

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
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PURPOSE AND EFFECT: The purpose of the proposed amendments and new rules is to implement legislative changes to Chapter 494, Florida Statutes, made by Chapter 2001-228, Laws of Florida, that will take effect on October 1, 2001, and to make other changes to the existing rules.

SUBJECT AREA TO BE ADDRESSED: Continuing education and other registration requirements for licensees under Chapter 494, Florida Statutes.

SPECIFIC AUTHORITY: 494.0011(2), 494.0029, 494.00295(3), 494.0033(3), 494.034(2), 494.035, 494.0061, 494.0062 FS.

LAW IMPLEMENTED: 494.0016, 494.0025, 494.0029, 494.00295, 494.0033, 494.0034, 494.0035, 494.0041, 494.0061, 494.0062, 494.0064, 494.0065, 494.0067 FS.

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

TIME AND DATE: 10:00 a.m., September 18, 2001

PLACE: Room 547, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Tedcastle, Financial Administrator, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-40.026 Curriculum for Mortgage Broker Pre-licensing Classroom Education.

Section 494.0033, ~~F.S. Florida Statutes~~, requires any person applying for a mortgage brokerage license after July 1, 1992, to have completed twenty-four (24) hours of classroom education prior to becoming licensed. The curriculum for the education shall cover primary and subordinated financing transactions, the provisions of Chapter 494, F.S., and Chapter 3D-40, F.A.C., laws and rules of ss. 494.001-494.0077, Florida Statutes, federal statutes which apply to the financing of real estate, current and accepted mortgage principles and technical information basic to the mortgage broker profession, and shall include the following:

- (1) through (11) No change.

Specific Authority 494.0011(2), 494.0033(3) FS. Law Implemented 494.0033 FS. History—New 7-2-92, Amended 5-19-96,_____.

3D-40.027 Mortgage Broker Pre-licensing Education Requirement.

(1) Effective July 5, 1992, persons desiring to become licensed as a mortgage broker pursuant to Section s: 494.0033, F.S., shall satisfactorily complete twenty-four (24) hours of classroom study on primary and subordinated financing transactions and the provisions of Chapter 494, F.S., and Chapter 3D-40, F.A.C. laws and rules of ss. 494.001-494.0077, F.S. The course of study shall include the curriculum for mortgage broker classroom education in Rule 3D-40.026, F.A.C.

(2) Qualifying hours may be obtained by attendance at a duly permitted and accredited Mortgage ~~Business Brokerage~~ School or an accredited college, university, community college, or area vocational-technical school in this State which offers the twenty-four (24) hour mortgage brokerage training course. Any ~~individual person or~~ school offering qualifying hours must include the curriculum for mortgage broker classroom education, Rule 3D-40.026, F.A.C., and the

provisions of Chapter 494, F.S., and Chapter 3D-40, F.A.C., laws and rules of ss. 494.001-494.0077, F.S., as the basis for course study.

(3) For the purpose of this rule "School" means any duly permitted and accredited Mortgage ~~Business Brokerage~~ School and any accredited college, university, community college or area vocational-technical school in this State, which offers the twenty-four (24) hour mortgage brokerage training course as a condition precedent to licensure as a mortgage broker. Such course shall ~~to~~ include the curriculum described in Rule 3D-40.026, F.A.C.

(4) Within five (5) days of completion of each twenty-four (24) hour mortgage broker course, the school shall submit to the Department a typed list of all students who successfully completed the course. In lieu of the typed list, the school may submit the list on a 3.5" diskette, ~~or~~ by e-mail, or by accessing the Department's website at www.dbf.state.fl.us. The list shall include the full name of the student, the social security number of each student, the school's name, the school's license number, and the completion date. Each mortgage business school shall maintain student completion records for at least three (3) years from the completion dates.

Specific Authority 494.0011(2), 494.0016 FS. Law Implemented 494.0016, 494.00295, 494.0033 FS. History—New 7-5-92, Amended 11-5-95, 11-24-97, 8-22-99, _____.

3D-40.0271 Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives.

(1) Effective October 1, 2001, all persons licensed as a mortgage broker shall satisfactorily complete fourteen (14) hours of professional education ("continuing education") covering primary and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 3D-40, F.A.C.

(2) Effective October 1, 2002, the principal representative, loan originators, and associates of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause shall satisfactorily complete fourteen (14) hours of professional continuing education covering primary and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 3D-40, F.A.C.

(3) Qualifying hours may be obtained by attendance at a duly permitted and accredited Mortgage Business School or an accredited college, university, community college, or area vocational-technical school in this State which offers the fourteen (14) hour continuing education course. In addition, the Department is authorized to offer continuing education

programs, which will satisfy the requirement of at least four (4) hours covering the provisions of Chapter 494, F.S., and the rules in Chapter 3D-40, F.A.C.

(4) For the purpose of this rule, the following definitions will apply:

(a) "Hour" shall mean 60 minutes of class time, of which 50 minutes shall be instruction, with a maximum of 10 minutes of break per hour.

(b) "School" shall mean any duly permitted and accredited Mortgage Business School and any accredited college, university, community college, or area vocational-technical school in this State, which offers the fourteen (14) hour continuing education course.

(c) "Student" shall mean all persons licensed as a mortgage broker, the principal representative, and loan originators of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause.

(d) "Good Cause" means an incident or occurrence which is beyond the control of the student and which prevents attendance. Examples of good cause include, but are not limited to, disabling accident, illness, call to military duty, or declared national emergency.

(5) The fourteen (14) hours of continuing education can be taken in one or more courses by one or more schools.

(6) Schools shall not issue certificates of completion to students who do not attend or complete the scheduled hours for any continuing education course.

(a) Schools shall be responsible for determining that the student attending or completing the continuing education course is the actual person scheduled to complete the class or session.

(b) At the discretion of the school, students may miss a class or session and attend a make-up class or session to complete the attendance requirements upon showing good cause.

(c) The school may hold make-up classes or sessions to accommodate the student.

(7) An instructor of a school who teaches a continuing education course may use the course toward the satisfactory completion of the continuing education requirement.

(8) Neither students nor instructors may earn continuing education credit for attending or instructing at any subsequent offering of the same continuing education course during any two (2) year period.

(9) The continuing education requirements are waived for the license renewal of the mortgage broker, for the biennial license period in which the individual became licensed as a mortgage broker.

(10) The continuing education requirements for the principal representative are waived for the license renewal of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause, for the biennial license period in which the principal representative completes

the 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and also passed a written test in accordance with Rule 3D-40.025, F.A.C., in order to qualify to be designated as a principal representative.

(11) The continuing education courses may be offered through classroom instruction, electronic transmission ("Internet"), or distance education ("correspondence course").

(12) The continuing education courses taught by using the Internet and correspondence courses shall have:

(a) Course subject matter, assignment work, scholastic standards and other related requirements substantially similar to the course offered by classroom instruction, having due regard however, to the different methods of presentation.

(b) Shall provide students an address and telephone number of an instructor to answer inquiries. The instructor shall be available during normal working hours (9:00 A.M. to 5:00 P.M.) each business day excluding legal holidays.

(c) When the course is in the form of a video tape or CD-Rom, the presentation must be of a quality that permits the student to view and listen to the presentation without interfering with the learning process.

(13) Within five (5) days of completion of each continuing education course, the school shall submit to the student a certificate of completion indicating successful completion of the course, and the number of hours that course consisted of. The schools are not to submit copies of the continuing education requirement certificates to the Department. Each mortgage business school shall maintain all student course completion records for at least three (3) years from the completion dates.

Specific Authority 494.0011(2), 494.00295(3) FS. Law Implemented 494.0016, 494.0029, 494.00295, 494.0034, 494.0064, 494.0067 FS. History—New _____.

3D-40.028 Permit for Mortgage ~~Business Brokerage~~ School.

(1) Application Process. Each person, school, or institution desiring to obtain a permit for a Mortgage ~~Business Brokerage~~ School shall apply to the Department by submitting the following:

(a) ~~A~~ ~~a~~ completed Application for Mortgage ~~Business Brokerage~~ School Permit, Form DBF-MBS-101, revised ~~10/01 8-22-99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of ~~Securities and Finance~~, ~~101 East Gaines Street Suite 550, Fletcher Building~~, Tallahassee, Florida 32399-0350.

(b) ~~A~~ ~~a~~ non-refundable application fee of \$500 which shall be the permit fee for the annual period beginning October 1 of each year or any part thereof.

(c) ~~A~~ ~~a~~ \$400 non-refundable accreditation fee which shall be for the annual period beginning October 1 of each year or any part thereof.

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within thirty (30) days from the date of the request. Failure to respond to the request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Subsection 120.60(1), F.S.

(3) Refunds. If the application is withdrawn or denied, the application fee is non-refundable. The accreditation fee shall be refunded when the application is withdrawn prior to a decision being rendered by the Department by mutual consent.

(4) No change.

(5) Valid Period of Permit. Upon approval of an application, a permit will be issued for the remainder of the annual license period, which ends each September 30th. The permit will be valid for this period unless the Department takes administrative action against it or unless the permit is terminated by the holder.

Specific Authority 494.0011(2), ~~494.0029(1),(3)(b)~~ 494.0034 FS. Law Implemented 120.60(1), ~~494.0029~~ 494.0034 FS. History—New 11-5-95, Amended 8-22-99, _____.

3D-40.0281 Mortgage ~~Business Brokerage~~ Schools Prohibited Practices and Advertising/Publicity.

(1) The following ~~practices~~ are prohibited from being used in any publicity or advertising done by mortgage ~~business brokerage~~ schools and will be considered a violation of Subsections 494.0029(3)(c) and (d) ~~Chapter 494.0034 (3)(e) and (d)~~, F.S.:

(a) ~~Making making~~ any reference or comparison to another school (named or unnamed).

(b) ~~Any any~~ type of guarantee of non-measurable outcomes, such as, but not limited to, "satisfaction guaranteed~~2~~."

(c) ~~Any any~~ claim to being the only, largest, best, less expensive, or other such comparison.

(d) ~~Any any~~ claim or reference as to a ~~mortgage brokerage~~ school's knowledge of the State of Florida Mortgage Broker Test questions and answers.

(2) For the purpose of this rule, any publicity or advertising shall include:

(a) ~~Any any~~ written material, including but not limited to, study guides, business cards, flyers, pamphlets, and correspondence.

(b) ~~Any any~~ electronic media, including but not limited to, video and audio tapes, cassettes, or disks.

(c) ~~Any any~~ oral presentation, including but not limited to, speeches and telephone conversations.

(3) Pass/Fail Ratio as used in Subsection 494.0029(3)(f), F.S., ~~Chapter 494.0034(3)(f)~~, shall be defined as any reference to how a student or any group of students performed

on the State Mortgage Broker Examination. No reference shall be made to any comparative superlatives such as, but not limited to, "excellent passing ratio" or "better than average results."

(4) The following additional practices of mortgage business schools are prohibited:

(a) Misrepresenting any material submitted to the Department.

(b) Failing to conduct classes or sessions for the total required hours.

(c) Allowing a proxy to complete the course.

(d) Falsifying any course completion record or other document related to the course.

(e) Offering to teach a course without first being permitted as a mortgage business school.

Specific Authority 494.0011(2) FS. Law Implemented 494.0025(5), 494.0029, 494.00295 494.00311(3) FS. History--New 8-14-97, Amended _____.

3D-40.029 Mortgage ~~Business Brokerage~~ School Permit Renewal.

(1) Each active Mortgage ~~Business Brokerage~~ School permit shall be renewed for the annual period beginning October 1 of each year upon submission of the following:

(a) ~~A~~ a permit renewal fee of \$500 and a completed renewal form, Form DBF-MBS-202, Mortgage ~~Business Brokerage~~ School Renewal Form, revised ~~10/01 8-22-99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of ~~Securities and Finance, 101 East Gaines Street, Suite 550, Fletcher Building,~~ Tallahassee, Florida 32399-0350; and

(b) ~~A~~ a recertification accreditation fee of \$400 for the school.

(2) No change.

Specific Authority 494.0011(2), 494.0029 494.00311(1),(3)(b) FS. Law Implemented 494.0029 494.00311 FS. History--New 11-5-95, Amended 8-22-99, _____.

3D-40.030 Accreditation Process for a Mortgage ~~Business Brokerage~~ School.

(1) Section ~~494.0029 494.00311~~, F.S., authorizes the Department to evaluate each school by an accreditation process to determine compliance and competency of mortgage ~~business brokerage~~ schools and to recertify each school on an annual basis.

(2) The basis for accreditation of mortgage business schools that offer the 24-hour mortgage broker pre-licensing course and the professional education ("continuing education") will consist of the following evaluation criteria:

(a) Minimum adherence to the required curriculum.

(b) Quality and substance of course outline, ~~workbooks~~ workloads and study guide available to student from school.

(c) Reference material, library and training manuals available for non-classroom study.

(d) Training and visual aids equipment utilized in classroom.

(e) Instructor's ability to convey subject matter.

(f) Classroom and review procedures.

(g) Student interviews (post-course).

(h) Compliance with American Disabilities Act.

(i) Physical classroom facilities.

(j) Compliance with Florida Statutes and Administrative Rules.

(3) The basis for accreditation of mortgage business schools that only offer the 14-hour professional education ("continuing education") will consist of the following evaluation criteria:

(a) Compliance with Florida Statutes and Administrative Rules.

(b) Compliance with American Disabilities Act.

(c) Minimum adherence to the required curriculum.

(4)(2) The accreditation process will be conducted by the Department or its designee during the license year by one or more of the following methods:

(a) Pre-arranged on-site interview with owners and/or management;

(b) Visitation with no prior notice to observe instructor during classroom session;

(c) Questionnaires and/or personal interviews with current and former students;

(d) Questionnaires completed by owners and/or management;

(e) Written correspondence from prior students/student complaints;

(f) Compliance with Florida Statutes and Administrative Rules.

Specific Authority 494.0011(2) FS. Law Implemented 494.0029 494.00311 FS. History--New 11-5-95, Amended 8-22-99, _____.

3D-40.033 Disciplinary Guidelines for Mortgage ~~Business Brokerage~~ Schools.

Each permitted and accredited mortgage ~~business brokerage~~ school which violates any provision of Chapter 494, ~~F.S., Florida Statutes~~, or which fails to achieve minimum standards in the accreditation process described in Rule 3D-40.030, ~~F.A.C.~~, shall be subject to the following disciplinary guidelines:

(1) Failure to achieve minimum standards of accreditation shall result in any of the following penalties:

(a) ~~R~~reprimand,

(b) ~~S~~suspension,

(c) ~~R~~evocation, and/or

(d) ~~P~~robation.

(2) The probation shall be for such period of time and subject to such conditions as the Department may specify.

Specific Authority 494.0011(2), 494.0029 494.0031+ FS. Law Implemented 494.0029, 494.0041 494.0031+ FS. History—New 11-5-95, Amended _____.

3D-40.043 Mortgage Broker License Renewal and Reactivation.

(1) Each active mortgage broker license shall be renewed for the biennial period beginning September 1 of each odd-numbered year upon submission of the statutory renewal fee required by Section 494.0034, F.S., certification of compliance with the continuing education requirements of Section 494.00295, F.S., and a completed renewal form. Form DBF-MB-103, Mortgage Broker License Renewal and Reactivation Form, revised 10/01 ~~10/99~~, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) A mortgage broker license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive license may be reactivated within two (2) years after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0034, F.S., certification of compliance with the continuing education requirements of Section 494.00295, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) No change.

(4) The Department shall not renew or reactivate a mortgage broker license if the minimum continuing education requirements are not satisfied prior to the renewal or reactivation.

(5) The licensee is responsible for maintaining copies of the certificate of completion for all continuing education courses completed and shall supply them to the Department upon request.

Specific Authority 494.0011(2), 494.0034(2) FS. Law Implemented 494.00295, 494.0034 FS. History—New 11-2-86, Amended 6-23-91, 11-12-91, 9-3-95, 12-12-99, 2-5-01, _____.

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

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

(a) A completed Application for Licensure as a Mortgage Brokerage Business, Form DBF-MB-201, revised 10/01 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) The statutory, non-refundable application fee required by Section 494.0031, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(c) Evidence that the applicant's designated principal broker has been actively licensed as a mortgage broker pursuant to Section 494.0033, F.S., for at least one year, or has demonstrated to the satisfaction of the Department that the designated principal broker has been actively engaged in a mortgage-related business for at least one year.

(d) For the purpose of this rule, examples of "actively engaged in a mortgage-related business" shall include, but are not limited to, the following positions that are engaged in the origination, underwriting, closing, and servicing of mortgage loans: loan originator, loan underwriter, officer, or director of a mortgage lender or correspondent mortgage lender; mortgage loan officer of a financial institution; mortgage broker in another state; loan closer for a title insurance company or agency; loan representative, loan underwriter, officer, or director of a private mortgage insurance company; and mortgage regulator from this state, another state, or a federal government agency.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage brokerage business, shall submit a completed fingerprint card and Biographical Summary, Form MBB-BIO-1 (revised 10/99), to the Department along with a \$15 nonrefundable processing fee. Form MBB-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

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

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

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

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

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

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 494.0031, 494.0035 FS. History--New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99,_____.

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

(1) Each person who seeks to obtain a controlling ownership or voting interest in a mortgage lender licensed pursuant to the saving clause shall apply to the Department by submitting the following:

(a) A completed application for Change in Ownership or Control of Saving Clause Mortgage Lender, Form DBF-MLST, revised 10/01 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) A non-refundable application fee of \$500, which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, then an audited statement from the previous fiscal year end is acceptable.

(d) Designate a principal representative who shall exercise control of the licensee's business. Beginning October 1, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Subsection 120.60(1), F.S.

(3) through (6) No change.

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

3D-40.150 Out of State Examination Costs Fees.

~~(1) The Department shall charge \$250.00 per eight hour day for each examiner engaged in an examination of a mortgage brokerage business, mortgage lender, or correspondent mortgage lender. The Department may not charge more than \$500 in examination fees per biennial period to any one mortgage brokerage business, mortgage lender or correspondent mortgage lender. Such examination fees shall be calculated on an hourly basis and shall be rounded to the nearest hour. For examinations conducted out of state travel, the licensee shall pay the travel expense and per diem subsistence allowance provided for state employees in Section 112.062, F.S.~~

~~(2) For the purpose of this rule, "biennial period" means the two year period beginning September 1 of each even numbered year.~~

Specific Authority 494.0011(2), 494.0012(3) FS. Law Implemented 494.0012(3) FS. History--New 10-1-91, Amended 8-24-99,_____.

