agree with the department's decision, the license must be secured from them and sent to the district office along with a completed closing of foster home for dependent children form. If the substitute care parents do not agree to relinquish their license then an administrative complaint must be filed by the unit. The administrative complaint must be reviewed and signed by the district administrator or his designated representative in accordance with the Administrative Procedures Act. When such situations occur staff should consult their district program office and district legal counsel prior to filing an administrative complaint. If the administrative complaint results in the revocation of the license the substitute care parents must return the license to the unit who will then complete the closing of foster home for dependent children form. Both the license and this form will then be sent to the district office where the license will be canceled. If the substitute care parents voluntarily surrender the license and agree with the decision to terminate as substitute care parents, but then change their mind, they have the right to request an administrative hearing and should be so advised.

(2) If a family changes their its location during the licensing year, the new home must be evaluated within 30 days and a new sanitation inspection must be made by the local county public health unit. The certificate of license issued for the old location must be returned to the district office, together with a Relicensing Summary for Foster Homes for Dependent Children, Section A of CF-FSP 5027, Oct 96, relicensing summary for foster homes for dependent children completed on the new home, which is hereby incorporated by reference, a copy of the approved sanitation inspection report, and a recommendation with regard to the issuance of a license for the new address. An application for a license must be signed by the substitute parents showing the new address. If approved, a new certificate of license will be sent to the unit office for delivery to the substitute care parents. A copy of form 5027 may be obtained from the Department of Children and Families, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.

Specific Authority 409.175 FS. Law Implemented 409.175, Chapter 120 FS. History--New 5-27-92, Formerly 10M-6.019, Amended.

(Substantial rewording of Rule 65C-13.006 follows. See Florida Administrative Code for present text.)

65C-13.006 Relicensing Procedures.

Relicensing is accomplished as follows:

(1) The licensing counselor must receive the report of an approved sanitation inspection from the local health program office.

(2) At the time of relicensure the licensing counselor shall review and consider the information on the youth exit interviews from all youth who have exited the foster home

during the previous licensing period. Family Services Counselors and case managers shall return the completed youth exit interview forms to the licensing counselor.

(3) At the time of relicensing of a foster home, the family services counselors who have had children in the home during the previous licensing period will complete the Foster Care Counselor's Review of Foster Parent(s) Performance as Listed in the Bilateral Service Agreement, CF-FSP 5223, May 98, which is hereby incorporated by reference, as listed in the Bilateral Service Agreement and return it to the licensing counselor. A copy of form 5223 may be obtained from the Department of Children and Family Services, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.

(4) Prior to the issuance of a new license the licensing counselor must obtain and review Florida Abuse Hotline Information System reports, local and state law enforcement records for all household members 12 and over who reside in the home and documentation of any police contact with the home or its residents.

(5) The licensing counselor shall complete and place in the licensing file a Relicensing Summary for Foster Homes for Dependent Children, Section A, CF-FSP 5027, Oct 96, which is hereby incorporated by reference. A copy of form 5027 may be obtained from the Department of Children and Families, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.

(6) The substitute care parent must sign an Application for a License to Provide Foster Home Care for Dependent Children, CF-FSP 5007, Oct 96 which is hereby incorporated by reference. A copy of form 5007 may be obtained from the Department of Children and Families, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.

(7) The licensing counselor must meet with the substitute care family to review the relicensing summary for substitute care for dependent children and to formulate recommendations for relicensure.

(8) The licensing counselor shall complete Foster Parent Summary for Relicensing, Section B, CF-FSP 5027, Oct 96, which is hereby incorporated by reference. A copy of form 5027 may be obtained from the Department of Children and Families, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.

(9) The substitute care parents must have completed a minimum of eight hours of in-service training per license year. The number of hours and the type of training completed must be documented in the licensing file.

(10) The Family Services Counselors responsible for relicensing the substitute care home will review the Bilateral Service Agreement with the substitute care parents to assess the terms of that agreement. If the substitute care parents continue to agree to keep the terms of the Bilateral Service Agreement, they are to initial and date each page along with the Family Services Counselors doing the relicensing home

study. The fully initialed Bilateral Service Agreement shall remain a part of the licensure file. At this time, the Family Services Counselors must discuss and evaluate with the substitute care parents their experiences as substitute care parents, the strengths and weakness of the family and areas that need improvement, as part of the relicensing home study.

(11) At least two weeks prior to the date for relicensure, copies of all forms, including the sanitation inspection, must be submitted to the district office with a request for the issuance of a new license.

(12) The licensing counselor must weigh all the information carefully to recommend to the district administrator whether the license should be renewed, denied, revoked or a provisional license issued. Substitute care parents shall be advised of the department's decision and any problems or areas for improvement must be discussed at the time of relicensure.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 5-27-92, Formerly 10M-6.020, Amended _____.

65C-13.007 Respite Care.

All persons who provide respite care in their own homes must be licensed pursuant to section 409.175, F.S. If the family only wishes to provide respite care they will have one year from the date the license is issued to complete the 30 hours of GPS-MAPP training.