3D-40.160 Principal Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the principal broker and the individual designated shall accept responsibility by completing the Principal Broker Designation, Form DBF-MB-PB, effective ~~10/91~~ ~~October 7, 1991~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Upon any change of principal broker, the licensee and the newly designated principal broker shall complete the Principal Broker Designation, Form DBF-MB-PB ~~(effective 10/91)~~. Form DBF-MB-PB shall be maintained at the principal office of the mortgage brokerage business, and a copy shall be mailed to the Department at the above address or electronically transmitted to the Department's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation. Anyone being designated as a principal broker after October 1, 2001, must submit evidence that he or she has been actively licensed as a mortgage broker pursuant to Section 494.0033, F.S., for at least one year, or has demonstrated to the satisfaction of the Department that the designated principal broker has been actively engaged in a mortgage-related business for at least one year.

(3) No change.

(4) Each principal broker shall notify the Department of Banking and Finance, Division of Securities and Finance, ~~Attention: Licensing Section~~, 101 East Gaines Street, Tallahassee, Florida 32399-0350 in writing, within thirty (30) days, of the termination of principal broker status.

Specific Authority 494.0011(2), 494.0035 FS. Law Implemented 120.695, ~~494.0011(2)~~, 494.0016, 494.0035 FS. History--New 10-7-91, Amended 7-25-96, 12-12-99,_____.

3D-40.165 Branch Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the branch broker of the branch office, and the individual shall accept such responsibility by completing the Branch Broker Designation Form, Form DBF-MB-BB (effective 10/91), which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Upon any change of Branch Broker, the licensee and the newly designated branch broker shall complete the Branch Broker Designation, Form DBF-MB-BB. Form DBF-MB-BB shall be maintained at the applicable branch office of the mortgage brokerage business, and a copy shall be mailed to the Department at the above address or electronically transmitted to the Department's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.

(3) through (4) No change.

Specific Authority 494.0011(2), 494.0035(2) FS. Law Implemented 120.695, ~~494.0011(2)~~, 494.0016, 494.0035(2) FS. History--New 10-7-91, Amended 7-26-96, 12-19-99, _____.

3D-40.200 Application Procedure for Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a mortgage lender shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Mortgage Lender, Form DBF-ML-222, revised 10/01 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) The statutory, non-refundable fee required by Section 494.0061, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$250,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form DBF-ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(e) Designate a principal representative who shall exercise control of the licensee's business. Beginning October 1, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage lender, shall submit a completed fingerprint card and Biographical Summary, Form ML-BIO-1 (revised 10/99), to the Department along with a \$15 nonrefundable processing fee. Form ML-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

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

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

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

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

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

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Subsection 120.60(1), F.S.

(4) through (8) No change.

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

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

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a correspondent mortgage lender shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Correspondent Mortgage Lender, Form DBF-CL-333, revised 10/01 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) The statutory, non-refundable fee required by Section 494.0062, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form DBF-ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(e) Designate a principal representative who shall exercise control of the licensee's business. Beginning October 1, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a correspondent mortgage lender, shall submit a completed fingerprint card and Biographical Summary, Form CL-BIO-1 (revised 10/99), to the Department along with a \$15 nonrefundable processing fee. Form CL-BIO-1 is hereby incorporated by reference and

available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

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

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

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

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

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

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Subsection 120.60(1), F.S.

(4) through (8) No change.

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

3D-40.242 Principal Representative.

(1) Effective October 1, 2001, each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall designate a principal representative and the individual designated shall accept responsibility by completing the Principal Representative Designation, Form DBF-ML/CL-PR, effective 10/01, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) An individual can only be a principal representative for one mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the saving clause.

(3) Upon any change of principal representative, the licensee and the newly designated principal representative shall complete the Principal Representative Designation, Form DBF-ML/CL-PR. Form DBF-ML/CL-PR shall be maintained at the principal office of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the saving clause, and a copy shall be mailed to the Department at the above address or electronically transmitted to the Department's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.

(4) Anyone being designated as a principal representative or any change in the principal representative after October 1, 2001, must submit that evidence that he or she has been actively licensed as a mortgage broker pursuant to Section 494.0033, F.S., or has completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and has passed a written test in accordance with Rule 3D-40.025, F.A.C. If the newly designated principal representative has not been licensed as a mortgage broker in this state, he or she will have 90 days from the date that he or she is designated as the principal representative to complete the educational and testing requirements of this section.

(5) The penalty for failure to maintain Form DBF-ML/CL-PR shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. In cases where the failure to maintain Form DBF-ML/CL-PR is intentional, the penalty shall be a fine of \$5,000.

(6) Each principal representative shall notify the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350 in writing, within thirty (30) days, of the termination of his or her principal representative status.

Specific Authority 494.0011(2) FS. Law Implemented 120.695, 494.001(29), 494.0061, 494.0062, 494.0067 FS. History—New _____.

DEPARTMENT OF INSURANCE

RULE TITLE: Annual and Quarterly Reporting Requirements

RULE NO.: 4-137.001

PURPOSE AND EFFECT: The amendment would allow companies to submit financial filings to the NAIC via the Internet. The NAIC has established the ability to receive such filings via the Internet and they would like to add that filing option for insurers.

SUBJECT AREA TO BE ADDRESSED: Electronic filings for annual and quarterly reports.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1) FS.

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

TIME AND DATE: 9:30 a.m., September 18, 2001

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bob Norris, Financial Administrator, Insurer Services, Department of Insurance

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-137.001 Annual and Quarterly Reporting Requirements.

(1) through (2) No change.

(3) Manual and Automated Reporting.

(a) Annual and quarterly statements in manual form shall be identical to those filed in accordance with paragraph (b) below, and shall be filed with the Department in accordance with subsection (2), above.

(b)1. Each insurer shall submit its annual and quarterly statement information in computer readable ~~format form~~ using the diskette medium or other computer readable format compatible with the electronic data processing system specified in (c) below.

2. Diskettes or information in a computer-readable format shall not be submitted to the Department.

3. Annual and quarterly statements in diskette form or other computer readable format shall be sent or transmitted electronically to the National Association of Insurance Commissioners, 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105. The envelope shall be marked to indicate that diskettes are enclosed if that medium is used.

(c)1. The National Association of Insurance Commissioners Annual Statement Diskette Filing Specifications or electronic transmission filing specifications are hereby adopted and incorporated by reference.

2. A copy of these specifications may be obtained from the National Association of Insurance Commissioners, at the address in paragraph (b), above.

3. These specifications may be inspected during regular business hours at the ~~Bureau of Data Control~~, Division of Insurer Services, Department of Insurance, ~~6th Floor~~, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399.

Specific Authority 624.307, 624.308(1) FS. Law Implemented 624.307(1), 624.424(1) FS. History—New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Pupil Attendance Records

6A-1.044

PURPOSE AND EFFECT: The purpose of this rule development is to revise existing requirements of the statewide attendance recordkeeping system to establish standards for electronic attendance recordkeeping systems so that individual school districts will no longer be required to obtain prior approval for alternate systems on a case by case basis. The effect is to maintain standards for auditable attendance records while allowing for advances in technology where appropriate and without placing undue burden on school districts.

SUBJECT AREA TO BE ADDRESSED: Pupil Attendance Records; Handbook for DOE Automated Student Recordkeeping System.

SPECIFIC AUTHORITY: 120.53(1)(b), 229.053(1), 229.555(3) FS.

LAW IMPLEMENTED: 232.021, 232.022, 232.023 FS.

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

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lavan Dukes, Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400, (850)487-2280

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.044 Pupil Attendance Records.

(1) Pupil attendance records shall be maintained for any student enrolled in public schools who is earning high school credit as provided in Section 232.2462, Florida Statutes, who is funded as provided in Chapter 236, Florida Statutes, and the Appropriations Act, or who is required to be in attendance by the compulsory attendance requirements as provided in Chapter 232, Florida Statutes.

(2) ~~Beginning in the fiscal year 1988-89,~~ the automated student attendance recordkeeping system as provided for in Rule 6A-1.0014, FAC., shall be the attendance system as used in this rule.

(3) The presence, absence, or tardiness of each student shall be checked once each day at a time or times prescribed by the school board and all absent and tardy pupils shall be recorded daily in the Automated Student Attendance

~~Recordkeeping System as described in the Department of Education Comprehensive Management Information System Attendance Recordkeeping Handbook or daily by such alternate system of recording attendance as has been specifically approved by the Deputy Commissioner for Administration and Technology. In approving alternate systems, the Deputy Commissioner for Administration and Technology shall use the following criteria: The attendance recordkeeping system shall provide complete and accurate attendance data and shall make provision for maintaining auditable records for three (3) years or until applicable audits are completed. Any alternate system shall be approved prior to implementation only upon specific application from the district.~~ The attendance records shall also show the dates of a student's enrollment, withdrawal or re-entry in the school for the applicable year. Data shall not be recorded in temporary records, and then transferred at a later date to attendance records, except for the first ten (10) days of each school year.

(4) Attendance of all pupils must be maintained during the one hundred eighty (180) day school year or the equivalent and summer school when applicable as provided by law and rules of the State Board shall be required, except for absence due to illness, or as otherwise provided by law.

(5) For the purpose of compliance with this rule, a pupil shall be deemed to be in attendance if actually present at school, or away from school on a school day and engaged in an educational activity which constitutes a part of the school-approved instructional program for that pupil. Any such attendance must be in accordance with the minimum time requirements specified by Section 228.041(13), Florida Statutes.

(6) For the purpose of recording attendance, attendance of pupils shall be reported as follows:

(a) Each pupil who is scheduled at a school center for the minimum required school day, and who is recorded as being present or tardy, shall be reported as present one (1) day.

(b) Each pupil who is scheduled at a school center for instructional purposes for a partial day, and at an area vocational-technical center, a vocational school, a community college, a university, or another school center for a partial day shall be reported as present or absent for the appropriate portion of the day at each center.

(c) The attendance of a pupil who is assigned to an on-the-job instructional program which does not require his or her presence at a school center for on-the-job instructional purposes shall be reported as being in attendance when documented through the use of a time card to report actual days in attendance and a time card or work schedule to report instructional or work hours. Both the time card and schedule should be signed by the employer or instructional supervisor.

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct technical coding matters and to clarify when inmates may be placed on the special management meal.

SUBJECT AREA TO BE ADDRESSED: Special management meal.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.223 Special Management Meal.

(1) through (2) No change.

(3) Inmates in any confinement status may be placed on the special management meal for creating a security problem by any of the following acts:

(a) The throwing or misuse of food, beverage, food utensils, food tray, or human waste products, or spitting at staff;

(b) through (c) No change.

(4) Placement on the Special Management Meal.

(a) When any employee observes inmate behavior that he believes meets the criteria for application of the special management meal, the employee shall prepare Form DC6-218, Special Management Meal Report, and forward the report to the chief of security for review. Form DC6-218, Special Management Meal Report, is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~If forms are to be mailed, a self-addressed stamped envelope must accompany the request.~~ The effective date of this form is 8-1-00.

(b) through (c) No change.

(5) Canteen privileges authorized by 33-602.220(8)(n), F.A.C., and 33-601.803(3)(f), F.A.C., for inmates in administrative confinement and close management status shall be suspended for the duration of the period that an inmate is on special management meal status.

(6) through (8) No change.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing Home Services
 RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-term Care Reimbursement Plan (the Plan) payment methodology, effective January 1, 2002.

1. There will be direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The Agency will adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.

2. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.

3. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

The effect of the proposed amendment is the creation of direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The Agency will adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on.

The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.

The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.

All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the patient care component of the nursing facilities per diem rate and the creation of direct care and indirect care subcomponents. The Agency is adjusting the patient care component effective January 1, 2002.

SPECIFIC AUTHORITY: 409.909 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 9:00 a.m., September 19, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail stop 21, Tallahassee, Florida 32308, (850)414-2756

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLES:	RULE NOS.:
School Readiness Program Eligibility	60BB-4.001
Definitions	60BB-4.002
Parent Fees	60BB-4.003
School Readiness Program Standards	60BB-4.004
Tiered Reimbursement Rates	60BB-4.005

PURPOSE AND EFFECT: The 2001 Legislature in SB 1162 amended Section 411.01, F.S. and transferred by type two transfer the Florida Partnership for School Readiness, the pre-kindergarten early intervention, subsidized childcare, and other related programs to the Agency for Workforce

Innovation. The law also repealed various statutes related to those programs to be effective December 31, 2001. Section 411.01, F.S., requires the Florida Partnership for School Readiness to develop rules to prepare and implement the system for school readiness. The workshop is to hear public comment and develop rules in the areas that will be lost due to the repeal of those statutes under those programs, but are still vital and necessary to the effectiveness of those programs and the system for school readiness.

SUBJECT AREA TO BE ADDRESSED: School Readiness Programs.

SPECIFIC AUTHORITY: 411.01, F.S., as amended by SB 1162 (2001-170, Laws of Florida)

LAW IMPLEMENTED: 411.01, F.S., as amended by SB 1162 (2001-170, Laws of Florida)

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

TIME AND DATE: September 17, 2001, 12:00 p.m. – 7:00 p.m.

PLACES: University of North Florida, Room 1044, Banquet Hall 01, 12000 Alumni Drive, Jacksonville, Florida 32224-2678; Administration Center (City Hall), City of Dania Beach, 100 W. Dania Beach Blvd., Commission Chamber Room, Dania Beach, Florida 33004

TIME AND DATE: September 18, 2001, 12:00 p.m. – 7:00 p.m.

PLACES: R. A. Gray Building Auditorium, 500 South Bronough Street, Tallahassee, Florida 32399-0250; Florida Southern College, Alumni Center, Alumni Room, 111 Lake Hollingsworth Drive, Lakeland, Florida 33801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Molly Jones, Director of Policy, Florida Partnership for School Readiness, Holland Building, Suite 252, 600 South Calhoun Street, Tallahassee, FL 32399, (850)488-0337

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE:	RULE NO.:
Notices	64B8-1.006

PURPOSE AND EFFECT: The proposed rule amendment is intended to implement a new change pursuant to section 456.035, Florida Statutes, with regard to electronic notification of change of address.

SUBJECT AREA TO BE ADDRESSED: Change of address notification.

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 456.035(1), 458.319(5) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.006 Notices.

In addition to the requirements of Section 458.319(3), Florida Statutes, each person holding a license issued pursuant to Chapter 458, Florida Statutes, must maintain on file with the Board of Medicine the current address at which any notice required by law may be served by the Board or its agent. Within 60 days of changing this address, whether or not within this state, the licensee shall notify the Board in writing of the new address at which the licensee may be served with notices or other documents. The written notification to the Board may be made electronically.

Specific Authority 458.309 FS. Law Implemented 456.035(1), 458.319(5) FS. History—New 2-21-93, Formerly 21M-18.018, 61F6-18.018, Amended 12-22-96, Formerly 59R-1.018, Amended.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

List of Approved Forms; Incorporation 64B8-1.007

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

SUBJECT AREA TO BE ADDRESSED: Revision to the Physician Office Adverse Incident Report.

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

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

(1) through (15) No change.

(16) DH-MQA 1030, entitled “Physician Office Adverse Incident Report,” ~~(9/01)~~ ~~(2/00)~~.

(17) through (23) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS. History—New 4-17-01, Amended.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Definitions 64B8-2.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to set forth definitions for the various levels of supervision.

SUBJECT AREA TO BE ADDRESSED: Definitions for the various levels of supervision.

SPECIFIC AUTHORITY: 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS.

LAW IMPLEMENTED: 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(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 FAW.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-2.001 Definitions.

(1) Levels of Supervision: ~~The phrase “direct supervision and control” as used in Section 458.303(2), F.S., shall require the following: The physical presence of the supervising physician on the premises so that the supervising physician is immediately available when needed.~~

(a) "Direct supervision and control" shall require the physical presence of the supervising licensee on the premises so that the supervising licensee is immediately available as needed.

(b) "Direct supervision" shall require the physical presence of the supervising licensee on the premises so that the supervising licensee is reasonably available as needed. When this term is used in probationary terms of a Final Order, it requires that the licensee practice medicine only if the approved supervisor is on the premises.

(c) "Direct supervision and responsibility" shall not require the supervising licensee to be physically present on the premises, but the supervising licensee must be within close physical proximity and easily accessible as needed.

(d) "Indirect supervision" shall require only that the supervising licensee practice at a location which is within close physical proximity of the practice location of the supervised licensee and that the supervising licensee must be readily available for consultation as needed.

(e) "Close physical proximity" shall be within 20 miles unless otherwise authorized by the Board.

(2) through (5) No change.

(6) The phrase "direct responsibility," as defined by the Board of Medicine, and as used in Section 458.3485, Florida Statutes, shall mean that the responsible physician need not be physically present on the premises but must be within close physical proximity and easily accessible.

(7) through (11) renumbered (6) through (10) No change.

Specific Authority 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS. Law Implemented 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS. History—New 11-10-82, Amended 12-4-85, Formerly 21M-29.01, Amended 12-4-86, 11-15-88, 3-13-89, 1-1-92, 9-24-92, 2-21-93, Formerly 21M-29.001, Amended 4-14-94, Formerly 61F6-29.001, 59R-2.001, Amended 4-7-99, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Application, Certification, Registration, and Licensure Fees RULE NOS.: 64B8-3.002

Inactive and Delinquent Status Fees 64B8-3.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate an increase in the initial licensure fees and inactive and delinquent fees.

SUBJECT AREA TO BE ADDRESSED: Initial licensure, inactive and delinquent fees.

SPECIFIC AUTHORITY: 456.013, 456.025, 456.036, 458.309, 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

The following fees are prescribed by the Board:

(1) through (5) No change.

(6) The initial certification fee for any person who is issued a temporary certificate to practice in areas of critical need, public health certificate, public psychiatry certificate, or medical faculty certificate and the initial license fee for a person who is issued a license to practice as a physician as provided in Section 458.311, 458.3115 or 458.3124, F.S., or Section 458.313, F.S.; or a limited license as provided in Section 458.317, F.S., shall be \$385.00 ~~\$350.00~~ with the following exceptions:

(a) through (d) No change.

(7) through (8) No change.

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

64B8-3.004 Inactive and Delinquent Status Fees.

(1) The fees for individuals holding a medical license, a temporary certificate to practice in areas of critical need, or a limited license shall be:

(a) The fee for an inactive status license shall be \$385.00 ~~\$350.00~~. The fee for inactive status for a resident shall be \$200.00.

(b) No change.

(c) The fee for delinquent status as set forth in Subsection 456.036(7), F.S., shall be \$385.00 ~~\$350.00~~. The fee for delinquent status for a resident shall be \$200.00.

(d) No change.

(2) No change.

Specific Authority 458.309, 456.036 FS. Law Implemented 456.036, 458.3145, 458.316, 458.3165, 458.345 FS. History—New 2-13-95, Amended 10-10-95, 12-18-95, Formerly 59R-3.004, Amended 8-11-98, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Applications
 RULE NO.: 64B8-4.009

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the requirements for initial licensure with regard to educational requirements in the rule which covers applications for licensure.

SUBJECT AREA TO BE ADDRESSED: Educational requirements for initial licensure.

SPECIFIC AUTHORITY: 120.53, 456.031, 456.033, 458.309, 458.311 FS.

LAW IMPLEMENTED: 120.53, 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-4.009 Applications.

(1) through (9) No change.

(10) The applicant must submit notarized statements attesting to the following:

(a) completion of three hours of all Category I, American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(b) completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and

instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(c) completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S. for its employees may be used to partially meet this requirement.

(8) through (9) renumbered (9) through (10) No change.

Specific Authority 120.53, 456.031, 456.033, 458.309, 458.311 FS. Law Implemented 120.53, 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines
 RULE NO.: 64B8-8.001

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes to the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 458.331(5) FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Notice of Noncompliance 64B8-8.011

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address notices of noncompliance with regard to delinquent licensure status.

SUBJECT AREA TO BE ADDRESSED: Notices of noncompliance.

SPECIFIC AUTHORITY: 456.073(3), 458.309 FS.

LAW IMPLEMENTED: 456.073(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 AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.011 Notice of Noncompliance.

(1) through (2) No change.

(3) The following violations are those for which the board authorizes the Agency to issue a notice of noncompliance.

(a) through (b) No change.

(c) Violating any of the following provisions of chapter 458, as prohibited by Section 458.331(1)(x), Florida Statutes:

1. Section 458.327, Florida Statutes, which provides for criminal penalties for the practice of medicine without an active license. A notice of noncompliance would be issued for this violation only if the subject of the investigation met the following criteria: the subject must be the holder of a license to practice medicine at all time material to the matter; that license is otherwise in good standing; and that license must be renewed and placed in an active status within 90 days of becoming delinquent reverting to inactive status based on failure to renew the license. If the license was delinquent in an inactive status for more than 90 days and the individual continued to practice, then the matter would proceed under the other provisions of Section 456.073, Florida Statutes.

2. No change.

Specific Authority 456.073(3), 458.309 FS. Law Implemented 456.073(3) FS. History--New 11-15-90, Formerly 21M-20.011, 61F6-20.011, 59R-8.011, Amended 1-27-00,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Citation Authority 64B8-8.017

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to set forth additional violations for which a citation is deemed appropriate.

SUBJECT AREA TO BE ADDRESSED: Additional citation violations.

SPECIFIC AUTHORITY: 458.309, 456.077 FS.

LAW IMPLEMENTED: 456.077 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.017 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) CME violations (Sections 458.321, 458.331(1)(g), (x), 456.072(1)(e), (s), F.S.)	Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND \$500 fine

1. Failure to document required HIV/AIDS and related infections of TB CME.

\$500 fine

2. Failure to document required domestic violence CME.

\$500 fine

3. Failure to document required medical errors CME.

- 4.3. Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence and medical errors CME. \$1000 fine based on action taken by the Florida Board of Medicine.
- 5.4. Documentation of some, but not all, 40 hours of required CME for license renewal. \$50 fine for each hour not documented. (j) Failure to comply with Sections 381.0261, F.S., by failing to inform patients of the address and telephone number of the agency responsible for responding to patient complaints or failure to make available a summary of rights to patients. (Sections 458.331(1)(g) and 456.072(1)(k), F.S.)
 - 1. For non-willful violations \$100 fine
 - 2. For willful violations \$500 fine
- (b) through (d) No change.
- (e) Failure to provide medical records of only one patient or excessively charging copying fees for patient records (64B8-10.003, F.A.C.) (Sections 458.331(1)(g), 456.057). \$500 fine and reimbursement of excessive fees charged. (k) First time failure to pay fine or costs imposed by Board Order (failure to pay citation will result in an administrative complaint). 10% of the fine and/or costs imposed, fine and costs.
- (f) No change.
- (g) False, deceptive or misleading advertising. (Section 458.331(1)(d), F.S.)
 - 1. Advertising violations other than those included in Rule \$500 fine (64B8-8.011(3)(a)1., F.A.C.)
 - 2. Advertising or holding oneself out as a board-certified specialist, if not qualified under Section 458.3312, F.S. \$500 fine (Section 458.331 (1)(ll), F.S.)
- (h) Failure to update physician profile as required in Sections 456.039(3) and 457.319(1), F.S. (Sections 456.039(3)(b), F.S.) \$1000 fine and 3 hours CME in ethics
- (i) Failure to notify the Board in writing within 30 days if action as defined in Section 458.331(1)(b), F.S., has been taken against one's license to practice medicine in another state, territory, or county if that action was \$1000 fine

Specific Authority 458.309, 456.077 FS. Law Implemented 456.077 FS. History—New 12-30-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, 1-27-00,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standards for Telemedicine
 RULE NO.: 64B8-9.014

PURPOSE AND EFFECT: The Board proposes the development of a rule to address appropriate electronic prescribing practice for physicians.

SUBJECT AREA TO BE ADDRESSED: Electronic prescribing practice for physicians.

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.014 Standards for Telemedicine Prescribing Practice.

(1) Prescribing medications based solely on an electronic medical questionnaire constitutes the failure to practice medicine with that level of care, skill, and treatment which is recognized by reasonably prudent physicians as being acceptable under similar conditions and circumstances, as well as prescribing legend drugs other than in the course of a physician's professional practice. Such practice shall constitute grounds for disciplinary action pursuant to Section 458.331(1)(q) and (t), F.S.

(2) Physicians shall not provide treatment recommendations, including issuing a prescription, via electronic or other means, unless the following elements have been met:

(a) A documented patient evaluation, including history and physical examination, adequate to establish the diagnosis for which any drug is prescribed.

(b) Sufficient dialogue between the physician and the patient regarding treatment options and the risks and benefits of treatment.

(c) Maintenance of contemporaneous medical records meeting the requirements of Section 458.331(1)(m), F.S.

(3) The provisions of this rule are not applicable in an emergency situation. For purposes of this rule an emergency situation means those situations in which the prescribing physician determines that the immediate administration of the medication is necessary for the proper treatment of the patient, and that it is not reasonably possible for the prescribing physician to comply with the provision of this rule prior to providing such prescription.

(4) The provisions of this rule shall not be construed to prohibit patient care in consultation with another physician who has an ongoing relationship with the patient, and who has agreed to supervise the patient's treatment, including the use of any prescribed medications, nor on-call or cross-coverage situations in which the physician has access to patient records.

Specific Authority 458.309, 458.331(1)(v) FS. Law Implemented 458.331(1)(q),(v) FS. History--New

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:
 Continuing Education for Biennial Renewal 64B8-13.005
 PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify required continuing educational courses for biennial licensure renewal.
 SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for biennial licensure renewal.

SPECIFIC AUTHORITY: 458.309, 456.013(6), 456.031(4), 458.319 FS.

LAW IMPLEMENTED: 456.013(5),(6), 456.031(1)(a),(3), 458.319(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 FAW.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, Florida Statutes, shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Department Agency.

(a) For licensees who are renewing a medical license for the first time at least 1 of such continuing medical education hours required for renewal shall concern risk management.

(b) For all licensees no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable as required by s. 456.031(1)(a), F.S., and described in subsection (10) of this rule. Notwithstanding the foregoing, a physician may complete continuing education on end of life care and palliative health care in lieu of continuing education in domestic violence, if that physician has completed the domestic violence continuing education in the immediately preceding biennium. This allows for end of life care and palliative health care continuing education to substitute for domestic violence continuing education in alternate bienniums.

(c) For all licensees one hour of Category I American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management; prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirement. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law on HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

(d) Notwithstanding the provisions of subsections (a) and (b), above, a physician may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that physician has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennia.

(e) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S. for its employees may be used to partially meet this requirement.

(2) through (9) No change.

(10) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above. To receive credit for the required training on domestic violence, as set forth in subsection (1) of this rule, the licensee shall complete a course on domestic violence as set forth in s. 456.031(1)(a), F.S., and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable for license renewal.

Specific Authority 458.309, 456.013(6), 456.031(4), 458.319 FS. Law Implemented 456.013(5),(6), 456.031(1)(a),(3), 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES:	RULE NOS.:
Patient Records; Transfer or Death of Licensed Practitioner	64B13-3.003
Entrance Sign	64B13-3.005
False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure	64B13-3.009
Prescriptions	64B13-3.012

PURPOSE AND EFFECT: The Board proposes the development of amendments to these rule to clarify requirements for patient records; to specify requirements for entrance signs; to clarify requirements for proper advertisements and to specify prescription requirements with regard to contact lenses.

SUBJECT AREA TO BE ADDRESSED: Patient records, entrance signs, advertising and prescriptions.

SPECIFIC AUTHORITY: 456.058, 463.005 FS.

LAW IMPLEMENTED: 456.057, 456.058, 456.072(1)(a),(m), 463.005, 463.012, 463.0135, 463.014, 463.016(1)(f),(g),(k) 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 Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE:	RULE NO.:
Fees	64B13-6.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to implement an initial license fee for a faculty certificate.

SUBJECT AREA TO BE ADDRESSED: Initial license fee for a faculty certificate.

SPECIFIC AUTHORITY: 456.013(2), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (12) No change.

(13) The initial license fee for a faculty certificate shall be \$100.00.

(13) through (19) renumbered (14) through (20) No change.

Specific Authority 456.013(2), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00,

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Citations RULE NO.: 64B13-15.009

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify the Department’s responsibility for providing quarterly reports with regard to citations.

SUBJECT AREA TO BE ADDRESSED: Quarterly reports with regard to citations.

SPECIFIC AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 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 Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES: Osteopathic Physician Office Incident Reporting RULE NOS.: 64B15-14.0075

Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation 64B15-14.0076

Approval of Osteopathic Physician Office Accrediting Organizations 64B15-14.0077

PURPOSE AND EFFECT: The Board proposes to promulgate three new rules. Rule 64B15-14.0075 will address the reporting of office incidents. Rule 64B15-14.0076 will set forth the requirements for osteopathic physicians office registration; inspection or accreditation. Rule 64B15-14.0077 will set forth the definitions, application information standards for accreditation, and renewal of approval of accrediting organizations.

SUBJECT AREA TO BE ADDRESSED: Osteopathic physician office incident reporting, requirements for osteopathic physician office registration; inspection or accreditation; and approval of osteopathic physician office accrediting organization.

SPECIFIC AUTHORITY: 459.005(1), 459.026(6) FS.

LAW IMPLEMENTED: 459.005(2), 459.026 FS.

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

TIME AND DATE: 1:00 p.m., September 21, 2001

PLACE: Tampa Airport Hilton, 2225 Lois Avenue, Tampa, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.0075 Osteopathic Physician Office Incident Reporting.

(1) Definitions.

(a) “Adverse incident” for purposes of reporting to the department, is defined in Section 459.026, F.S., as an event over which the osteopathic physician or other licensee could exercise control and which is associated in whole or in part with a medical intervention, rather than the condition for which such intervention occurred, and which results in the following patient injuries:

1. The death of a patient.
2. Brain or spinal damage to a patient.
3. The performance of a surgical procedure on the wrong patient.
4. The performance of a wrong-site surgical procedure; the performance of a wrong surgical procedure; or the surgical repair of damage to a patient resulting from a planned surgical procedure where the damage is not a recognized specific risk as disclosed to the patient and documented through the

informed-consent process and if one of the listed procedures in this paragraph results in: death; brain or spinal damage; permanent disfigurement not to include the incision scar; fracture or dislocation of bones or joints; a limitation of neurological, physical or sensory function; or any condition that required transfer of the patient.

5. A procedure to remove unplanned foreign objects remaining from a surgical procedure.

6. Any condition that required the transfer of a patient to a hospital licensed under Chapter 395, Florida Statutes, from any facility or any office maintained by an osteopathic physician for the practice of medicine which is not licensed under Chapter 395, Florida Statutes.

(b) "Licensee" for purposes of this rule, includes an osteopathic physician or physician assistant issued a license, registration, or certificate, for any period of time, pursuant to Chapter 459, Florida Statutes.

(c) "Office maintained by an osteopathic physician" as that term is used in Section 459.026(1), F.S., is defined as a business location where the osteopathic physician delivers medical services regardless of whether other physicians are practicing at the same location or the business is non-physician owned.

(2) Incident Reporting System. An incident reporting system shall be established for each osteopathic physician office.

(a) Incident Reports. The incident reporting system shall include the prompt, postmarked and sent by certified mail within 15 calendar days after the occurrence of the adverse incident, reporting of incidents to the Agency for Health Care Administration, Consumer Services Unit, Post Office Box 14000, Tallahassee, Florida 32317-4000. The report shall be made on the Physician Office Adverse Incident Report. The report must be submitted by every licensee who was involved in the adverse incident. If multiple licensees are involved in the adverse incident, they may meet this requirement by signing off on one report; however, each signee is responsible for the accuracy of the report. This report shall contain the following information:

1. The patient's name, locating information, gender, age, diagnosis, date of office visit, and purpose of office visit.

2. A clear and concise description of the incident including time, date, and exact location within the office.

3. A listing of all persons then known to be involved directly in the incident, including license numbers and locating information, and a description of the person's exact involvement and actions.

4. A listing of any witnesses not previously identified in 3.

5. The name, license number, locating information, and signature of the osteopathic physician or licensee submitting the report, along with date and time that the report was completed.

(b) Incident Report Review and Analysis. Evidence of compliance with this paragraph will be considered in mitigation in the event the Board takes disciplinary action.

1. The osteopathic physician shall be responsible for the regular and systematic reviewing of all incident reports filed by the osteopathic physician or physician assistant under the osteopathic physician's supervision, for the purpose of identifying factors that contributed to the adverse incident and identifying trends or patterns as to time, place, or persons. The osteopathic physician shall implement corrective actions and incident prevention education and training indicated by the review of each adverse incident and upon emergence of any trend or pattern in incident occurrence.

2. Copies of incident reports shall be maintained in the osteopathic physician office.

(3) Death reports. Notwithstanding the provisions of this rule and Section 459.026, Florida Statutes, an adverse incident which results in death shall be reported immediately to the medical examiner pursuant to Section 406.12, Florida Statutes.

Specific Authority 459.005(1), 459.026(6) FS. Law Implemented 459.026 FS. History--New _____.

64B15-14.0076 Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation.

(1) Registration.

(a) Every Florida licensed osteopathic physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of five (5) minutes or longer or any Level III office surgery, as fully defined in 64B15-14.007, F.A.C., shall register with the Board of Osteopathic Medicine. It is the osteopathic physician's responsibility to ensure that every office in which he or she performs Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned.

(b) In order to register an office for surgical procedures, the osteopathic physician must provide to the Board of Osteopathic Medicine, his or her name, mailing address, Florida license number, and a list of each office where the covered surgical procedures are going to be performed by the osteopathic physician. The list shall also include each office name, address, telephone number, and level of surgery being performed at that location by the osteopathic physician; and if more than one physician is practicing at that location, a list of all physicians and levels of surgery being performed must be provided. The list shall also include the name of each physician assistant, ARNP and CRNA involved in the office surgery or anesthesia; copies of any protocols necessary for the supervision of any ARNP or CRNA; and any transfer agreements with local hospitals. In addition, the osteopathic physician shall submit a statement of compliance with Rule 64B15-14.007, F.A.C., when registering with the Department.

(c) The osteopathic physician must immediately notify the Board Office, in writing, of any changes to the registration information.

(d) The registration shall be posted in the office.

(2) Inspection.

(a) Unless the osteopathic physician has previously provided written notification of current accreditation by a nationally recognized accrediting agency or an accrediting organization approved by the Board the osteopathic physician shall submit to an annual inspection by the Department. Nationally recognized accrediting agencies are the American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF), Accreditation Association for Ambulatory Health Care (AAAHC) and Joint Commission on Accreditation for Ambulatory Healthcare Organizations (JCAHO). All nationally recognized and Board-approved accrediting organizations shall be held to the same Board-determined surgery and anesthesia standards for accrediting Florida office surgery sites.

(b) The initial inspection conducted pursuant to this rule shall be announced at least one week in advance of the arrival of the inspector(s).

(c) The Department shall determine compliance with the requirements of Rule 64B15-14.007, F.A.C.

(d) If the office is determined to be in noncompliance, the osteopathic physician shall be notified and shall be given a written statement at the time of inspection. Such written notice shall specify the deficiencies. Unless the deficiencies constitute an immediate and imminent danger to the public, the osteopathic physician shall be given 30 days from the date of inspection to correct any documented deficiencies and notify the Department of corrective action. Upon written notification from the osteopathic physician that all deficiencies have been corrected, the Department is authorized to reinspect for compliance.

(e) The deficiency notice and subsequent documentation shall be reviewed for consideration of disciplinary action. Documentation of corrective action shall be considered in mitigation of any offense.

(f) Nothing herein shall limit the authority of the Department to investigate a complaint without prior notice.

(3) Accreditation.

(a) The osteopathic physician shall submit written notification of the current accreditation survey of his or her office(s) from a nationally recognized accrediting agency or an accrediting organization approved by the Board in lieu of undergoing an inspection by the Department.

(b) An osteopathic physician shall submit, within thirty (30) days of accreditation, a copy of the current accreditation survey of his or her office(s) and shall immediately notify the Board of Osteopathic Medicine of any accreditation changes that occur. For purposes of initial registration, an osteopathic

physician shall submit a copy of the most recent accreditation survey of his or her office(s) in lieu of undergoing an inspection by the Department.

(c) If a provisional or conditional accreditation is received, the osteopathic physician shall notify the Board of Osteopathic Medicine in writing and shall include a plan of correction.

Specific Authority 459.005(1),(2) FS. Law Implemented 459.005(2) FS. History—New _____.