(1) All respite care providers must be furnished with written information about each child they will care for such as:

- (a) Phone numbers for a 24-hour response;
- (b) Medical authorization;
- (c) Physician name and phone numbers;
- (d) School; and
- (e) Medicaid number.

The above information is available in the Child's Resource Record. The Child's Resource Record shall accompany the child if respite care is provided outside of the substitute care home.

(1) All persons that provide respite care in the child's foster home, emergency shelter or group home on an overnight basis must be screened pursuant to Chapter 85-54. Training in the GPS-MAPP program for these providers should be strongly encouraged in order to assist them in providing quality care. If a respite care provider is unable or unwilling to attend the GPS-MAPP training they must receive an orientation which covers protocol for handling emergencies, confidentiality, the department's discipline policy and an overview of substitute care.

(2) All persons who provide respite care in their own home must be licensed under 65C-13, F.A.C.. A licensed respite only substitute care provider will not be required to attend the substitute care pre-service training. In situations where providers are licensed for respite care only, wording to that

~~effect must appear on their license. All respite care providers must be furnished with written information about each child they will care for such as:~~

- ~~(a) Phone numbers for a 24-hour response;~~
- ~~(b) Medical authorization;~~
- ~~(c) Physician name and phone numbers;~~
- ~~(d) School; and~~
- ~~(e) Medicaid number.~~

~~The above information is available in the Child's Resource Record. The Child's Resource Record shall accompany the child if respite care is provided outside of the substitute care home.~~

~~(3) Placement of foster care children in a respite only foster home will be done by a Family Services Counselor or supervisor. The length of placement may be from one to fourteen days, respite care exceeding fourteen days will need the approval of the District Administrator or designee.~~

~~(4) All persons that provide respite care to substitute care children must be screened pursuant to 435, F.S. A respite care provider must receive information which covers protocol for handling emergencies, confidentiality, the department's discipline policy and an overview of substitute care.~~

~~Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 5-27-92, Formerly 10M-6.022, Amended _____.~~

~~65C-13.008 Prospective Substitute Care Foster Parent Inquiries.~~

~~(1) The ~~department~~ district will respond within 10 working days to all telephone and written inquiries about becoming a substitute care foster parent. Following this initial communication, if the person making the inquiry continues to express an interest in providing substitute foster care and they have no background history that would disqualify them from being substitute care foster parents, the ~~department~~ district will send written orientation information concerning substitute care foster parenting within 14 days of the initial inquiry. The initial substitute care inquiries and follow up contact will be documented and kept on file.~~

~~(2) The opportunity to become a shelter or foster parent may not be denied to any person based on race, color, or national origin, of the person, or of the child involved.~~

~~Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 7-18-95, Formerly 10M-6.0221, Amended _____.~~

~~(Substantial rewording of Rule 65C-13.009 follows. See Florida Administrative Code for present text.)~~

~~65C-13.009 Parent Preparation.~~

~~(1) The purpose of the pre-service training is to provide the potential substitute care parents with a knowledge base as well as an understanding of how they will be expected to meet the needs of the children they serve. In addition, the pre-service~~

training provides the department and the potential substitute care family opportunities to evaluate and assess their ability to meet a child's needs. This process is called the home study.

(2) The requirements for prospective substitute parents are:

(a) To attend a minimum of 21 hours of pre-service training provided by the department.

1. The meetings which address separation, loss, and helping children with attachments and discipline are mandatory.

2. Substitute parents that miss the pre-service training sessions which address separation, loss, and helping children with attachments and discipline as stated in section 65C-13.009(2)(a)1., FAC. will not be considered as meeting the pre-service training requirements.

3. The substitute care parents must receive approval from the district to make up any missed pre-service training sessions.

(b) The substitute care parents must submit the information requested by the department that deals with family history and background.

(c) The substitute care parents must sign an Application for License to Provide Foster Home Care for Dependent Children, CF-FSP 5007, Oct 96; which is hereby incorporated by reference. A copy of form 5007 may be obtained from the Department of Children and Family Services, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.

(d) Sign a Confidentiality statement, CF-FSP 5087, Jan 98, which is hereby incorporated by reference. A copy of form 5087 may be obtained from the Department of Children and Family Services, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.

(e) The substitute care parents must sign a Bilateral Service Agreement Between the Department of Children and Family Services and Foster Parents Licensed by the Department, CF-FSP 5226, Jun 98. Completion of form 5226 will also require the completion of the Foster Parent's Review of Foster Care Counselor's Performance as Listed in the Bilateral Service Agreement, CF-FSP 5224, May 98, and the Service Agreement - Attachment A, CF-FSP 5227, Jun 98. Forms 5226, 5224 and 5227 are hereby incorporated by reference. A copy of forms 5226, 5224 and 5227 may be obtained from the Department of Children and Family Services, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.

(f) The substitute care parents shall be advised that a yearly foster home evaluation which includes feedback surveys from school teachers, biological parents, Family Safety staff, foster children and any other service providers will be conducted.

(g) Meet the screening requirements of s. 409.175(4)(a)6., F.S.

(h) Provide verification of income and to include net income as it relates to routine monthly expenses.

(i) Sign an Authorization for Release of Health and Medical Information for Prospective Foster and Adoptive Parents, CF-FSP 5230, Oct 96, which is hereby incorporated by reference. A copy of form 5230 may be obtained from the Department of Children and Family Services, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.

(j) Must have a home which passes inspections by the local health department.

(k) Pass a radon gas test of the home, as required by the Department of Health.

(l) Pass a fire inspection, if required by local county ordinances.

(3) Department staff responsible for licensing prospective substitute care families shall complete the following activities:

(a) Conduct a minimum of two in-home family consultation visits, one of which must include the entire family;

(b) References:

1. Obtain three written personal character references, one of which must be a relative. Character references must have known the person for at least two years.

2. If the substitute care parent has school age children, a written reference from the school must be obtained on each child.

(c) Request a one-time employment history check covering a two-year period of time preceding the family's application and excluding periods of unemployment;

(d) Request Florida Abuse Hotline Information System (FAHIS) clearance on all persons 18 years or older residing in the home;

(e) Request a delinquency clearance on all children residing in the home over the age of 12 years;

(f) Request verification of income to determine financial ability to provide care for children as required in s. 409.175(4)(a)10., F.S., and annually thereafter;

(g) Request completion of the Authorization for Release of Health and Medical Information for Prospective Foster and Adoptive Parents, CF-FSP 5230, Oct 96, which is hereby incorporated by reference. A copy of form 5230 may be obtained from the Department of Children and Family Services, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 5-27-92, Formerly 10M-6.023, Amended _____.

(Substantial rewording of Rule 65C-13.010 follows. See Florida Administrative Code for present text.)

65C-13.010 Substitute Care Parents' Role as a Team Member.

(1) Every prospective foster parent must sign a Bilateral Service Agreement Between the Department of Children and Families and Foster Parents Licensed by the Department, CF-FSP 5226, prior to receiving a license. The Bilateral Service Agreement defines the roles and responsibilities both the foster parents and the departmental staff have to the foster child and their family. A copy of form 5226 may be obtained from the Department of Children and Family Services, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.

(a) After pre-service training has been completed and prior to the issuance of a license, a face-to-face meeting must occur, where departmental staff and the foster parent review and sign the Bilateral Service Agreement.

(b) A signature sheet acknowledging that the foster parents and departmental staff have reviewed the Bilateral Service Agreement must be signed each year prior to relicensure.

(c) The original Bilateral Service Agreement and the yearly initialed acknowledgments of review must be kept in the licensing file. The foster parent must also keep a copy of the agreement.

(2) Discipline.

(a) The substitute care parents must discipline children with kindness, consistency, and understanding. The purpose of this discipline must be to help the child develop responsibility and self-control. Positive methods of discipline must be used by the substitute parent.

(b) Corporal punishment of any kind is prohibited. This includes hitting, slapping, spanking, or any other form of physical discipline.

(c) The following methods of discipline are also prohibited:

1. Cruel, severe, humiliating or unusual punishment such as soap to wash out the mouth, eating hot sauce or pepper, placing in hot water, kneeling on stones.

2. Delegating discipline or permitting punishment of a child by another child or by an adult not known to the child.

3. Withholding meals, clothes, or shelter as a form of punishment.

4. Denying the child contact or visits with his family or resist in implementation of the case plan as punishment for misdeeds of a child.

5. Assigning chores that involve physical exercise so excessive as to endanger the child's health or so intensive as to infringe on time set aside for school work, sleeping or eating.

6. Threatening a child with removal or with a report to authorities as punishment for behavior.

7. Use of degrading statements or profanity directed toward the child or his family.

8. Locking a child in a room or out of the house.

(3) Substitute care parents must maintain and keep current the Child's Resource Record, and see that the resource record accompanies the child to all health care visits. The resource record must accompany the child when he departs a substitute care family, as well as when the child is on respite.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 5-27-92, Formerly 10M-6.024, Amended _____.

(Substantial rewording of Rule 65C-13.011 follows. See Florida Administrative Code for present text.)

65C-13.011 Minimum Standards for Licensure of Family Foster Homes, Family Emergency Shelter Homes and Family Group Homes.

Section 409.175(11)(a)2., F.S., makes it unlawful for any person to make a willful or intentional misstatement on any license application or other document required to be filed in connection with an application for a license. Such a violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S. Applicants who make such willful or intentional misstatements will have their license denied or revoked. Any exceptions to the following standards must be for good cause and must be approved in writing by the district program office of Family Safety and Preservation prior to the exceptions being implemented. Exceptions to the maximum capacity of five children may only be granted in the case of sibling groups, children who have previously been in the home, and mothers and their babies.

(1) Family Composition.

(a) The placement of choice is a substitute care placement in a family with a husband and wife, who have a stable legal marriage. This type of placement maximizes opportunities for the care and nurturing of children and provides both male and female role models for children.

(b) A single parent shall be selected only when he or she can effectively meet a child's special needs.