64B15-14.0077 Approval of Osteopathic Physician Office Accrediting Organizations.

(1) Definitions.

(a) “Accredited” means full accreditation granted by a Board approved accrediting agency or organization. “Accredited” shall also mean provisional accreditation provided that the office is in substantial compliance with the accrediting agency or organization’s standards; any deficiencies cited by the accrediting agency or organization do not affect the quality of patient care, and the deficiencies will be corrected within six months of the date on which the office was granted provisional accreditation.

(b) “Approved accrediting agency or organization” means nationally recognized accrediting agencies: American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF), Accreditation Association for Ambulatory Health Care (AAAHC) and Joint Commission on Accreditation of Healthcare Organizations (JCAHO). Approved organizations also include those approved by the Board after submission of an application for approval pursuant to this rule.

(c) “Department” means the Department of Health.

(2) Application. An application for approval as an accrediting organization shall be filed with the Board office at 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, and shall include the following information and documents:

(a) Name and address of applicant;

(b) Date applicant began to operate as an accrediting organization;

(c) Copy of applicant’s current accreditation standards;

(d) Description of accreditation process, including composition and qualification of accreditation surveyors; accreditation activities; criteria for determination of compliance; and deficiency follow-up activities.

(e) A list of all osteopathic physician offices located in Florida that are accredited by the applicant, if any. If there are no accredited Florida physician offices, but there are accredited offices outside Florida, a list of the accredited offices outside of Florida is required.

(f) Copies of all incident reports filed with the state.

(g) Statement of compliance with all requirements as specified in this rule.

(3) Standards. The standards adopted by an accrediting organization for surgical and anesthetic procedures performed in a physician office shall meet or exceed provisions of Chapters 456 and 459 and rules promulgated thereunder. Standards shall require that all health care practitioners be licensed or certified to the extent required by law.

(4) Requirements. In order to be approved by the Board, an accrediting organization must comply with the following requirements:

(a) The accrediting agency must have a mandatory quality assurance program approved by the Board of Osteopathic Medicine.

(b) The accrediting agency must have anesthesia-related accreditation standards and quality assurance processes that are reviewed and approved by the Board of Osteopathic Medicine.

(c) The accrediting agency must have ongoing anesthesia-related accreditation and quality assurance processes involving the active participation of anesthesiologists.

(d) Accreditation periods shall not exceed three years.

(e) The accrediting organization shall obtain authorization from the accredited entity to release accreditation reports and corrective action plans to the Board. The accrediting organization shall provide a copy of any accreditation report to the Board office within 30 days of completion of accrediting activities. The accrediting organization shall provide a copy of any corrective action plans to the Board office within 30 days of receipt from the physician office.

(f) If the accrediting agency or organization finds indications at any time during accreditation activities that conditions in the physician office pose a potential immediate jeopardy to patients, the accrediting agency or organization will immediately report the situation to the Department.

(g) An accrediting agency or organization shall send to the Board any change in its accreditation standards within 30 calendar days after making the change.

(h) An accrediting agency or organization shall comply with confidentiality requirements regarding protection of patient records.

(5) Renewal of Approval of Accrediting Organizations. Every accrediting organization approved by the Board pursuant to this rule is required to renew such approval every 3 years. Each written submission shall be filed with the Board at least three months prior to the third anniversary of the accrediting organization's initial approval and each subsequent renewal of approval by the Board. Upon review of the submission by the Board, written notice shall be provided to the accrediting organization indicating the Board's acceptance of the certification and the next date by which a renewal submission must be filed or of the Board's decision that any identified changes are not acceptable and on that basis denial of renewal of approval as an accrediting organization.

(6) Any person interested in obtaining a complete list of approved accrediting organizations may contact the Board of Osteopathic Medicine or Department of Health.

Specific Authority 459.005(2) FS. Law Implemented 459.005(2) FS. History—New _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE:

RULE NO.:

Administrative Definitions

65A-1.203

PURPOSE AND EFFECT: The proposed rule amendment would provide a uniform definition of the degree of relationship a relative caregiver or caretaker must have to the parent or stepparent of a child(ren) for whom the relative caregiver is providing full-time care to be eligible for Temporary Assistance to Needy Families (TANF) funded assistance. The TANF regulations in 45 CFR section 263.2(b) provide a State with the latitude to define an eligible family and the members that comprise it. Currently in Florida, relative caregivers or caretakers may receive TANF funded assistance through the temporary cash assistance (TCA) program or the Relative Caregiver program. Under the TCA program, the degree of relationship for a relative caregiver or caretaker is defined to include an adult who is related to the child by blood or marriage pursuant to s. 414.0252(11), F.S. Under the Relative Caregiver program, the degree of relationship for a relative caregiver must be within the fifth degree of relationship by blood, marriage, or adoption to the parent or stepparent of the child pursuant to s. 39.5085, F.S. The proposed rule amendment would provide for the definition of the degree of relationship for a relative caregiver or caretaker under the TCA program to be the same as for the Relative Caregiver program. Relative caretakers are not permitted to simultaneously receive both a TCA benefit and a Relative Caregiver program benefit.

SUBJECT AREA TO BE ADDRESSED: This rule amendment would provide the degree of relationship a relative caregiver or caretaker must have to the parent or stepparent of the child(ren) for whom the relative caregiver is providing full-time care to be eligible for TCA and define the fifth degree of relationship.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 414.0252, 414.095, 414.31 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., September 24, 2001

PLACE: Building 3, Room 455, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, telephone (850)488-3090

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

Section II
Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Claims RULE NO.: 2A-2.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to revise an existing form utilized by the Division of Victim Services and Criminal Justice Programs in its domestic violence assistance program and to incorporate two additional forms into the rule.

SUMMARY: The proposed rule amendment revises an existing form utilized by the Division of Victim Services and Criminal Justice Programs in its domestic violence assistance program and incorporates two additional forms into the rule.

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

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

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.13(1)(b), 960.198 FS.

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

TIME AND DATE: 10:00 a.m., September 25, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ellen Winslow, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-2.002 Claims.

Application and benefit payment criteria, limitations and procedures for victim assistance are provided in the publication entitled "Victim Compensation Assistance," BVC-P001

(January 2000), effective 2-3-00, which is incorporated into these rules by reference. In addition, the following documents are incorporated into this rule by reference:

(1) through (5) No change.

(6) BVC 105, entitled "Domestic Violence Relocation Certification" (8/01) (10/99), effective 2-3-00.

(7) BVC 105A, entitled "Domestic Violence Relocation Expense Worksheet." (8/01), effective

(7) through (10) renumbered (8) through (11) No change.

(12) BVC 421, entitled "Notification of Possible Recoupment and/or Prosecution for Fraud" (8/01), effective

Specific Authority 960.045(1) FS. Law Implemented 960.065, 960.07, 960.13(1)(b), 960.198 FS. History--New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99, 2-3-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney Doss, Director, Division of Victim Services and Criminal Justice Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Doran, Deputy Attorney General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2001

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE CHAPTER TITLE: Practice and Procedure RULE CHAPTER NO.: 2B-1

RULE TITLES: Complaints RULE NOS.: 2B-1.0025

Minor Violations 2B-1.003

Hearings Before the Commission 2B-1.004

Fine Imposed; Timely Filed Reports 2B-1.0052

PURPOSE AND EFFECT: Rule 2B-1.0025 is amended to provide: (1) that for a complaint to be considered legally sufficient, it must contain credible evidence supporting specific facts that a person violated election laws over which the Commission has jurisdiction; and (2) that when determining the legal sufficiency of a complaint, the executive director shall consider any document referred to in the complaint, and when determining the legal sufficiency of a complaint alleging a violation of the campaign finance laws, the executive director shall also consider campaign treasurer's reports on file with the filing officer. Rule 2B-1.0025 also is amended to state that the complaint form, Complaint Form FEC 001, is available on the Commission's website and the complaint form, Complaint Form FEC 001, is amended and incorporated by reference to indicate that the Commission now has jurisdiction over violations of Section 105.071, F.S., dealing with prohibitions on political activities by judicial candidates.

Rule 2B-1.003 is amended to provide that the following three offenses can be considered minor offenses: (1) an alleged violation of the political advertising requirements which occurred less than 14 days before an election and the complaint does not contain an allegation that the political advertising was either deceptive or influenced the outcome of the election; (2) a candidate or person represents in a political advertisement that a person or an organization supports the candidate before obtaining the written approval of the organization or person; or (3) a person accepts a contribution in excess of the limits prescribed by Section 106.08, F.S., and the excessive contribution was returned to the donor with 14 days of receipt. Rule 2B-1.003 also is amended to delete (2)(q) which implemented minor violations of Section 106.085, F.S., which was found unconstitutional in *Florida Right to Life, Inc. v. Crotty*, No. 98-770-CIV-ORL-19A (M.D. Fla. 1998).

Rule 2B-1.004 dealing with hearings before the Commission is amended to comply with the Uniform Rules and is amended to provide that when a Commissioner or Commissioners hear a case which is not heard by the full Commission, those Commissioners who heard the case shall not participate in the deliberation or vote of the full Commission. Rule 2B-1.004 also is amended to provide that a clerical mistake in a final order arising from oversight or omission may be corrected by the Commission at any time on its own initiative or on the motion of any party.

SUMMARY: The subject of the rules is procedures regarding complaints; minor violations of Chapter 106, Florida Statutes; hearings held before the Commission; and evidence that may be presented at a hearing on the late-filing of a campaign treasurer's report.

SPECIFIC AUTHORITY: 106.26(1), 106.26(12), 106.24(5) FS.

LAW IMPLEMENTED: 106.25, 106.26(12), 106.24(5), 106.26, 106.26(1) FS.

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

TIME AND DATE: 10:00 a.m., September 17, 2001

PLACE: Room 2002, The Capitol, Tallahassee, Florida 32399-1050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Phyllis Hampton, General Counsel, Florida Elections Commission, Room 2002, The Capitol, Tallahassee, Florida 32399-1050, telephone (850)922-4539

THE FULL TEXT OF THE PROPOSED RULES IS:

2B-1.0025 Complaints.

(1) Any complaint of alleged violations of the Florida Election Code over which the Florida Elections Commission has jurisdiction shall be filed with the Commission. A complaint form, Complaint Form FEC 001, effective 12-3-01

~~1-12-99~~, which is hereby adopted and incorporated by reference, may be obtained by calling the Commission office during normal business hours or by writing to the Commission. The complaint form may also be obtained from the Commission's website www.fec.state.fl.us.

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

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

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

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

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

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

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

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

(6) In determining the legal sufficiency of a complaint, the executive director shall consider any document referred to in the complaint. In determining the legal sufficiency of a complaint alleging a violation of the campaign finance laws, the executive director shall also consider campaign treasurer's reports on file with the filing officer.

~~(7)(6)~~ When the executive director or the Commission determines that a complaint is legally insufficient, the complaint shall be dismissed.

~~(8)(7)~~ The complainant and the respondent shall be notified of the dismissal of the complaint. The notice shall include the reason the complaint is legally insufficient and notify the complainant of the right to seek the Commission's review of the dismissal.

~~(9)(8)~~ A complainant seeking the Commission's review of the dismissal of a complaint shall file a written request for review with the Commission clerk stating with specificity the reasons the complainant believes that the complaint is legally sufficient within 21 days of receipt of the notice of dismissal.

Specific Authority 106.26(1) FS. Law Implemented 106.25 FS. History—New 2-17-91, Amended 11-14-93, 3-19-96, 8-19-96, Formerly 1D-1.0025, Amended 1-12-98, _____.

2B-1.003 Minor Violations.

(1) The Commission shall consider a violation of Chapter 106, Florida Statutes, a minor violation under the following circumstances:

(a) The violation is one of those identified in this rule;

(b) The complaint alleging the violation contains no legally sufficient violation other than those identified in this rule;

(c) The respondent against whom the complaint was filed has not been notified of an allegation of the same violation before the conduct about which the complaint was filed;

(d) The respondent against whom the complaint was filed agrees to correct, if feasible, the conduct that resulted in a violation identified in this rule; and

(e) If the violation involves political advertising, the violation must have occurred more than 14 days before the election in which the candidate or committee named in the political advertising is participating and the person, candidate, or committee that paid for the political advertisement must be named in the political advertisement. If the violation occurred less than 14 days before the election, the complaint must not contain an allegation that the political advertising was either deceptive or influenced the outcome of the election.

(2) The following violations are minor violations so long as the requirements of subsection (1) of this rule have been met:

(a) Section 106.021(1)(b), Florida Statutes, failure of a candidate or political committee to properly designate a separate interest-bearing campaign account, so long as the account is identified as the campaign account of the candidate or political committee. A fine of \$100 shall be imposed for each a violation;

(b) Section 106.023, Florida Statutes, failure of a candidate to file a statement that says the candidate has read and understands the requirements of Chapter 106, within ten days after filing his or her appointment of campaign treasurer and designation of campaign depository. A fine of \$100 shall be imposed for each a violation;

(c) Section 106.025(1)(c), Florida Statutes, failure of a person who holds a campaign fund raiser to include the statement required by this section on tickets or advertising. A fine of \$250 shall be imposed for each violation;

(d) Section 106.071(1), Florida Statutes, failure of a person to include the proper disclaimer in a political advertisement paid for by an independent expenditure. A fine of \$250 shall be imposed for each violation.

(e) Section 106.143(1), Florida Statutes, failure of a person to mark all political advertisements as a "pd. pol. adv." or a "paid political advertisement" or to identify the sponsor. A fine of \$200 shall be imposed for each violation;

(f) Section 106.143(2), Florida Statutes, failure of a person to mark the political advertisement of a candidate running for partisan office with the candidate's political party affiliation or to indicate that he or she is running with no party affiliation. A fine of \$200 shall be imposed for each violation;

(g) Section 106.143(3), Florida Statutes, prohibiting a candidate or any person on behalf of a candidate from representing in a political advertisement that a person or an organization supports the candidate before obtaining the written approval of that person or organization, so long as written approval was obtained. A fine of \$200 shall be imposed for each violation;

(h) Section 106.143(4)(a), Florida Statutes, failure of a person offering a political advertisement on behalf of a candidate to obtain approval from the candidate before circulating the advertisement. A fine of \$200 shall be imposed for each violation;

(i) Section 106.143(4)(a), Florida Statutes, failure of a candidate or a person on behalf of a candidate to state on the candidate's political advertisement that the content of the advertisement was approved by the candidate or the identity of the person who paid for the advertisement. A fine of \$250 shall be imposed for each violation;

(j) Section 106.143(4)(a), Florida Statutes, failure of a candidate to provide the news media with a written statement authorizing the content of each political advertisement submitted to the media for distribution. A fine of \$250 shall be imposed for each violation;

(k) Section 106.143(4)(b), Florida Statutes, failure of a person making an independent expenditure for a political advertisement submitted to the news media for distribution to provide the media with a written statement that no candidate approved of the advertisement. A fine of \$200 shall be imposed for each violation;

(l) Section 106.143(4)(b), Florida Statutes, failure of a person making an independent expenditure for a political advertisement to state on the advertisement that no candidate approved of the advertisement. A fine of \$200 shall be imposed for each violation;

(m) Section 106.143(5), Florida Statutes, prohibiting a person who is not the incumbent from including the word "re-elect" in a political advertisement. A fine of \$200 shall be imposed for each violation;

(n) Section 106.143(5), Florida Statutes, failure of a person in a political advertisement of a candidate who is not the incumbent to use the word “for” between the candidate’s name and the office for which the candidate is running, unless incumbency is implied. A fine of \$100 shall be imposed for each violation;

(o) Section 106.1435(3), Florida Statutes, prohibiting a person from placing or locating a political advertisement on or above any state or county road right-of-way. A fine of \$100 shall be imposed for each a violation;

(p) Section 106.1437, Florida Statutes, failure of a person sponsoring a political advertisement intended to influence public policy or the vote of a public official to include a statement of sponsorship. A fine of \$200 shall be imposed for each violation;

~~(q) Section 106.144, Florida Statutes, failure of a group, club, association or other organization that endorses or opposes a candidate or referendum by means of political advertisements to file a statement of endorsement or opposition with the filing officer before distributing the advertisement. A fine of \$250 shall be imposed for each violation; and~~

~~(q)(#) Section 106.148, Florida Statutes, failure of a candidate, political party, political committee, or committee of continuous existence or an agent of a candidate, political party, political committee or committee of continuous existence to include a political disclaimer on a message placed on an information system accessible by computer by more than one person. A fine of \$200 shall be imposed for each violation; and~~

(r) Section 106.19(1)(a), Florida Statutes, prohibiting a person from accepting a contribution in excess of the limits prescribed by Section 106.08, Florida Statutes, if the excessive contribution is returned to the donor within 14 days of receipt. A fine of \$200 shall be imposed for each violation.

~~(3)(2) Upon the executive director’s determination that an alleged violation is a minor violation as defined by this rule, the executive director shall offer the respondent an opportunity to enter into a consent order to pay the fine or fines designated above. The consent order shall provide that the respondent neither admits nor denies the allegations.~~

~~(4)(3) The Commission shall approve the consent order unless it determines that the requirements of this rule have not been met.~~

Specific Authority 106.26(12) FS. Law Implemented 106.26(12) FS. History—New 1-12-99, Amended 2-14-00,_____.

2B-1.004 Hearings Before the Commission.

(1) If a respondent who is entitled to a formal hearing does not elect to proceed before the Division of Administrative Hearings, and the Commission does not refer the case to Division of Administrative Hearings, the executive director shall schedule the formal hearing before the Commission.

(2) At the time the hearing is scheduled, the Chairman shall issue a pre-hearing order, Pre-hearing Order Form FEC 002, effective 1-12-99, which is hereby adopted and incorporated by reference. The order shall require the parties to file a joint pre-hearing statement at least five working days before the scheduled hearing date. The pre-hearing order shall provide the date of the hearing and the date the pre-hearing statement must be filed. The pre-hearing order shall require the parties to confer and file a joint pre-hearing statement that provides the following information:

(a) The name, address and telephone number of each person intended to be called as a witness by either party.

(b) A stipulation by the parties setting forth:

1. The facts that are not in dispute;

2. The facts that are in dispute;

3. A list of all exhibits that the parties agree should be admitted into evidence;

4. A list of exhibits to which either party objects, the nature of the objection and a response to the objection; and

5. An estimate of the time that each party believes shall be necessary to present the formal hearing to the Commission.

(c) Should the parties fail to reach a joint pre-hearing statement, each party shall be required to file a unilateral pre-hearing statement that also includes the reasons that a joint pre-hearing statement was not filed.