(c) Persons that provide emergency family shelter homes shall be available to receive and care for children 24 hours a day.

(d) In instances when a child is well-established in a single parent family and the single parent marries, the foster child can remain in the home if the child's needs can continue to be met. Single substitute care parents that plan to marry must notify the department's licensing counselor so arrangements may be

made to have the prospective spouse screened, approved and a new license issued in the names of both spouses prior to them moving into the home.

(e) Foster parent(s) who wish to become adoptive parent(s) shall meet the adoption requirements as stated in Chapter 63, F.S. and 65C-16, F.A.C.

(2) Number of Children in a Family.

(a) The maximum number of children who may be placed in a substitute care home is five, including the substitute care parent's own children or other children living in the home. There must be no more than two infants, under the age of two, in a substitute care family home, which includes the substitute care parent's own children or other children living in the home.

(b) If a substitute care family is willing to care for and has the physical room, ability to supervise and the emotional capacity to nurture more than five children a waiver may be granted by the District licensing authority and the District Administrator or designee. The waiver is to be requested for each child who causes the substitute care home to exceed the maximum capacity.

1. Waivers to exceed the maximum number and to allow more than five children in a home, shall only be considered:

a. To accommodate a sibling group;

b. To accommodate a child or sibling group needing placement, who is returning to care and has lived in the home previously;

c. To allow for a teen parent in substitute care to have his or her child or children placed in the same home; or

d. If the substitute care parent(s) own child is 16 years of age or older and has been assessed and approved by the licensing unit as sufficiently independent, mature and well-behaved, the child may be excluded in the number of total children in home, for licensed maximum capacity purposes. Documentation of approval shall be placed in the substitute care parent's file and will be review annually at the time of relicensure.

2. A waiver can be granted by the District licensing authority and District Administrator or designee to exceed the maximum of two infants only to accommodate a sibling group in which there are more than two infants in one family, such as triplets or twins and a single sibling under the age of 2. When there are more than two sibling infants to accommodate in a substitute care family home, the home must not have any other infants placed.

3. Capacity waivers are specific to a child or sibling group and expire automatically when the total number of children in a home drops to five children or below.

4. A waiver is a document signed by the District licensing authority and the District Administrator or designee which allows the maximum capacity to be exceeded and approves a specific number of children who can be placed by the department in a family home. Waivers may be approved verbally by the District licensing authority and the District

Administrator or designee when placements must be made during non-business hours. Follow up written waivers must be signed on the next business day.

5. The request for a waiver must include:

a. A clear, concise explanation of why the maximum number of five children should be exceeded, including the circumstances that justify the waiver under (2)(b)1. of this section.

b. A description of the special services or support systems which will be put in place to assure that the waiver will not impact on the quality of care the children in the home receive.

c. The planned duration of the waiver.

6. Requirements for Waiver Approvals. In considering whether a substitute care family home will be permitted to exceed the maximum number of children, the following must be considered fully and addressed:

a. Is this the only available resource for the children needing placement;

b. Can the home physically accommodate the additional child/children;

c. Can the substitute parents meet the needs of another child or children;

d. Can the children already in placement in the home accept additional children.

7. Substitute care homes currently licensed for more than five children, including their own children, and who do not meet any of the waiver criteria will have their licensed capacity reduced to a maximum of 5 total children through attrition. As the number of children in the home is reduced by such attrition to 5 children or less, a new license will be issued limiting capacity to 5 children.

8. Waivers may be granted by the District licensing authority and District Administrator or designee to a foster family group home who made capital improvements to their home in order to care for more than 5 total children, prior to the date of promulgation of this rule.

(c) A substitute family home can be jointly utilized by another Children and Family Services Program if agreed to by the substitute care parents and the program offices involved, and after the following has been established:

1. A maximum of five total children to be cared for.

2. The needs of all the children placed in the home can best be met through such a joint utilization.

(d) A substitute care provider licensed under this rule chapter shall be able to apply to become a dually licensed family day care home under chapter 65C-20, Florida Administrative Code, and ss. 402.301-319, F.S., if they so choose. A dually licensed home must meet all of the requirements of 65C-20, F.A.C. and 65C-13, F.A.C. When the licensing requirements differ, the more stringent requirements will apply.

1. There shall be no more than two infants, under two years of age, either residing or being provided day care in the home. This limitation shall include the family's own birth or adopted children and any other children cared for in the home.

2. There shall be no more than a total of five children in the home, either residing or being provided child care as defined in ss. 402.302(1), F.S. including the family's own birth or adopted children and other children.

(3) Age. The age of substitute care parents must be considered in relation to psychological maturity, health, physical energy, flexibility, ability to care for a specific child and probable duration of placement of a specific child.

(4) Income. Substitute care parents must have sufficient net income to assure their stability and the security of their own family without relying on board payments. The substitute family must have sufficient income to absorb four to eight weeks of a foster child's care until a board payment is received.

(5) Day Care. Day Care for the department's children must be with a licensed day care provider. Substitute care families who wish to use a family day care provider must use a provider who is licensed or a baby-sitter who has been screened and approved by the department.

(6) Health History. Substitute care applicants are required to sign an Authorization for Release of Health and Medical Information for Prospective Foster and Adoptive Parents, CF-FSP 5230, Oct 96, which is incorporated by reference, in order to determine if there are any conditions which would affect the applicant's ability to care for children. Substitute care applicants are to provide a health history on each member of the household including physical, mental health and other treatments received which may impair their ability to care for children. If there is a question regarding the physical, mental or emotional health of any member of the household which may possibly have an injurious effect on a child, the applicant, upon the department's request, must supply clinical reports and evaluations. A copy of form 5230 may be obtained from the Department of Children and Family Services, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.

(7) Religion. A substitute care parent must be willing to provide the opportunity for a child's participation in the faith of his choice or that requested by the birth family. A substitute care parent whose religious preference or other connections preclude the use of a licensed medical physician for the department's children may not be licensed. A substitute care parent must not force religious belief or practice upon a foster child.

(8) Screening. Substitute care parents must meet the screening requirements as stated in Chapter 435, F.S., and be void of any other Florida Abuse Hotline Information System or criminal offenses that may negatively impact their ability to be a foster parent as stated in paragraph 65C-13.009(6)(b), FAC. of this chapter.

(9) Physical Facilities.

(a) The substitute care home must be located within reasonable proximity to schools, churches, medical care, recreation and community facilities.

(b) Whenever possible the substitute care home must be located within reasonable proximity of the child's parents and the unit providing foster care services. If the child is school age, consideration needs to be given toward keeping the child in the school he was attending.

(c) The substitute care home environment must meet the sanitation standards contained in 64E-12, F.A.C.

(d) If local ordinances require fire inspections of substitute care homes, proof that the home has successfully passed the inspection must be supplied to the department and maintained in the licensing file.

(10) Physical Environment. Proof that the substitute care home has passed inspection under 64E-12, F.A.C. must be furnished to the department by the local county public health unit.

(11) Play Area and Equipment.

(a) The substitute care home must have a safe outdoor play area as part of the property or a play area within reasonable walking distance which the substitute care family has a right to use.

(b) Children who are placed in family foster homes or emergency shelter homes that have swimming pools or a water hazard or that abut a waterway shall be taught how to swim and shall be instructed in water safety.

(c) Swimming pools must have a barrier on all four sides at least four feet high. The barrier may consist of a house plus a fence on the remaining three sides or a four-sided fence. Access through the barrier door, including windows, must have one of the following safety features: alarm, key lock, or self-locking doors and a bolt lock that is not accessible to children. When the swimming pool is not in use, all entry points must be locked. Above ground pools with steps or ladders leading to them must be secured, locked, or removed when the pool is not in use.

(d) Swimming pools must be well maintained. Pools which are drained of water must be filled in or have a safety cover that is locked. Swimming pools must be equipped with one of the following life saving devices:

1. Ring buoy;
2. Rescue tube; or
3. A flotation device with a rope, or
4. A pole of sufficient length to cover the area.

(e) When children are using the pool or participating in water activities, the following standards will apply:

1. Children who are not proficient in swimming shall not be allowed in the pool or pool area without wearing a life jacket, unless engaged in swimming lessons;

2. There shall be direct adult supervision when children are using the swimming pool, spa or hot tub, or are in the pool area.

(f) All high risk recreation, boating, water sports, or contact sports shall have direct adult supervision.

(g) As prerequisite to licensure, foster and emergency shelter parents who have swimming pools will be required to complete a basic water safety course administered by the American Red Cross, YMCA or other national organization.

(12) Interior Environment.

(a) Each child must be provided with storage space for personal belongings and a designated space for hanging clothes in or near the bedroom occupied by the child.

(b) A substitute care parent shall allow children to personalize their bedrooms so that the area reflects their tastes and expressions.

(c) Each child must have his own bed and each infant his own full size crib. Each child must have individual, clean, and age appropriate bedding.

(d) If more than four children share a room, each child must have 50 square feet of space. Bunk beds must be at least four feet apart.

(e) The following sleeping arrangements are not permitted:

1. Children sharing a bed with an adult or another child.
2. A child age three or older cannot share a room with a child of the opposite sex.
3. Children sharing a bedroom with an adult, except for children 12 months old and under, except when a child's medical or psychological needs so indicate.
4. Children of any age must not sleep on a living room sofa or a fold-away bed.

(f) The substitute care home must be clean and free of hazards to the health and physical well-being of the family.

(g) The substitute care home must have a continuous supply of clean drinking water approved by the county public health unit in the county of residence pursuant to, 64E-8, F.A.C. If the water is not from a standard city water supply, the substitute care parents must have the water tested and approved pursuant to, 64E-8, F.A.C.

(h) The home must have an adequate supply of hot water for bathing and dish washing. Hot water accessible to children must not exceed 120 degrees Fahrenheit, 43 degrees Celsius, at the faucet.

(13) Substitute Care Home Safety.

(a) All medications, poisonous chemicals, and cleaning materials must be in a locked place and inaccessible to children.