(3) When necessary to expedite the processing of agency matters on behalf of the public, the Chairman shall designate one or more Commissioners to hear any motion filed by a party that is not dispositive of the case pending before the Commission.

(4) Upon the request of any party, the commission clerk shall schedule a motion hearing on any pending motion, so long as the motion is not dispositive of the matter pending before the Commission, a designated Commissioner is available to hear the motion, and adequate notice and opportunity to appear in person or by telephone can be provided to the parties.

(5) When necessary to secure the just, speedy, and inexpensive determination of a case, the Chairman shall direct that one or more Commissioners hear any formal hearing, informal hearing or dispositive motion hearing.

(a) Designation of the specific Commissioner or Commissioners to hear a formal hearing, informal hearing or dispositive motion shall be made only by a majority of the Commissioners voting.

(b) The Commission clerk shall notify the parties of the designation of a Commissioner or Commissioners and shall notice the hearing.

(c) The designated Commissioner or Commissioners shall hear the evidence and argument presented by the parties during a formal hearing, informal hearing or dispositive motion hearing.

(d) The designated Commissioner or Commissioners hearing the case shall file a report with the commission clerk within 30 days of receiving any post hearing submissions from the parties. The report shall contain a recommended order that includes findings of fact, conclusions of law, a recommended disposition or penalty, if applicable, and any exceptions and responses filed by the parties. The report shall be served upon the parties.

(e) The Commission shall review the report, deliberate and reach a decision in the case. The designated Commissioner or Commissioners hearing the case shall not participate in the deliberation or vote of the Commission.

(6) Upon the Commission's determination of the outcome of a case after formal hearing or after reviewing the report of the designated Commissioner or Commissioners, the Commission's counsel shall prepare a proposed final order. ~~The order shall be served upon the parties. The parties shall have 15 days from service of the proposed final order to file any exceptions. After consideration of the proposed final order and any exceptions filed, the Commission shall enter a final order.~~

(7) A clerical mistake in a final order arising from oversight or omission may be corrected by the Commission at any time on its own initiative or on the motion of any party.

Specific Authority 106.24(5), 106.26 FS. Law Implemented 106.24(5), 106.26 FS. History--New 1-12-99, Amended _____.

2B-1.0052 Fine imposed; Timely Filed Reports.

(1) Campaign treasurer's reports are required to be filed in the office of the filing officer by 5 p.m. on the due date. A report is deemed timely filed if it is postmarked before midnight on the due date.

(2) If a report is received after the due date and there is no postmark or the postmark is illegible, it shall not be deemed timely filed unless the appealing party submits a copy of a proof of mailing or at a hearing before the Commission, presents the oral testimony of the person who timely mailed the report. The proof of mailing submitted shall reflect that it was obtained from the United States Postal Service or other mail delivery service at the time of mailing and shall reflect that the report was mailed before midnight on the due date. The testimony presented shall indicate that the report was mailed so that it would have received a postmark or a legible postmark on the report's due date but for the failure of the United States Postal Service to properly mark the report.

(3) A metered postage mark does not constitute a postmark or a proof of mailing.

Specific Authority 106.26(1) FS., Ch. 97-13, Sec. 52, Laws of Florida. Law Implemented 106.04(8), 106.07(8) FS. History--New 1-12-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Phyllis Hampton
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbara Linthicum
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2001

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Approval Procedures	4-144.002
Credit for Reinsurance	4-144.005
Accounting Requirements; Life and Health Reinsurance Agreements	4-144.010

PURPOSE AND EFFECT: The proposed amendment incorporates the 2000 legislative changes to Section 624.610, F.S. to include deleting, modifying and adding new forms.

SUMMARY: To incorporate the 2000 legislative changes in Section 624.610, F.S.

SUMMARY OF STATEMENT 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: 624.308, 624.610(14) FS.

LAW IMPLEMENTED: 624.307(1), 624.316, 624.317, 624.318, 624.321, 624.324, 624.34, 624.401, 624.404, 624.407, 624.413, 624.424, 624.501(20)(c), 624.5091, 624.610, 628.051, 628.801, 629.081 FS.

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

TIME AND DATE: 9:30 p.m., September 28, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bob Norris, Financial Administrator, Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0300, phone number (850)413-5054

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 Bob Norris, 413-5054.

THE FULL TEXT OF THE PROPOSED RULES IS:

4-144.002 Approval Procedures.

~~(1) A retaliatory application fee shall be submitted pursuant to Section 624.5091, Florida Statutes. The retaliatory fee is the greater of:~~

~~(a) the amount that the applicant's domiciliary state or country would charge a Florida domestic insurer making application in the applicant's state or country of domicile, or~~

~~(b) the Florida application fee pursuant to Section 624.501(20)(e), Florida Statutes.~~

~~(1)(2) An insurer seeking the status of an accredited approved reinsurer pursuant to Sections 624.610(3)(b)1., 624.610(2)(a)2., Florida Statutes, shall comply with the instructions contained in Form DI4-923, "Application For Accredited Approved Reinsurer Or Satisfactory Non-Approved Reinsurer Status," rev. 8/00 3/93 and submit the following forms. Forms relating to specific types of insurance are to be submitted only by companies issuing policies relating to the type of insurance specified on the form.~~

~~(a) Form DI4-927, "Application To Conduct Business In The State of Florida Accredited Reinsurer Status," rev 8/00 8-91;~~

~~(b) Form DI4-841, "Invoice, Request For Payment of Application Fees," rev. 8-91;~~

~~(b)(e) Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges," rev. 4/97 4-94;~~

~~(c)(d) Form DI4-144, "Consent and Agreement in Re Service of Process Consent and Agreement," rev. 1/97 11-90;~~

~~(e) Form DI4-514, "Resolution Form," rev. 11-90;~~

~~(f) Form DI4-414, "Paid Representative Registration," rev. 6/01/89;~~

~~(d)(g) Form DI4-516, "Insurance Holding Company System Registration Statement," rev. 4/97 11-90;~~

~~(e)(h) Form DI4-1298 ~~DI4-844,~~ "Management Information Form," rev. 4/97 10-91;~~

~~(f)(i) Form DI4-1423 ~~DI4-422,~~ "Biographical Statement and Affidavit," rev. 8/00 11-90;~~

~~(g)(j) Form DI4-450, "Authority For Release of Information," rev. 8-91;~~

~~(h)(k) Fingerprint cards furnished by the Florida Department of Insurance, according to instructions in Form DI4-938, "Fingerprint Card Instructions," rev. 7/99 4/91;~~

~~(i)(4) The material required by Form DI4-905 "Instructions for Furnishing Background Investigative Reports," rev. 2/01 8/93;~~

~~(m) DI4-904, "Proformas, Life Companies, pages 1-4 (Exhibits 1A, 1B, 2A, and 2B)," rev. 5-91;~~

~~(n) DI4-896, "Proformas, Property and Casualty Companies, pages 1-18," rev. 5-91; and~~

~~(o) DI4-901, "Life, Accident and Health Insurer Lines of Business by Company Code," rev. 5/91.~~

~~(p) DI4-877, "Property and Casualty Insurer Lines of Business by Company Code," rev. 5/91.~~

~~(j) DI4-1464, "FORM AR-1 Certificate of Assuming Insurer", rev. 8/2000;~~

~~(k)(e) In addition, prior to a final decision on whether to approve the reinsurer status, the Department shall request such other information as is necessary, depending on the facts and circumstances of the specific insurer, pursuant to Section 624.610, to determine whether the insurer meets the standards and the financial standards to ensure adequate protection for those to whom they owe obligations. The financial standards used in making this determination shall be substantially as high as those applicable to an authorized insurer., as found in Part III of Chapter 624, Chapter 628, or Chapter 629, Florida Statutes. The Department shall make no final decision on reinsurer status without complete information.~~

~~(2) The cost and expenses incurred by the Florida Department of Insurance to review a reinsurer's request for accreditation shall be charged for and collected from the requesting reinsurer. Costs are defined as the sum of the time spent by Department personnel calculated at payroll rates inclusive of personnel benefit expenses and overhead expenses for each Florida Department of Insurance employee, and other Department expenses related to processing the application; or, the actual charges incurred by a third party retained to review the application. Should it become necessary to hire an outside consultant in the process of the review, the reinsurer shall be contacted in advance to consent to this and agree to the cost. In the event that the Department and the reinsurer agree to utilize the services of an outside consultant to conduct the review the following applies:~~

~~(a) The acceptability of a person or firm to the Department shall be determined based on consideration of the person or firm's professional competence, objectivity, and cost.~~

~~(b) Consent of the reinsurer shall be demonstrated by written confirmation from an officer of the reinsurer agreeing to an examination or the specific services to be performed by the person or firm, and acknowledgment that the person or firm is acceptable to the reinsurer and that the cost will be paid by the applicant.~~

~~(c) All payments for services under this provision shall be made directly to the person or firm in accordance with the rates and terms agreed to by the Department, the insurer, and the person or firm performing the examination.~~

~~(3) An insurer seeking the status of a trusteed satisfactory non-approved reinsurer pursuant to Section 624.610, Florida Statutes, shall comply with the instructions contained in Form DI4-1466, "Application for Trusteed Reinsurer Status For Single Assuming Reinsurer", rev. 8/2000 and submit the following: submit all of the forms listed in subsection (2)(a) (m) in addition to all of the items indicated on Page 2 of~~

Form DI4-923, "Satisfactory Non-Approved Reinsurer Status Instructions," rev. 8-91, to the extent not duplicated in subsection (2)(a)-(n), above.

(a) A copy of its annual statement with information substantially the same as that required to be filed in and with the National Association of Insurance Commissioners convention blank in the same format required by such form and including all supporting documents.

(b) A certified copy of the trust agreement and any trust amendments.

(c) A certified copy of the approval of the trust and trust amendments by the commissioner of the state in which the trust is domiciled or of the commissioner of another state who, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust.

(d) A notarized statement from the trustee of the trust to the commissioner having regulatory oversight of the trust certifying the balance of the trust and the trust's investments at the preceding year end with certification that the trust will not expire prior to the following December 31.

(e) Form DI4-144, "Service of Process Consent Agreement," rev. 1/97.

(f) Form DI4-1298, "Management Information Form," rev. 4/97.

(g) Form DI4-1423, "Biographical Affidavit," rev. 8/00 for all individuals listed on Form DI4-1298.

(h) Form DI4-450, "Authority For Release of Information," rev. 8/91.

(i) Fingerprint cards furnished by the Florida Department of Insurance, according to instructions in Form DI4-938, "Fingerprint Card Instructions," rev 7/99.

(j) Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges," rev. 4/97.

(k) The material required by Form DI4-905 "Instructions for Furnishing Background Investigative Reports," rev. 2/01, and

(l) Form DI4-1469 rev. 8/00, "Certificate of Assuming Insurer to Submit to Examination and Bear the Cost of Examination".

(m) "Checklist Trust Agreement for Trusteed Reinsurer" in included in Form DI4-1466, rev. 8/00.

(4) All forms listed in subsections (2) and (3), above, are hereby adopted and incorporated by reference. All forms may be obtained from and shall be submitted to the Applications Coordination Section, Division of Insurer Services, Department of Insurance, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0300. All checks shall be made payable to the Florida Department of Insurance.

Specific Authority 624.308, 624.610(14) FS. Law Implemented 624.307(1), (2), (3), (5), 624.316, 624.317, 624.318, 624.321, 624.324, 624.34, 624.401, 624.404, 624.407, 624.413, 624.424, 624.501(20)(c), 624.5091, 624.610, 628.051, 628.061, 628.801, 629.081 FS. History—New 1-30-91, Formerly 4-108.002, Amended 5-12-94, _____.

4-144.005 Credit for Reinsurance ~~Allowed a Domestic Ceding Insurer.~~

(1) Credit for reinsurance by a domestic insurer shall be allowed when the reinsurance is ceded to an assuming insurer which is licensed to transact that line of insurance or reinsurance both in this state and its state, place, or country of domicile as of the ceding insurer's statutory financial statement.

(2) Credit for reinsurance by a domestic insurer shall be allowed when the reinsurance is ceded to an assuming insurer which is accredited ~~approved~~ as a reinsurer in this state pursuant to Section ~~624.610(3)(b), 624.610(2)(a)2-~~ Florida Statutes, and Rule 4-144.002, Florida Administrative Code, as of any date on which statutory financial statement credit for reinsurance is claimed. An accredited ~~approved~~ reinsurer pursuant to Section ~~624.610(2)(a)2-~~ 624.610(3)(b), Florida Statutes:

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

(c) Files annually and quarterly with the Department a copy of its annual and quarterly statements filed on the National Association of Insurance Commissioners convention blank with the insurance department of its state of domicile or, in the case of a U.S. branch of an alien assuming insurer, with the state through which it is entered and in which it is licensed to transact insurance or reinsurance, and a copy of its most recent audited financial statement and maintains a surplus as regards policyholders in accordance with Section ~~624.610(3)(b)d, 624.408,~~ Florida Statutes, and whose approval has been granted by the Department. If quarterly statements are not required by the state of domicile, the Department may specifically require such filings upon written request.

(3)(a) No credit for reinsurance shall be allowed a domestic ceding insurer:

1. If the assuming insurer's approval has been revoked by the Department; or

2. In the case of an assuming insurer that is not a licensed or accredited ~~approved~~ reinsurer, unless the assuming insurer agrees in the reinsurance agreements:

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

(4) Credit for Reinsurance – Reinsurers Maintaining Trust Funds.

(a)1. Pursuant to Sections ~~624.610(3)(c)1, 624.610(2)(a)4, and 624.610(2)(b)4,~~ Florida Statutes, the Department shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer which, as of any date on which statutory financial statement credit for reinsurance is claimed, and thereafter for so long as credit for reinsurance is claimed, maintains a trust fund in an amount prescribed below in a qualified financial institution as defined in Section 624.610(5)(b), Florida Statutes ~~bank or trust company that is subject to supervision by any state of the United States or that~~

is a member of the Federal Reserve System, for the payment of the valid claims of its U.S. domiciled ceding insurers, their assigns and successors in interest.

2. through (II) No change.

(III) In addition to these trusts, the group shall maintain a trusteed surplus of which ~~\$100,000,000~~ \$50,000,000 shall be held jointly for the benefit of the U.S. domiciled ceding insurers of any member of the group for all the years of account.

b.(I) The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of regulation and solvency control by the group's domiciliary regulator as are the unincorporated members.

(II) The group shall, within ninety (90) days after its financial statements are due to be filed with the group's domiciliary regulator, provide to the Department:

(A) An annual certification by the group's domiciliary regulator of the solvency of each underwriter member of the group; or

(B) If a certification is unavailable, a financial statement, prepared by independent public accountants, of each underwriter member of the group.

~~3.a. The trust fund for a group of incorporated insurers under common administration, whose members possess aggregate policyholders surplus of \$10,000,000,000 (calculated and reported in substantially the same manner as prescribed by the Annual Statement Instructions and Accounting Practices and Procedures Manual of the NAIC, adopted and incorporated by reference in Rule 4 137.001(4), Florida Administrative Code) and which has continuously transacted an insurance business outside the United States for at least three (3) years immediately prior to making application for accreditation in any state of the United States, shall:~~

~~(I) Consist of funds in trust in an amount not less than the assuming insurers' several liabilities attributable to business ceded by U.S. domiciled ceding insurers to any members of the group pursuant to reinsurance contracts issued in the name of such group; and~~

~~(II) Maintain a joint trusteed surplus of which \$50,000,000 shall be held jointly for the benefit of U.S. domiciled ceding insurers of any member of the group; and~~

~~(III) File a properly executed Form AR-1, adopted and incorporated by reference in paragraph (2)(a), as evidence of the submission to this state's authority to examine the books and records of any of its members and shall certify that any member examined will bear the expense of any such examination.~~

~~b. Within ninety (90) days after the statements are due to be filed with the group's domiciliary regulator, the group shall file with the Department an annual certification of each~~

~~underwriter member's solvency by the member's domiciliary regulators, and financial statements, prepared by independent public accountants, of each underwriter member of the group.~~

~~(c) 1.a. through (V) No change.~~

(VI) That any amendment to the trust shall be filed with the Department no later than 30 days after approval of the amendment by the commissioner who has the regulatory oversight of the trust.

~~2.a. through (d)d. No change.~~

(e) Assets deposited in the trust and the trusteed surplus of a single assuming insurer shall consist of assets of a quality and limitation substantially similar to that required in Part II of Chapter 625, Florida Statutes, and shall be valued according to their fair market value.

(f) Assets deposited in the trust and the trusteed surplus of a group including incorporated and individual unincorporated underwriters shall be of the type and subject to limitations of the following:

~~1. through 5.g. No change.~~

~~(5) Trust agreements qualified under Section 624.610(4) 624.610(2)(b)2., Florida Statutes.~~

~~(a) No change.~~

~~(b) Required conditions.~~

~~1. The trust agreement shall be entered into between the beneficiary, the grantor and a trustee, which shall be a qualified United States financial institution as defined in Section 624.610(5)(b), Florida Statutes. As used in this subsection (5), a qualified United States financial institution is one which is a member of the Federal Reserve System.~~

~~2. through 10. No change.~~

~~11. Notwithstanding other provisions of this rule, when a trust agreement is established to meet the requirements of Section 624.610(4) 624.610(2)(b)2., Florida Statutes, in conjunction with a reinsurance agreement covering risks other than life, annuities, and accident and health, where it is customary practice to provide a trust agreement for a specific purpose, the trust agreement may provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, only for the following purposes:~~

~~a. through c. No change.~~

~~12. Notwithstanding other provisions of this rule, when a trust agreement is established to meet the requirements of Section 624.610(4) 624.610(2)(b)2., Florida Statutes, in conjunction with a reinsurance agreement covering life, annuities, or accident and health risks, where it is customary to provide a trust agreement for a specific purpose, the trust agreement may provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, only for the following purposes:~~

a. through c. No change.

13. The reinsurance agreement may, but need not, contain the provisions required in ~~(d)4-b.~~ of this subsection (5), so long as these required conditions are included in the trust agreement.

a. through c. No change.

(c) No change.