(b) To avoid access to alcoholic beverages, cabinets containing alcoholic beverages must be locked.

(c) If the substitute care parents own a gun, the ammunition and unloaded firearm must be kept separately in locked cabinets. In lieu of storage in a locked cabinet, a trigger lock must be used on an unloaded firearm.

(d) Pets in the foster home, which are customarily vaccinated, must have current vaccinations.

(e) The substitute care parents must have a method to restrict children's access to large pets or potentially dangerous animals.

(f) Transportation must be available for use at all times.

(g) An operating telephone must be in the home.

(h) A disaster/evacuation plan for the home must be in the licensing file and updated yearly. The plan shall include: whether of not the family lives in an evacuation zone, if yes which zone; whether the family plans to remain in their home in the event of a disaster, unless ordered to evacuate; if the family plans to leave the home, where do they intend to go, name, address and telephone number of the person or shelter; the name, address and telephone number of family member or friend who does not live in the same county as the foster parent who will know where the foster family is as soon as possible after the disaster and the names of the foster children in the home.

(i) The substitute care parent(s) shall supervise the children when the children are in the home or on the premise. The substitute care parent(s) shall know the whereabouts of the children at all times when the children are away from the home.

(14) Fire Safety.

(a) The home must be free from fire hazards. All combustible items must be stored away from sources of heat.

(b) The home must not be heated by unvented gas heaters.

(c) The substitute care parents must have an evacuation plan posted in a conspicuous place. Substitute care parents must explain to each new child placed in their home where the evacuation plan is posted and must review with the child the route he must follow in the event of a fire. Fire drills shall be held at least every six months. The date of the fire drills shall be recorded by the substitute care parents and available for review by the licensing counselor at the time of relicensure.

(d) All fireplaces, space heaters, steam radiators, and hot surfaces must be shielded against accidental human contact.

(e) Bedrooms must have either a window or door with approved means of exit, in addition to the normal entry/exit door.

(f) The substitute care home shall be equipped with the following:

1. Operating smoke alarms in the kitchen and in each sleeping area;

2. Portable chemical fire extinguisher, size 2A10BC, in the kitchen and must be serviced annually and so tagged.

3. Exits, stairways and hallways shall not be used for storage or otherwise obstructed.

4. All doors with locks must be capable of being opened from the inside.

5. If the home is equipped with burglar bars, the caregiver must demonstrate that:

a. The burglar bars can be released to allow exit;

b. That other means of exit are readily available from each sleeping area.

(g) The approval of mobile homes parks is dependent upon the regulations of Chapter 64E-15, F.A.C.

(15) Transportation Safety.

(a) Substitute parents are required to transport foster children in a safe manner. Transportation in the back of a pickup truck is forbidden at all times. All vehicles used to transport children must be equipped with seat belts and have approved car seats for children under the age of four years as required in s. 316.215 through 316.614, F.S. Each child being transported must have his own seat belt or car seat.

(b) The substitute care parents must have all vehicles owned or leased by them insured to include liability insurance and be able to provide proof of that insurance at all times.

(c) If the substitute parents drive they must have a valid drivers license. The substitute care parents shall not allow children in the department's care to be transported by persons who do not possess a valid drivers license.

(16) Medical Care.

(a) Substitute care parents must be able to understand and be willing to carry out at home the medical care prescribed by a licensed physician. Families whose religious convictions preclude the use of licensed physicians on behalf of foster children cannot be used for the care of children in the custody of the department.

(b) In situations where the child's parent(s) are unavailable and the courts are unavailable because a situation has arisen after hours when a court order cannot reasonably be obtained, an agent of the department may consent to the required medical treatment. For the purposes of this paragraph, a licensed foster or shelter parent is an agent of the department. The court must thereafter be notified of such parental absence and the reasons the department felt that medical treatment was necessary, and an order must be requested from the court approving and adopting the department's previously granted consent to treatment.

(c) Substitute care parents are to maintain a medication record for each child placed in their home. The record shall contain the name of the child, the type of medication administered, the date and time the medication, why the medication was administered and who prescribed the medication. The medication record will be monitored at the time of relicensing. Copies of the child's completed medication record shall be given to the child's Family Service Counselor at their monthly visit.

Specific Authority 409.175(4), 402.305(1)(d), 402.313(10) FS. Law Implemented 409.175 FS. History--New 5-27-92, Formerly 10M-6.025, Amended _____.

65C-13.012 Substitute Family Records.