(d) A reinsurance agreement may contain provisions that stipulate that assets deposited in the trust account shall be valued according to their current fair market value and shall consist only of cash in United States dollars, certificates of deposit issued by a United States bank and payable in United States dollars, and investments permitted by Part II of Chapter 625 of the Florida Insurance Code or any combination of the above, provided investments in or issued by an entity controlling, controlled by or under common control with either the grantor or the beneficiary of the trust shall not exceed five percent (5%) of total investments. The reinsurance agreement may further specify the types of investments to be deposited. Where a trust agreement is entered into in conjunction with a reinsurance agreement covering risks other than life, annuities and accident and health, then the trust agreement may contain the provisions required by this paragraph in lieu of including such provisions in the reinsurance agreement.

(6) Letters of credit qualified under Section 624.610(4)(c) 624.610(2)(b)3., Florida Statutes.

(a)1. through 5. No change.

6.a. As used in this subsection (6), "beneficiary" means the domestic insurer for whose benefit the letter of credit has been established and any successor ~~of the beneficiary~~ by operation of law of the named beneficiary, including without limitation any liquidator, rehabilitator, receiver or conservator.

b. If a court of law appoints a successor in interest to the named beneficiary, then the named beneficiary includes and is limited to the court appointed domiciliary receiver, including conservator, rehabilitator, or liquidator.

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

2. All drafts drawn on the letter of credit shall be presentable at an office in the United States of a qualified United States financial institution.

(f) The letter of credit shall be issued or confirmed by a qualified United States financial institution authorized to issue letters of credit, pursuant to Section 624.610(5)(a), Florida Statutes.

(g) No change.

(7) Credit shall be allowed foreign and alien insurers when the reinsurance is ceded to an assuming insurer which is domiciled or licensed in, or, in the case of a U.S. branch of an alien assuming insurer is entered through, a state which employs standards regarding credit for reinsurance substantially similar to those applicable under these rules and the assuming insurer and the reinsurance agreement meets the

requirements established by this rule and Section 624.610, Florida Statutes, and the assuming insurer or U.S. branch of an alien assuming insurer:

~~(a) Maintains a surplus as regards policyholders in an amount not less than \$2,500,000; and~~

~~(b) Submits to the authority of this state to examine its books and records; provided, however,~~

~~(c) The requirement of paragraph (a), above, does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.~~

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.610 FS. History—New 1-30-91, Formerly 4-108.005, Amended 12-25-97, _____.

4-144.010 Accounting Requirements: Life and Health Reinsurance Agreements.

(1) through (2)(a)7.b. No change.

c. In determining the reserve interest rate adjustment, the formula must reflect the ceding company's investment earnings and incorporate all realized and unrealized gains and losses reflected in the statutory statement. The following is an acceptable formula. Note that the line references are for the ~~1999~~ 1994 National Association of Insurance Commissioners (NAIC) Annual Statement and are supplied as a convenient reference. Line references may be different in subsequent annual statements.

$$\text{Rate} = 2 * (\text{I} + \text{CG}) \div (\text{X} + \text{Y} - \text{I} - \text{CG})$$

Where: I is the net investment income (Exhibit 2, Line ~~15~~ 46, Column 7)

CG is capital gains less capital losses (Exhibit 3, Line ~~40~~ 9, Column 4 plus Exhibit 4, Line ~~9~~ 40, Column 4)

X is the current year cash and invested assets (Page 2, Line ~~11~~ 40A, Column 1) plus investment income due and accrued (Page 2, Line ~~17~~ 46, Column 1) less borrowed money (Page 3, Line 22, Column 1)

Y is the same as X but for the prior year

8. through (5) No change.

Specific Authority 624.308(1), 624.424(1), 624.610(12)(14), FS. Law Implemented 624.307(1), 624.424(1), 624.610(4), (6), (10), (11), (12), 625.012(8), 626.9641(1)(d), (h), 631.051, 631.061, 631.071, 631.081 FS. History—New 1-30-91, Formerly 4-108.010, Amended 3-28-96, _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bob Norris, Financial Administrator, Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michelle Newell, Division Director, Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2000

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Adult Family Care Homes	4A-57
RULE TITLES:	RULE NOS.:
Definitions	4A-57.002
Standards of the National Fire Protection Association Adopted	4A-57.003
Evacuation Capability	4A-57.005
Inspections	4A-57.007

PURPOSE AND EFFECT: To provide an alternative to the three minute evacuation capability by permitting those adult family care homes with greater than three minutes but less than thirteen minutes evacuation time to substitute a sprinkler system in place of the three minutes evacuation capability. Also, the Department of Insurance in Rule 4A-57.007, F.A.C., is taking over the responsibility of the Agency for Health Care Administration for the conduct of firesafety inspections if there is no local authority having jurisdiction to perform such inspections.

SUMMARY: Provides alternative of fire sprinkler system for evacuation capability of adult family care homes and sprinklers with more than three minutes but less than thirteen minutes evacuation capability, and substitutes Division of State Fire Marshal for Agency for Health Care Administration for firesafety inspections of adult family care homes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of 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: 400.621(2), 633.01(1) FS.

LAW IMPLEMENTED: 400.621(2), 633.022(1)(b) FS.

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

TIME AND DATE: 9:00 a.m., September 27, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)922-3171, Fax (850)922-2553

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 Millicent King, (850)922-3171.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-57.002 Definitions.

As used in these rules:

(1) through (10) No change.

(11) "Slow" means more than three minutes but not more than 13 minutes for an adult family care home and refers to the ability of a group to move reliably to a point of safety in a timely manner that is equivalent to the capacity of a household in a general population.

Specific Authority 633.01(1), 400.621(2) FS. Law Implemented 633.022, 400.621(2) FS. History--New 2-7-01, Amended _____.

4A-57.003 Standards of the National Fire Protection Association Adopted.

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

(c) Each AFCH which does not meet the evacuation capability of prompt but which does meet an evacuation capability of slow shall also comply with the requirements of Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, National Fire Protection Association (NFPA) 101, 2000 edition, to be considered to have met the firesafety requirements under Section 4A-57.005, Florida Administrative Code. Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, NFPA 101, 2000 edition, are hereby adopted and incorporated by reference.

(d) During each fire exit drill, all occupants should evacuate the building on their own or with staff assistance or any other available assistance, as needed.

(2) No change.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022(10)(b) FS. History--New 2-7-01, Amended _____.

4A-57.005 Evacuation Capability.

(1) The evacuation capability for each AFCH shall be determined by a series of fire exit drills as "prompt" or "slow".

(a) An evacuation capability of "prompt" shall measure the ability of a group to move to a point of safety outside the AFCH within a drill time of three minutes or less.

(b) An evacuation capability of "slow" shall measure the ability of a group to move to a point of safety outside the AFCH within a drill time of more than three minutes but less than 13 minutes.

(2) Subject to subsection (4), if ~~if~~ the AFCH does not achieve an evacuation capability of "prompt" during the fire exit drill, a second fire exit drill must be performed within 30 days of the fire exit drill in which the AFCH did not achieve an evacuation capability of "prompt."

(3) Subject to subsection (4), if ~~if~~ the AFCH does not achieve an evacuation capability of "prompt" during the second fire exit drill, the inspector shall notify the agency that the AFCH can no longer meet the required safety requirements.

(4) If the AFCH does not achieve an evacuation capability of "prompt" during the first fire drill, but the AFCH does receive an evacuation capability of "slow," and the AFCH is in compliance with Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, NFPA 101, 2000 edition, the AFCH shall be deemed to have met the required firesafety requirements and no notification under subsection (3) shall be provided to the agency.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022(1)(b) FS. History--New 2-7-01, Amended _____.

4A-57.007 Inspections.

(1) through (2) No change.

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

(4) through (5) No change.

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

(7) No change.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022(1)(b) FS. History--New 2-7-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES:	RULE NOS.:
Documentation of Training, General	5F-11.060
Master Qualifier Examinations;	
Applicant Qualifications	5F-11.061
Approved Courses of Continuing Education	5F-11.062
Approval of Outside Vendor Training Programs	5F-11.063
Renewal of Qualifier and Master	
Qualifier Certificates	5F-11.064
Examination Procedures	5F-11.065

PURPOSE AND EFFECT: Applicable laws, Section 527.02(2),(4)(c), Florida Statutes, requires the Department to identify, by rule, approved courses of continuing education. Section 527.066, Florida Statutes, and Section 527.06, Florida Statutes, allows the Department to identify, by rule, reasonable standards of competency and qualification for persons engaged

in the liquefied petroleum gas business. The purpose and the effect of this rule is to define continuing education programs which will be recognized as acceptable to the department for the qualification of Category I LP Gas Dealer and LP Gas Installer qualifiers and master qualifiers.

SUMMARY: The proposed rules set forth criteria for acceptable continuing education programs and methodologies for documentation of said training as required by law. The rules also provide for procedures relating to examinations and determination of competency.

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

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

SPECIFIC AUTHORITY: 527.02(2),(4)(c), 527.066, 527.06 FS.

LAW IMPLEMENTED: 527.02(2),(4)(c), 527.066, 527.06 FS. A RULE HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., October 9, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspection, (850)921-8001

THE FULL TEXT OF THE PROPOSED RULES IS:

PART VI
EXAMINATIONS, TRAINING AND
CONTINUING EDUCATION

5F-11.060 Documentation of Training, General.

(1) Documentation of employee training, as required in Section 1-5, NFPA 58, shall include the following:

- (a) Employee's Name;
- (b) Employees primary job responsibilities and duties;
- (c) Date of completed employee training;
- (d) Description, copy or location of the materials used to conduct the training, including the topics covered by the training;
- (e) Name, address and phone number of the person or organization conducting the training;
- (f) Certification by the employer that the employee has been trained and evaluated.

(2) Documentation shall be maintained at the employee's place of business and shall be available for inspection by the bureau upon request.

Specific Authority 527.02(2),(4)(c), 527.066, 527.06 FS. Law Implemented 527.02(2)(4)(c), 527.066, 527.06 FS. History—New _____.

5F-11.061 Master Qualifier Examinations; Applicant Qualifications.

(1) As evidence of reasonable competency and qualification, Master Qualifier applicants must be a Category I LP Gas Dealer or LP Gas Installer qualifier and shall have a minimum of one year's practical experience in the liquefied petroleum gas industry. Practical experience is defined as work with a liquefied petroleum gas company and which activities which fall within one or more of the following categories:

- (a) Maintenance of LP gas facilities and equipment.
- (b) LP gas storage and distribution facility operations and safety.
- (c) LP gas transportation, delivery, product transfer.
- (d) LP gas tanks, cylinders and equipment.
- (e) LP gas liquid and vapor distribution systems and equipment.
- (f) LP gas equipment and appliance service, installation and repair.
- (g) LP gas carburetion.

(2) Each applicant for Master Qualifier examination shall provide documentation to the department certifying eligibility as a Master Qualifier for a licensed Category I LP Gas Dealer or LP Gas Installer in the State of Florida. Documentation shall be provided on a department form and shall include the following:

- (a) Applicants Name;
- (b) Mailing Address;
- (c) Name and license number of employer, or date of application if pending;
- (d) Notarized affidavit of eligibility as a supervisor, manager, owner, or other person primarily responsible for the daily operations of the licensee;
- (e) Verification of Employment with a Licensed Category I LP Gas Dealer or LP Gas Installer;
- (f) Copy of the applicants examination qualification card as a Category I LP Gas Dealer or LP Gas Installer qualifier.

Specific Authority 527.02(2),(4)(c), 527.066, 527.06 FS. Law Implemented 527.02(2)(4)(c), 527.066, 527.06 FS. History—New _____.

5F-11.062 Approved Courses of Continuing Education.

(1) Courses, which cover one or more of the following topics, shall be approved for continuing education credit as required in Section 527, Florida Statutes, for Category I LP Gas Dealer, Installer and Master Qualifiers:

- (a) Inspections and maintenance of LP gas facilities and equipment.
- (b) State and federal LP gas laws, rules and regulations, codes and standards.
- (c) LP gas emergency procedures, fire protection, risk management planning.

(d) LP gas storage and distribution facility operations and safety.

- (e) LP gas transportation and delivery.
- (f) LP gas liquid transfer.
- (g) LP gas tanks, cylinders and equipment.
- (h) LP gas liquid and vapor distribution systems and equipment.
- (i) LP gas equipment and appliance service, installation and repair.

(j) LP gas carburetion.
(2) Continuing education credits will be granted on an hour-for-hour basis for up to 4 hours credit per class. For each 12 hours of continuing education credits, a minimum of two hours shall be from items (a), (b) or (c) in Section (1) above.

(3) Continuing education classes provided by the employer shall be documented as outlined in Section 5F-11.060 and records shall be maintained at the employee's work location. These records shall be available for inspection by the bureau upon request.

Specific Authority 527.02(2),(4)(c), 527.066, 527.06 FS. Law Implemented 527.02(2)(4)(c), 527.066, 527.06 FS. History—New _____.

5F-11.063 Approval of Outside Vendor Training Programs.

(1) Outside vendors providing training to industry personnel for the purposes of continuing education credits shall submit the following documentation to the bureau for review and approval:

- (a) Name and qualifications of each instructor
- (b) Course Title as it is to appear on any advertisements or in internal company records.
- (c) Course Time Table, which outlines the approximate schedule for the course, specifying the total number of training hours for the course.
- (d) Course Description, which shall relate to the inspection and technical skills required for students and meet the criteria set forth in Section 5F-11.062.

(e) Course Objectives and Goals, which clearly and specifically state what skills or knowledge the applicants should be able to demonstrate when the course is successfully completed.

(f) Method of Course Presentation, which shall describe how the content will be presented, such as lecture, discussion, multimedia presentations, computer based training, or other specified methods.

(g) Method of Evaluation of Course Participants, which shall specify how students will be evaluated, such as written examination, demonstration of skills, observation, or other specified method.

(h) Topical Outline of the Course, which indicates the order in which the course subject matter will be presented to the course participants.

- (i) A copy of course materials to be used during training.

(2) Courses which fail to meet the criteria of this section shall not be eligible for continuing education credits.

(3) The outside vendor shall immediately notify the bureau of any revisions to course materials or documents and shall provide copies of such revisions or documents to the bureau for review.

Specific Authority 527.02(2),(4)(c), 527.066, 527.06 FS. Law Implemented 527.02(2)(4)(c), 527.066, 527.06 FS. History—New _____.

5F-11.064 Renewal of Qualifier and Master Qualifier Certificates.

(1) All category I LP gas dealers qualifiers, LP gas installer qualifiers and Master shall submit a renewal form, fee, affidavit of eligibility and documentation of a minimum of 12 continuing education hours in order to renew their qualification.

(2) Master Qualifiers who wish to renew their qualification but who are not the designated Master Qualifier for a license holder or license applicant, may renew their qualification and maintain the qualification on inactive status.

Specific Authority 527.02(2),(4)(c), 527.066, 527.06 FS. Law Implemented 527.02(2)(4)(c), 527.066, 527.06 FS. History—New _____.

5F-11.065 Examination Procedures.

An applicant who fails any part of an examination may be reexamined on those parts failed upon reapplication and payment of the required examination fee. Re-examinations must be completed within 45 calendar days of the original examination, however, no examinee may retake the failed examination more than two times within the 45-day period. If the applicant does not successfully complete the examination within the 45-day period, the examinee shall be given a failing grade. After a 30-day period, the applicant may reapply to retake the entire examination.

Specific Authority 527.02(2),(4)(c), 527.066, 527.06 FS. Law Implemented 527.02(2)(4)(c), 527.066, 527.06 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicki O’Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-8001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director of Standards, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE:

Food Permits; Requirements and Fees

RULE NO.:

5K-4.020

PURPOSE AND EFFECT: The rule amendment creates new definitions for food establishments and changes the fee schedule for annual permit fees charged to food establishments.

SUMMARY: The rule amendment increases the permit fees charged to supermarkets, grocery stores and firms that have various types of food preparation, food processing and food service. The increase in fees is more consistent with the time spent inspecting the respective firm categories and the risk generated by the firm’s food service activities. The amendment creates new food establishment firm types that more accurately describe the variety of food service that may take place at convenience stores, minor food outlets, bakeries and health food stores.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 500.09, 500.12(1)(b), 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.10, 500.12(1)(a), (b), (c), (d), 500.171, 500.172, 500.177 FS.

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

TIME AND DATE: 10:00 a.m., October 1, 2001

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, FL, telephone (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, telephone (850)488-3951

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply in determining food permit fees:

(a) Bottling plant. A processor or packer or both of juices, drinks, carbonated beverages or non-carbonated beverages in hermetically sealed containers (excluding bottled water).

(b) Canning plant. A processor or packer or both of fruit, vegetables, seafoods or other foods in hermetically sealed containers.

(c) Convenience store. A business that is engaged primarily in the retail sale of groceries or motor fuels or special fuels and may offer food services limited to coffee from urns, or iced or frozen drinks to the public, with no significant food service or retail food processing. ~~A business which provides motor fuel or special fuel to the public which also offers groceries or food service is included in this definition.~~

(d) Convenience store with limited food service. A convenience store where food is prepared and intended for individual portion service, but limited to the display of snack foods or pastries, and/or heating or cooking of hot dogs, sausages, prepackaged pizza or meat pastries, and includes the site at which individual portions are provided, regardless of whether consumption is on or off the premises or whether there is a charge for the food, but without retail food processing.

(e) Convenience store with significant food service. A convenience store that has retail food processing activities consisting of on-site cooking or other preparation of hot entrees, chicken (fried, roasted or grilled), sandwiches, salads, or desserts for consumption on or off the premises. The term also applies to such foods brought to a location for sale on individual customer order or by buffet-style display. Fish or seafood processor. A processor of fresh water or salt water fish, shellfish or crustaceans, primarily for wholesale distribution.

(f) Food salvage center. A firm specializing in sorting, segregating and re-working damaged foods, primarily for wholesale distribution.

(g) Food storage warehouse. A cold storage warehouse, a dry storage warehouse, or a commercial food distribution center.

(h) Grocery store. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains four or fewer check-out registers and less than 15,000 total square footage, including display, preparation and storage areas.

(i) Health food store. A retail food store engaged primarily in the sale of prepackaged vitamins, minerals, nutritional supplements and foods intended for health conscious persons but with which contains no food service or retail food processing.

(j) Health food store with food service. A health food store where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided, regardless of whether consumption is on or off the premises, or whether there is a charge for the food, but with no retail food processing.

(k)(~~+~~) Limited Sales. Any business fitting any of the definitions in this subsection with gross food sales less than \$15,000.00 ~~40,000.00~~ annually.