A record must be maintained for each substitute care home. Except for confidential information on abuse or neglect reports, the substitute care home record is a public record and can be reviewed by the substitute parent. Subsection 409.175(15), F.S., provides an exemption from the public records law for all identifying information, except name, in the foster home licensing file regarding foster parents, including those who became adoptive parents, their spouses and their children, unless otherwise ordered by a court. All other substantive information is available to the public. The exempted information includes: the home, business, work, child care, or school addresses; telephone numbers; social security numbers; birth dates; photographs of licensees, their family and other adult household members; identifying information about such persons in neighbor references; the floor plan of the foster home; and any identifying information about such persons contained in similar sensitive, personal information that is provided to the department. Records are filed in a central place alphabetically under three headings: Pending in the study process, Approved, and Closed. A unit file must also be established for all approved substitute care homes which must contain all of the completed items listed below, ~~and any other information which the unit may find helpful in utilizing the home:~~

- (1) Application for a License;
- (2) Bilateral Service Agreement, fully executed Affidavit of Civil Rights Compliance, if appropriate;
- (3) Register of Children in Emergency Shelter Family Home, if appropriate;
- (4) Certificate of Completion of the Pre-Service training;
- (5) Closing of Foster Home for Dependent Children Form;
- (6) Certificate of License;
- (7) Relicensing Summary for Foster Homes for Dependent Children;
- (8) Foster Care Counselor's Review of Foster Parent(s) Performance as listed in the Bilateral Service Agreement, CF-FSP 5223, May 98, which is hereby incorporated by reference. (A copy of form 5223 may be obtained from the Department of Children and Families, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.) Staff Inquiry -- Annual Relicensing Study;
- (9) Quality of Foster Home Care: Community Input, CF-FSP 5225, Jun 98, which is hereby incorporated by reference (A copy of form 5225 may be obtained from the Department of Children and Families, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.) Telephone Inquiry;
- (10) Documentation regarding the initial inquiry about becoming substitute care parents; ~~Personnel References;~~

~~(11) Personnel References; Substitute Care School References;~~

(12) Written reference from the school the substitute care parents school age child(ren) attend, if applicable

~~(13)(42) EPSDT Agreement, fully executed;~~

~~(14)(43) Agency Reference Sample Letter;~~

~~(15)(44) Confidentiality Statement;~~

~~(16)(45) Consent to Law Enforcement and Abuse Registry Record Check, signed;~~

~~(17)(46) Executed and sworn to Affidavit of for Good Moral Character;~~

~~(18)(47) Delinquency Checks;~~

~~(19)(48) Health Certificate Sample Letter;~~

~~(20)(49) Participant Evaluation;~~

~~(20) Agreement to Provide Substitute Care for Dependent Children;~~

(21) Identification Cards for Substitute Care Parents;

(22) Family Profile which is signed, dated and notarized. Control Cards;

(23) All materials from the pre-service training including home visits and neighbors information; Certificate of License Sample;

(24) Incident Reports. Client Risk Prevention reports which pertain to proposed confirmed or confirmed abuse, neglect or abandonment are confidential. These reports must be placed in an envelope or file marked confidential and will not be considered as part of the public licensing record. These records must be kept separate from the licensing file. Substitute Care Home Ledger;

~~(25) Family Profile which is signed, dated and notarized.~~

~~(26) All GPS MAPP materials from the pre service training including home visits and neighbors information.~~

~~(27) Incident Reports. Client Risk Prevention reports which pertain to proposed confirmed or confirmed abuse, neglect or abandonment are confidential. These reports must be placed in an envelope or file marked confidential and should not be considered as part of the public licensing record. These records must be kept separate from the licensing file.~~

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 5-27-92, Formerly 10M-6.028, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

RULE TITLE: RULE NO.:

Program Services for Children in Care 65C-14.045

PURPOSE AND EFFECT: This change clearly establishes the responsibilities of facilities to develop a case plan for each child if they cannot obtain a copy of the child's existing case plan; requiring that the provisions of the court are incorporated into the plan and the plan is updated annually.

SUBJECT AREA TO BE ADDRESSED: Group Care.

SPECIFIC AUTHORITY: 409.175 FS.

LAW IMPLEMENTED: 409.175 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., December 8, 1999

PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy West, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399 or by telephone at (850)921-2594

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-14.045 Program Services for Children in Care.

~~Service Plan:~~

(1) The facility shall offer, provide or obtain the necessary services for each individual child in order to meet the child's treatment and service plan, which includes but is not limited to, educational, vocational, recreational, psychological, religious and ethnic heritage, transportation, medical and dental needs.

(2)(+) The facility shall develop a written ~~case service~~ plan or obtain a copy of the child's ~~case plan performance agreement~~ within 30 days of placement for each child admitted into care. If a case plan must be developed, it shall:

(a) Integrate the provisions of the court approved case plan; and

(b) Be updated at a minimum of once a year.

(3) Copies of the case plan shall be provided to the child's parent or guardian, and to the representative of the referring agency and a copy shall be maintained in the child's file.

(4) The development of the case plan shall involve: The service plan shall integrate the provisions of the performance agreement or the permanent placement plan.

(a) The development of the service plan shall involve:

(a)(b) The child, child's parents, guardian and other appointed representatives and a representative of the referring agency if appropriate.

(b)(e) Staff, volunteers, and others who work directly with children in care.

(5)(2) The case service plan shall include the following:

(a) Recommendations, treatment plans and goals to provide or obtain services and supports for the child and family based on their ~~An assessment of the child's and family's~~ needs, strengths, weaknesses, and problems;-

(b) Recommendations, treatment plans and goals to provide or obtain services and supports for the child's ~~An assessment of the child's~~ educational, vocational, recreational, and medical and dental needs ~~a plan for meeting them; and daily living activities;-~~

(c) Provisions to obtain ~~Arrangements for~~ individual or group counseling, as needed to resolve emotional conflicts or improve self esteem to help the child deal with personal problems, develop satisfying and healthy relationships and grow toward maturity;

(d) A ~~P~~projection in regard to the child's length of stay and the conditions under which the family will be reunited or another appropriate plan will be made;

(e) A plan for agency contact with the child's parent or guardian to work toward reunification and resolution of the problems which lead to placement.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 7-1-87, Formerly 10M-9.046, Amended.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER TITLE: Reef Fish

RULE TITLES:

RULE NOS.:

Recreational Bag Limits: Snapper, Grouper,

Hogfish, Black Sea Bass, Red Porgy,

Exception, Wholesale/Retail

Purchase Exemption

68B-14.0036

Commercial Harvest Requirements; Licenses,

Season Closures, Special Restrictions

68B-14.0045

PURPOSE AND EFFECT: A recent red porgy stock assessment demonstrated that stock biomass in the south Atlantic had significantly collapsed, and that recruitment of age one fish had passed historic lows approaching zero during the past two years. In response to this information, the National Marine Fisheries Service (NMFS), on September 9, 1999, approved an emergency rule request to close federal waters of the Atlantic Ocean to the harvest and possession of red porgy. The state of Florida followed suit, and in a federal conforming action pursuant to s. 120.54(6), F.S., the Atlantic red porgy fishery was closed until March 5, 1999, during the pendency of the federal emergency rule.

The scientific advise and data which prompted the South Atlantic closure indicates a real risk to the long term viability of this resource, and both federal and state resource managers anticipate that the fishery will be closed for a substantial period of time. Though red porgy are infrequently found in state waters of the Atlantic Ocean, failing to close Florida waters will make enforcement of the federal closure problematic. Thus, the purpose of this proposed rulemaking is to close the recreational and commercial Atlantic red porgy fishery on a long-term basis. The effect will be to provide for the recovery of this severely stressed species.

SUBJECT AREA TO BE ADDRESSED: The harvest and possession of red porgy in state waters of the Atlantic Ocean.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING ON THE PROPOSED RULE AMENDMENTS WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT A DATE, TIME AND PLACE TO BE ANNOUNCED LATER IN THIS PUBLICATION:

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop meeting, is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE:

RULE NO.:

Disapproval of Directors or

Executive Officers

3C-100.03852

PURPOSE AND EFFECT: This rule is being updated to incorporate changes made by Chapter 99-138, Laws of Florida; to refer to the current biographical form used elsewhere by the Division of Banking and its federal regulatory counterparts; and to otherwise update, clarify, correct, and simplify the rule.

SUMMARY: The rule is amended to require a 60 day notice of certain financial institution's appointment or employment of new directors or executive officers; to describe how some financial institutions may obtain a waiver; to refer to the current biographical form used by the Division; and makes other changes to the rule.

SUMMARY OF STATE OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 655.0385 FS.

LAW IMPLEMENTED: 655.0385, 658.21, 658.33, 665.013 FS.

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

TIME AND DATE: 10:00 a.m., December 16, 1999

PLACE: Room 630, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Charity, Chief, Bureau of Research, Planning, and Staff Development, Division of Banking, 101 East Gaines Street, Suite 614, Fletcher Building, Tallahassee, Florida 32399-0350, (850)410-9111

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-100.03852 Disapproval of Directors or Executive Officers.

(1) Section 655.0385, Florida Statutes, requires state financial institutions to notify the Department of the proposed appointment of any individual to the board of directors or the employment of any individual as an executive officer or equivalent position 60 ~~30~~ days before such appointment or employment becomes effective, if the applying financial institution:

(a) Has been chartered for less than 2 years;

(b) Has undergone a change in control or conversion within the preceding 2 years, and is not exempted under subsection (6) of this rule;

(c) Is not in compliance with the minimum capital requirements applicable to such financial institution; or

(d) Is otherwise operating in an unsafe or unsound condition, as determined by the Department, on the basis of such financial institution's most recent report of condition or report of examination.

(2) Notice.

(a) A financial institution shall provide a ~~substantially~~ complete written notice to the Department at least 60 ~~30~~ days prior to the effective date of the appointment of a director or the employment of an executive officer or equivalent position. Each notice shall include a completed ~~Biographical Report~~ Form DBF-C-10-B, Interagency Biographical and Financial Report, revised 11/97, 12/93 ~~which is hereby incorporated by reference.~~ Notices shall be submitted to and Form DBF-C-10-B, effective date 12-14-93, which is incorporated by reference, may be obtained by request from the Department of Banking and Finance, Division of Banking, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350. Form DBF-C-10 may also be found at the Department's Internet website: <http://www.dbf.state.fl.us/banking.html> by using the icon "Download Department of Banking and Finance Application Forms" and by selecting the icon "DBF-C-10."