(l)(~~+~~) Meat market. A retail food store engaged primarily in the cutting, processing and selling of meats or poultry or both. A limited number of other foods may be stocked, but inventory and sales are predominantly meat or poultry or both.

(m)(~~+~~) Minor food outlet. Any retail establishment that sells groceries and may offer food service to the public limited to coffee from urns, or iced or frozen drinks, but neither the grocery sales nor the food service business activity is a major retail function based on allocated space or gross sales. No retail food processing may be performed.

(n)(~~+~~) Minor food outlet with limited food service. A minor food outlet where food is prepared and intended for individual portion service, but limited to the display of snack foods or pastries, and/or heating or cooking of hot dogs, sausages, prepackaged pizza or meat pastries, regardless of whether consumption is on or off the premises or whether there is a charge for the food, and without ~~and includes the site at which individual portions are provided,~~ but with ~~no~~ retail food processing.

(o) Minor food outlet with significant food service. A minor food outlet that has retail food processing activities consisting of on-site cooking or other preparation of hot entrees, chicken (fried, roasted or grilled), sandwiches, salads, or desserts for consumption on or off the premises. The term also applies to such foods brought to a location for sale on individual customer order or by buffet-style display.

(p)(~~+~~) Mobile vendor. Persons selling foods other than fresh fruits or vegetables from trucks, trailers or similar self-propelled conveyances, ~~or at flea markets, roadside stands or other semi-permanent, transient, or temporary location.~~

(q)(~~+~~) Processor, other non-perishable foods. A processor or packager of grain products, snack foods, candy, table syrup, honey, coffee, tea, spices or other non-perishable foods not defined elsewhere in this section.

(r)(~~+~~) Processor, other perishable foods. A processor of cheese, packaged sandwiches, bulk or packaged salads, or other perishable foods not defined elsewhere in this section.

(s)(~~+~~) Rabbit or game processor. A processor of rabbits, quail, deer, or other bird or animal species normally considered game, excepting any equine, bovine, goat, sheep, swine, or chickens, turkeys, ducks, geese, squab, ratites or guineas.

(t)(~~+~~) Retail bakery. A food establishment that bakes ~~baker~~ of breads, pastries or other similar baked goods, primarily for retail sale on the premises.

(u) Retail bakery with food service. A retail bakery where food other than breads, pastries or other similar baked goods is prepared and intended for individual portion service, and includes the site at which individual portions are provided, regardless of whether consumption is on or off the premises, or whether there is a charge for the food.

(v)(~~+~~) Retail food processing. The cutting, grinding, or slicing of meats or cheeses for bulk or packaged display; the preparation and wrapping or packaging of sandwiches, salads, or other foods for retail display; the smoking or cooking of meat, poultry, or fish for retail display or on customer request; the steaming, cracking, or cooking of crustaceans or shellfish for retail display or on customer request; the on-premises baking of breads or pastries; or the peeling, cutting, or trimming and packing of fruit or vegetables for retail display.

(w)(~~+~~) Salvage store. A retail food store specializing in salvage foods.

~~(x)(t)~~ Seafood market. A retail food store engaged primarily in the sale of seafood fish, crustaceans, and shellfish. A limited number of other foods may be stocked, but inventory and sales are predominantly fish, crustaceans, or shellfish.

~~(v)~~ Significant food service. ~~The on-site cooking or other preparation of hot entrees, sandwiches, salads, snack foods or desserts for consumption on or off the premises. The term also applies to such foods brought to a location for sale on individual customer order or by buffet style display. The term does not apply when food service is limited to coffee urns, the sale of frozen desserts or iced drinks, or the sale of non-hazardous foods in bulk containers for customer self-service.~~

~~(y)~~ Seafood processor. A processor of fresh or saltwater finfish, crustaceans, other forms of aquatic animal life (including, but not limited to, alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, where such animal life is intended for human consumption, primarily for wholesale distribution.

~~(z)~~ Semi-permanent vendor. Persons selling foods other than fresh fruits and vegetables from a pushcart flea market stand roadside stand kiosk or similar structure and which may offer ancillary food service.

~~(aa)(w)~~ Supermarket. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains five or more check-out registers or 15,000 or greater total square footage, including display, preparation and storage areas.

~~(bb)(x)~~ Wholesale bakery. A food establishment that bakes baker of breads, pastries or other similar baked goods, primarily for wholesale distribution.

(2) No food permit shall be issued until an inspection has been made of the establishment and its equipment and methods of operation, and these found to comply with the provisions of the Florida Food Safety Act and rules adopted thereunder. A permit number will be assigned by the department following receipt of the Annual Food Permit Application, DACS-1403-06, (Rev. 10/94), herein incorporated by reference, a copy of which can be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. The above application shall bear the signature of the applicant or applicant's agent, a satisfactory report of inspection, and a fee in the amount specified in subsection 5K-4.020(5), F.A.C. Said permit number shall not be used on any label or in any advertisement of food. Permits shall be conspicuously displayed at locations for which issued and are not transferable. The provisions of this section do not apply to public food service establishments as defined in Chapter 509, F.S.

(3) Any agent of the department shall have access to any factory or establishment which holds a permit from the department, for the purpose of ascertaining whether or not the conditions of the permit are being complied with. Denial of access for such inspection shall be grounds for suspension of the permit.

(4) Any person violating this rule shall be subject to the injunction procedures of Section 500.171, Florida Statutes, and to the penalties provided in Section 500.177, Florida Statutes.

(5) Food Permit Fees.

(a) One food permit shall be issued to and one fee shall be charged to a person for all food operations at a single location, regardless of whether the location may qualify under the definitions of this subsection for two or more permits. If a location qualifies for two or more permits, only the largest applicable fee shall be charged to that location, except that any location qualifying for a Limited Sales permit shall only be charged the fee applicable to a Limited Sales permit. If the ownership of a firm changes during a calendar year, a new food permit application, a satisfactory report of inspection, and a fee in the amount specified in subsection 5K-4.020(5), F.A.C., is required before a food permit shall be issued. Other license or permit fees as may apply to a business, however, are not voided by payment of the food permit fee. Fees charged new food permit applicants shall be the entire applicable fee if the completed application is submitted January 1 through June 30, and shall be 60 percent ~~1/2~~ of the applicable fee if the completed application is submitted July 1 through December 31.

(b) The following schedule of ~~fees charges~~ is established for each food permit.

<u>Bottled Water Plant</u>	<u>\$500</u>
<u>Bottling Plant</u>	<u>350</u>
<u>Canning Plant</u>	<u>375</u>
<u>Convenience Store</u>	<u>300</u>
<u>Convenience Store with Limited Food Service</u>	
<u>Convenience Store with Significant Food Service</u>	
<u>Food Salvage Center</u>	<u>400</u>
<u>Food Storage Warehouse</u>	<u>325</u>
<u>Grocery Store</u>	<u>425</u>
<u>Health Food Store</u>	<u>275</u>
<u>Health Food Store with Food Service</u>	<u>350</u>
<u>Limited Sales</u>	<u>75</u>
<u>Meat Market</u>	<u>350</u>
<u>Minor Food Outlet</u>	<u>275</u>
<u>Minor Food Outlet with Limited Food Service</u>	<u>325</u>
<u>Minor Food Outlet with Significant Food Service</u>	<u>400</u>
<u>Mobile Vendor</u>	<u>275</u>
<u>Packaged Ice Plant</u>	<u>250</u>
<u>Processor, Other Non-perishable Foods</u>	<u>300</u>
<u>Processor, Other Perishable Foods</u>	<u>375</u>
<u>Rabbit or Game Processor</u>	<u>300</u>

<u>Retail Bakery</u>	<u>325</u>
<u>Retail Bakery with Food Service</u>	<u>400</u>
<u>Salvage Store</u>	<u>375</u>
<u>Seafood Market</u>	<u>325</u>
<u>Fish or Seafood Processor</u>	<u>400</u>
<u>Semi-permanent Vendor</u>	<u>200</u>
<u>Supermarket</u>	<u>500</u>
<u>Wholesale Bakery</u>	<u>425</u>
Retail Bakery	\$325
Wholesale Bakery	350
Canning Plant	350
Bottling Plant	350
Rabbit or Game Processor	350
Fish or Seafood Processor	350
Processor, Other Perishable Foods	350
Processor, Other Non-perishable Foods	275
Food Storage Warehouse	325
Food Salvage Center	350
Salvage Store	350
Convenience Store	275
Convenience Store with Food Service	350
Meat Market	350
Seafood Market	350
Grocery Store	350
Supermarket	350
Minor Food Outlet	275
Minor Food Outlet with Food Service	325
Health Food Store	275
Mobile Vendor	275
Limited Sales	75

(6) Late Fees.

(a) The renewal fee for all food permits shall be the same as the food permit fee required by subsection 5K-4.020(5), F.A.C., and shall be due annually on January 1. If the renewal fee is not received by the department within thirty days after its due date, a late fee must be paid in addition to the food permit fee required by subsection 5K-4.020(5), F.A.C., before the department will issue the food permit.

(b) If a renewal fee is not paid in full by February 1, a late fee of \$100 shall be assessed against the establishment.

(c) No establishment shall be issued a food permit until all applicable fees, including late fees, are received by the department.

Specific Authority 500.09, 500.12(1)(b), 570.07(23) FS. Law Implemented 500.04, 500.10, 500.12(1)(a), (b), (c), (d), 500.171, 500.172, 500.177 FS. History—New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dr. John Fruin, Chief, Bureau of Food and Meat Inspection,
3125 Conner Boulevard, Tallahassee, Florida 32399-1650,
telephone (850)488-3951
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Dr. Marion Fuller, Director,
Division of Food Safety
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 21, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 3, 2001

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Highway Traffic Safety Program	14-98
RULE TITLES:	RULE NOS.:
Purpose	14-98.001
Definitions	14-98.002
Policy	14-98.003
Funds Availability	14-98.004
Application and Award Procedures	14-98.005
Funds Distribution	14-98.006
Grant Conditions	14-98.007
Forms	14-98.008

PURPOSE AND EFFECT: The rule chapter is being amended to include repeal of Rules 14-98.006 and 14-98.007, revise policy and procedures, revise purpose and definitions, and adopt revised forms.

SUMMARY: The rule chapter is amended to include procedural amendments, clarification, repeal of two rules, revised definitions, and the adoption of revised forms related to the Highway Traffic Safety Program.

SPECIFIC AUTHORITY: 334.044(2),(25) FS.

LAW IMPLEMENTED: 334.044(25) FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: (If one has been prepared).

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 FULL TEXT OF THE PROPOSED RULES IS:

14-98.001 Purpose.

~~Section 334.044(24), Florida Statutes, transferred the Highway Traffic Safety Program from the Department of Community Affairs to the Florida Department of Transportation in 1991. The purpose of the Highway Traffic Safety Program is to develop, implement, and manage a data-driven comprehensive traffic safety program aimed at saving lives, preventing injuries, and reducing related costs associated with traffic crashes on Florida's roadways assist other State and local agencies in the management of the diverse array of activities comprising the State's total traffic safety resources in a manner that achieves the most effective focus on critical crash problems in accordance with the standards of the National Highway Safety Act of 1966, as amended. The Highway Traffic Safety Program provides for the acceptance of State and Community Highway Safety Funds grant funds provided through the United States Department of Transportation under Section 402, Title 23, United States Code, and Public Law 89-564, as amended, for the State's implementation of the provisions of the National Highway Safety Act of 1966, as amended. The law statutes establishes broad objectives for the purpose of funds allocation. This Rule Chapter These rules shall be liberally construed by the Department to effectuate the purposes of the statutes, and the National Highway Safety Act of 1966, as amended. It is the intent of the Department that these rules permit maximum flexibility within the limits of the statutes, yet define procedures consistent with sound public funds management principles and consistent with the need to apprise potential applicants, fund recipients, and the public of the Department's policy governing administration of the program. Funding for the Highway Traffic Safety program is based on the Federal Fiscal Year, from October 1 of each year through September 30 of the following year.~~

~~Specific Authority 120.53(1), 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History—New 12-30-84, Amended 6-10-85, Formerly 9B-32.01, 9B-32.001, 9G-15.001, Amended 12-7-93.~~

14-98.002 Definitions.

As used in these rules, except where the context clearly indicates a different meaning:

- (1) "Activity" means elements of work that accumulate to accomplish subgrant objectives, such as hiring of personnel, purchasing of equipment or materials, conducting surveys, performing specific duties, and ~~or~~ any other duties or acts designated in the subgrant agreement.
- (2) "Actual" means ~~the attained level of resources expended or accomplishments, as opposed to planned expenditures or accomplishments.~~
- (2)(3) "Applicant" means a unit of local government entity as defined in Section 11.45, Florida Statutes; or state agency as defined in Section 216.011, Florida Statutes; sheriff; special district; corporation not for profit; or a Florida university that

meets the minimum standards established in Rule 6E-1.0045, F.A.C., and is accredited by the Southern Association of Colleges and Schools or some other nationally recognized accreditation board, that requests approval of a Subgrant Application for Highway Safety Funds requesting highway safety funds or a non-governmental not-for-profit or non-profit agency requesting funding for a pilot project.

(3) "Corporation Not for Profit" means as defined in Section 617.01401, Florida Statutes, and shall include foreign corporations defined in that section. For purposes of this rule, the corporation must list in Article III of its Articles of Incorporation at least one purpose related to traffic safety or injury prevention.

(4) "DBE" means ~~disadvantaged business enterprise as defined in rule chapter 14-78.~~

(5) "CFR" means Code of Federal Regulations.

(4) "Chief Financial Officer" means the employee of the subgrantee agency or the implementing agency who has overall fiscal responsibility for the subgrant.

(5) "Concept Paper" means an initial request for highway safety funding, which includes a statement of the highway safety problem that the applicant has identified, a statement of proposed activities that the applicant will take to address the problem, an estimated budget for conducting the activities, and the name of a contact. Concept papers must be accompanied by a letter of support from the head of the agency that will implement the project, if funded.

(6) "Cost Incurred" means costs are considered incurred on the date that goods or services are received and accepted.

(7) "Department" means Florida Department of Transportation.

(8) "Office" means State Safety Office.

(9) ~~"U.S. DOT" means U.S. Department of Transportation.~~

(8)(10) "Evaluation" means a process that involves measuring the success or failure of a project in achieving predetermined objectives.

(9)(11) "FFY" means Federal Fiscal Year, the period beginning October 1 and ending September 30 the following year.

(10)(12) "FHWA" means Federal Highway Administration.

(13) ~~"Unit of Local Government" means any municipality, special district, or board of county commissioners or other governing body of a county, however styled, including that of a consolidated or metropolitan government.~~

(14) ~~"State Agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch, or the judicial branch of state government as defined in Section 216.011, Florida Statutes.~~

~~(11)~~(15) "Governor's Highway Safety Representative" means the State official appointed by the Governor of Florida, who is responsible to and represents the Governor in the conduct of the Statewide Highway Traffic Safety Program.

~~(12)~~(16) "HSP" means Highway Safety Plan. ~~The HSP is a program document between the U.S. DOT National Highway Traffic Safety Administration, Federal Highway Administration, and the State of Florida. It is a plan to which available federal funds may be obligated. It is the overall funding plan for a given fiscal year.~~

~~(13)~~(17) "Implementing Agency" means the subgrantee's designee for performing the activity defined in agency responsible for implementation and management of the subgrant.

~~(18) "Pilot Project" means a special project implemented by either a governmental agency or non-governmental not-for-profit agency to demonstrate, evaluate, or enhance a specific countermeasure.~~

~~(14) "MBE" means minority business enterprise, which is a small business concern that is owned or controlled by one or more minorities as defined in 49 C.F.R. Part 23.~~

~~(15)~~(19) "Milestone" means the development of a specific activity within a specific period of time.

~~(16)~~(20) "NHTSA" means National Highway Traffic Safety Administration.

~~(17) "Office" means State Safety Office.~~

~~(18)~~(21) "OMB" means Federal Office of Management and Budget.

~~(22) "P. L." means Public Law.~~

~~(19)~~(23) "Program" means the Highway Traffic Safety Program or two one or more consecutive traffic safety projects implemented by the same agency in consecutive years, with the succeeding projects being a continuation of the initial project.

~~(20)~~(24) "Program Manager" means a staff member of the State Safety Office authorized by the Governor's Highway Safety Representative to act as the liaison between the State Safety Office, and the subgrantee, and implementing agencies in all matters pertaining to a subgrant an agreement.

~~(25) "Program Period" means the total of one or more project periods not to exceed 36 months without specific written approval from the Department.~~

~~(21)~~(26) "Project" means a specific plan of action being undertaken to improve an identified traffic highway safety problem.

~~(22)~~(27) "Project Director" means the person responsible to the implementing agency for the management and operation of the subgrant ~~or contract.~~

~~(23)~~(28) "Project Number" means the identification a number assigned by the State Safety Office to each subgrant or contract.

~~(29) "Project Period" means the estimated length of time to complete a highway safety project. The project period cannot exceed twelve consecutive months or September 30th, whichever is earlier, without specific written approval from the Department.~~

~~(24)~~(30) "Subgrant" means the approved Subgrant Application for Highway Safety Funds, which constitutes a contract written agreement between the Department and the applicant, unit of local government, state agency, or other eligible recipient in which the applicant recipient agrees to perform certain specified activities toward reaching certain specified objectives in return for certain specified compensation from the Department.

~~(25)~~(31) "Subgrantee" means the unit of local government, state agency, or other eligible applicant to whom the Department awards a subgrant or contract.

~~(26)~~(32) "Subgrant Period" means the effective time between the beginning and ending date of the subgrant.

~~(27) "U.S. DOT" means United States Department of Transportation.~~

~~(33) "WBE" means Women-owned Business Enterprise.~~

Specific Authority 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History—New 12-30-84, Amended 6-10-85, Formerly 9B-32.02, 9B-32.002, Amended 11-19-89, Formerly 9G-15.002, Amended 12-7-93,_____.

14-98.003 Policy.

(1) Subgrant Applications. Each pProject proposals must be designed to impact one or more address a range of services and activities having a measurable and potentially major impact on the causes of traffic crashes, injuries, and/or fatalities; to evaluate or identify traffic crash problems in Florida; or to increase public awareness of the state's crash problem. Each project must be capable of producing measurable results, which will be used to determine the effectiveness of the project.

(2) Annual Highway Safety Plan. The Department shall formulate an annual HSP which identifies projects that will be funded during the FFY Highway Safety Plan to define programs to achieve goals and objectives for improving highway safety and allocation of federal funds which will most economically and efficiently carry out the assigned mission.

(3) Technical Assistance. The Office Department will provide, within limitations of staff time and budget, training and technical assistance, within limitations of staff time and budget to all eligible applicants, subgrantees and members of other governmental units upon request, or upon a determination by the Department of a subgrantee's need.

(4) Monitoring and Evaluation. The Office Department will perform such activities as may be necessary to monitor subgrantee compliance with sState and sFederal laws, rules, and regulations, to evaluate the fiscal and programmatic effectiveness of the subgrantee's activities, and to confirm the status of fiscal and program activities.

(5) Annual Report. The Office shall prepare an Annual Report that summarizes the activities which took place during the previous FFY. The report shall include a financial summary that shows funds awarded and expended.

(6) Public Awareness. The Office will promote public awareness of traffic safety issues affecting the State by distributing educational and public awareness materials through law enforcement agencies, public health departments, and other traffic safety organizations.

Specific Authority 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History—New 12-30-84, Formerly 9B-32.03, 9B-32.003, Amended 11-19-89, Formerly 9G-15.003, Amended 12-7-93, _____.

14-98.004 Funds Availability.

(1) The amount of federal funds available shall be that amount allocated each FFY to the State of Florida by the Federal Government under the National Highway Safety Act of 1966, as amended, and all other applicable sections of Section 402, Title 23, United States Code.

(2) The ~~Office Department~~ shall attempt to distribute all of the funds available in the current FFY, but may distribute part of the funds in a later FFY, when permitted by ~~federal law and Florida law Statutes to do so, and if such action, in the judgment of the Department, will meet best carry out the program objectives.~~

Specific Authority 420.53(4), 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History—New 12-30-84, Formerly 9B-32.04, 9B-32.004, 9G-15.004, Amended 12-7-93, _____.

14-98.005 Application and Award Procedures.

(1) The ~~Office Department~~ will conduct an ~~annual problem~~ analysis of the traffic crash history of the ~~s~~State by April 30th of each year, based on the most currently available crash data from the Department of Highway Safety and Motor Vehicles, identifying those ~~counties geographic areas~~ with the most severe traffic problems, in a Traffic Safety Matrix ranked listing.

(2) The selection of ~~potential~~ subgrant recipients will be based, in part, on their position on the Traffic Safety Matrix ranked list for the particular type of highway safety problem. Data from the Department of Highway Safety and Motor Vehicles' annual Uniform Traffic Citation Statistics Report, the Office's annual observational survey of safety belt use, and past subgrant history will also be considered when selecting potential subgrant recipients.

(3) To be eligible for funding, an applicant: ~~to be considered as a potential subgrant recipient, the potential recipient~~

(a) Cannot have been previously funded for an the proposed activity in the same priority area of the Highway Safety Plan during the three consecutive fiscal years prior to the start of the fiscal year for which funds are being requested in excess of 36 months nor can the proposed activity supplant funds allocated or appropriated for the same activity. The three fiscal year limitation may be exceeded where NHTSA

approves exceeding the limitation or Congress directs funds to be spent for a specific activity. In addition, if the Office funds the start of a program involving positions over two years because of funding availability, a fourth year of funding, limited to partial funding of the position(s) created in year two, may be awarded. Statewide programs for training, coordination, evaluation, or public awareness may exceed the three year limit.

(b) Cannot request funding that would supplant funds previously allocated or appropriated by the applicant for the same activity, nor can funding replace equipment previously purchased with local or federal funds.

(c) Shall not be eligible for funding if it has violated a condition of a previous subgrant.

~~(3) Each ranking is based on three components:~~

~~(a) Magnitude. "Magnitude" is the absolute number of injuries and fatalities in each of four categories: Total Crashes, Alcohol Related, Pedestrian, and Bicycle. The injuries and fatalities are totaled for a three year period.~~

~~(b) Rate. "Rate" is calculated by dividing the "Magnitude" by a normalizing variable. The total number of vehicle miles travelled in each of the three years is used to normalize "Total Crashes" and "Alcohol Related" crashes, and average annual population estimates are used to normalize the statistics for "Pedestrian" and "Bicycle" crashes.~~

~~(c) Trend. "Trend" is the ratio of a short term to a long term moving averages of the "Magnitude" over a seven year period.~~

~~(4) Indices are calculated to represent how each county compares to others in each factor. The rankings are based on the composite of these three components: magnitude, rate, and trend.~~

(4)(5) The Office Department will provide, upon request, information on how to prepare a concept paper for highway safety funding an application package (Instructions for Highway Safety Subgrant Application for Highway Safety Funds, and Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, 09/94) to any potential local government, state agency, or other eligible applicant. Concept papers will be accepted annually from January 1 through March 31 for the upcoming fiscal year.

(5) The Office will review all concept papers for compliance with state and federal rules and regulations. Concept papers that comply with state and federal rules and regulations will be prioritized on the basis of:

(a) The Concept Paper Evaluation Form, FDOT Form 500-065-17.

(b) Subgrant history.

(c) The Traffic Safety Matrix, and

(d) Analysis of relevant crash data, citation data, and survey results.

The Highway Safety Subgrant Scoring Sheet, FDOT Form 500-065-18 will be used to prioritize all eligible concept papers.

(6) The Office will consider the following factors in determining to what extent concept papers will be funded:

(a) Total federal funds available for the fiscal year,

(b) Amount of funding available for each priority area of the HSP,

(c) Fundability of each request,

(d) Statewide coverage of programs, and

(e) Funding activities in as many counties as possible.

No implementing agency of a government entity, as defined in Section 11.45, Florida Statutes, sheriff, special district, or corporation not for profit shall receive funding in more than three priority areas of the HSP. Further, no implementing agency of a governmental entity, as defined in Section 11.45, Florida Statutes, sheriff, special district, or corporation not for profit shall receive funding in more than two priority areas of the HSP if the total amount of its two highest ranked concept papers exceed \$250,000.

(7) Two copies of the application form, Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 07/01, will be sent to those applicants whose concept papers are selected for funding.

(8)(6) Applicants shall forward ~~one copy~~ ~~three copies~~ of the completed application and a minimum of three signature pages, containing all each with an original signatures, to the Office Department.

(9) Each corporation not for profit applicant shall attach a financial statement to its application form which shows that it has funds equal to the amount of the subgrant award on deposit in a special account designated for project activities only.

(10)(7) The ~~Office Department~~ shall review all applications and will reject any applications not meeting the requirements of these rules and applicable Federal and State laws, within ten working days of receipt of said applications. In the event that an applicant submits a Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 07/01, for an activity that is not included in the Highway Safety Plan, the application shall be rejected. Failure to reject any application within ten days shall not result in automatic grant of an application. All subgrants are subject to funds availability.

(11)(8) Notice of denial of grant award. Notice of the ~~Office's Department's~~ intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action to deny will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111. Provisions of any notice, denial, revocation, or notice of Administrative Hearing

Rights by the Department under this rule shall not constitute, or create, entitlement to an administrative hearing where such right does not otherwise exist.

~~(9) The Department is authorized to select applicants for funding pilot projects for the purpose of demonstrating, evaluating or enhancing the effectiveness of highway traffic safety programs. The National Highway Traffic Safety Administration (NHTSA) shall review each pilot project for compliance with NHTSA program guidelines. No more than 10% of the highway safety funds allocated to the State of Florida under the State and Community Highway Traffic Safety Program in any fiscal year may be awarded to pilot projects in that year. A nongovernmental not for profit or non-profit agency may qualify as recipient for a pilot project.~~

~~Specific Authority 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History--New 12-30-84, Amended 6-10-85, Formerly 9B-32.05, 9B-32.005, 11-19-89, Formerly 9G-15.005, Amended 12-7-93, 11-29-94, 1-17-99, _____.~~

14-98.006 Funds Distribution.

~~Specific Authority 120.53(1), 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History--New 12-30-84, Amended 6-10-85, Formerly 9B-32.06, 9B-32.006, 9G-15.006, Repealed _____.~~

14-98.007 Grant Conditions.

~~Specific Authority 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History--New 12-30-84, Amended 6-10-85, Formerly 9B-32.07, Amended 6-3-86, Formerly 9B-32.007, Amended 11-19-89, Formerly 9G-15.007, Amended 12-7-93, Repealed _____.~~

14-98.008 Forms.

The following forms used in the Highway Traffic Safety Program are hereby incorporated by reference:

(1) Non-Expendable Property Accountability Record – FDOT Form 500-065-09, Rev. 07/01 8/93.

(2) Statement of Highway Safety Project Costs – FDOT Form 500-065-04, Rev. 07/01 09/94.

(3) Summary Statement of Personnel Personal Services Cost – FDOT Form 500-065-05, Rev. 07/01 08/93.

(4) Personnel Personal Services Time Sheet – FDOT Form 500-065-06, Rev. 07/01 08/93.

(5) Detail of Costs Expense (Except Personal Services Cost) – FDOT Form 500-065-07, Rev. 07/01 08/93.

(6) Subgrant Application for Highway Safety Funds – FDOT Form 500-065-01, Rev. 07/01 09/94.

(7) Concept Paper Evaluation Form – FDOT Form 500-065-17, Rev. 07/01.

(8) Highway Safety Subgrant Scoring Sheet – FDOT Form 500-065-18, Rev. 07/01.

Copies of these forms may be obtained by writing or calling the Florida Department of Transportation, State Safety Office, 605 Suwannee Street, MS-17, Tallahassee, Florida 32399-0450; Telephone (850)(904)488-5455.

Specific Authority 334.044(2),(25)(24) FS. Law Implemented 334.044(25)(24) FS. History—New 6-10-85, Formerly 9B-32.08, 9B-32.008, Amended 11-19-89, Formerly 9G-15.008, Amended 12-7-93, 6-14-94, 11-29-94,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Roger J. Doherty, Planning Manager/DUI Program Coordinator

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Operation of Substance Abuse Programs
RULE NO.: 33-507.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish guidelines for the use of inmate peer facilitators in substance abuse programs.

SUMMARY: The proposed rule sets forth criteria for qualifications to serve as a peer facilitator, establishes the process whereby peer facilitators are selected, and establishes guidelines for their training.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 397.754, 944.09 FS.

LAW IMPLEMENTED: 397.754, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-507.002 Operation of Substance Abuse Programs.

(1) Operation of Substance Abuse Programs.

(a) Inmate substance abuse programs shall be operated under the direction of the program manager within whose program center the program exists.

(b) In order to ensure the provision of quality services, the bureau of substance abuse programs services shall have responsibility for administering the overall program, for the development and issuance of performance standards for each program entity with regard to program operation, staffing ratio,

hours of service delivery, and other such areas as deemed necessary for the administration of the programs, and for oversight review.

(c) Each program manager shall provide for periodic monitoring activities for programs at institutions and facilities in his or her program center to ensure that performance standards and contract compliance are maintained.

(2) Peer Facilitators.

(a) Use of Peer Facilitators.

1. Peer facilitators are inmates who have successfully completed a substance abuse program and whose positive behavior and attitude have demonstrated the ability to be positive role models for other program participants.

2. Placement in a program as a peer facilitator is considered a full-time job assignment.

3. The role of peer facilitator is not that of a counselor. The duties and responsibilities involved will vary according to the type of substance abuse program involved.

4. In accordance with Rule 33-602.101, F.A.C., no inmate assigned as a peer facilitator will be given control or authority over other inmates.

(b) Qualifications of peer facilitators. To be considered as a peer facilitator, an inmate must have:

1. Completed a substance abuse services program;

2. Demonstrated the ability to be a role model through positive behavior and attitude during recovery; and

3. Sufficient time left to serve on his or her sentence to serve in the program for a period of at least two to six months in an outpatient or residential program. This requirement may be waived when necessary based upon program needs.

(c) Peer Facilitator Selection.

1. Inmates who wish to be considered for assignment as peer facilitators shall apply with the program director, clinical supervisor or designated counselor at the facility.

2. When a peer facilitator position is available, the program director, clinical supervisor or designated counselor shall review the applications available and shall interview those inmates who are qualified, interested, and available for assignment as peer facilitators. The program director, clinical supervisor or designated counselor shall document the results of the interview.

3. Upon completion of the interview, those inmates who have successfully exhibited an understanding of the principles of recovery shall be referred to their dormitory supervisors and work supervisors to obtain written recommendation for peer facilitator assignment based upon review of the inmate's past behavior and performance.

4. The classification supervisor shall be notified in writing by the program director, clinical supervisor or designated counselor of inmates recommended for assignment as peer facilitators. The classification supervisor shall docket the

inmate for consideration for placement by the institutional classification team (ICT) and shall ensure consideration of the inmate's institutional adjustment and previous work history.

5. The ICT shall review the recommendation and shall approve or disapprove the recommendation for placement as a peer facilitator based upon criteria set forth in this rule.

(d) Training. The program director, clinical supervisor or designated counselor shall ensure that each peer facilitator receives training regarding the peer facilitator's role, functions and the expectations regarding the peer facilitator's performance in the program.

Specific Authority 397.754, 944.09 FS. Law Implemented 397.754, 944.09 FS. History—New 1-18-95, Formerly 33-37.002, Amended 7-1-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dr. E. Jerome Kapnek

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2001

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Fee for Inactive Status

RULE NO.: 64B5-15.010

PURPOSE AND EFFECT: The Board proposes to repeal this rule because the rule is no longer necessary.

SUMMARY: Repeal of Rule 64B5-15.010, F.A.C.

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

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

SPECIFIC AUTHORITY: 466.004, 466.015 FS.

LAW IMPLEMENTED: 456.036, 466.015 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.010 Fee for Inactive Status.

Specific Authority 466.004, 466.015 FS. Law Implemented 456.036, 466.015 FS. History—New 1-18-87, Amended 11-16-89, 8-13-92, Formerly 21G-15.010, 61F5-15.010, Amended 7-12-95, 5-6-96, Formerly 59Q-15.010, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2001

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLE: Examiners for Practical Examination

RULE NO.: 64B6-2.006

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

SUMMARY: The purpose of this repeal is because the Department of Health will no longer be administering a practical exam.

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

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

SPECIFIC AUTHORITY: 456.017(1)(b) FS.

LAW IMPLEMENTED: 456.017(1)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Board Executive Director, Board of Hearing Aid Specialists, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-2.006 Examiners for Practical Examination.

Specific Authority 456.017(1)(b) FS. Law Implemented 456.017(1)(b) FS. History—New 9-13-94, Formerly 61G9-2.007, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 2, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Examination Fee
PURPOSE AND EFFECT: The Board proposes the repeal of this rule in light of the repeal of Section 458.31151, F.S., setting forth the examination fee.

SUMMARY: The rule is no longer authorized and is being repealed.

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

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

SPECIFIC AUTHORITY: 458.311(1)(a), 458.309 FS.

LAW IMPLEMENTED: 458.311(1)(a), 458.3124 FS.

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

TIME AND DATE: 10:00 a.m., September 25, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-3.001 Examination Fee.

Specific Authority 458.311(1)(a), 458.309 FS. Law Implemented 458.311(1)(a), 458.3124 FS. History—New 12-5-79, Amended 11-10-82, 11-29-84, 12-4-85, Formerly 21M-19.01, Amended 12-4-86, 11-11-90, Formerly 21M-19.001, 61F6-19.001, Amended 9-8-94, 12-11-95, 9-1-96, Formerly 59R-3.001, Amended 8-18-98, 11-24-99, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2001

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Certified Optometrist Examination
RULE NO.: 64B13-10.0015

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the certification examination criteria recommended by the Office of Examination Services.

SUMMARY: The proposed rule amendment incorporates the certification examination criteria as recommended to the Board by the Office of Examination Services for the August 2002 exam administration.

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

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

SPECIFIC AUTHORITY: 463.005(1), 456.017(1), (2) FS.

LAW IMPLEMENTED: 463.0055, 456.017(1), (2) FS.

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

TIME AND DATE: 10:00 a.m., September 25, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-10.0015 Certified Optometrist Examination.

The Certified Optometrist Examination shall be the Board approved examination developed and administered by the Department of Health Office of Testing Examination Services.

(1) The examination shall consist of 80 questions which test the applicant's knowledge of systemic general and ocular pharmacology with particular emphasis on the topical application ~~and side effects~~ of pharmaceutical agents. All questions on the certification examination must test the applicant to ensure his or her ability to use ocular pharmaceutical agents and systemic medications that have ocular implications. Each question on the examination shall be given equal weight. A score of 70 percent shall be required to pass the certification examination.

(a) The emphasis on topical application of pharmaceutical agents is defined as 85 percent of all questions on the examination. A total of 15 percent of the examination shall focus on systemic medications with ocular implications.

(b) The 80 items on the certification examination are distributed according to the following six content areas:

- 1. Group A: Basic Pharmacology Number of Items on the Examination: 8
(Route of Delivery, Drug Interaction or Side Effects, or Mechanism of Action)
- 2. Group B: Diagnostics Number of Items on the Examination: 8
(Mydriatics, Cycloplegics, Anesthetics, Dyes, or Neurological Testing Agents.)
- 3. Group C: Anti-Glaucomas Number of Items on the Examination: 20
(Topicals or Systemics with Ocular Implications.)
- 4. Group D: Anti-Infectives Number of Items on the Examination: 20
(Anti-Bacterials, Anti-Virals, Topicals, or Systemics with Ocular Implications.)
- 5. Group E: Anti-Inflammatory/ Anti-Allergy Steroidal and Non-Steroidal (Topicals, or Systemics with Ocular Implications.) Number of Items on the Examination: 20
- 6. Group F: Miscellaneous Number of Items on the Examination: 4
(Any otherwise unclassified drug, Topicals or Systemics with Ocular Implications.)

(c) Each question on the examination shall be given equal weight. A score of 70 percent shall be required to pass the certification examination.

(2) through (4) No change.

Specific Authority 463.005(1), 456.017(1),(2) FS. Law Implemented 463.0055, 456.017(1),(2) FS. History–New 3-16-89, Amended 5-29-90, 7-10-91, Formerly 21Q-10.0015, 61F8-10.0015, Amended 10-4-94, Formerly 59V-10.0015, Amended 3-21-00, 7-12-00, 2-7-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Office of Examination Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

**DEPARTMENT OF HEALTH
Board of Physical Therapy Practice**

RULE TITLE: Initial Licensure Fee for Physical Therapists
PURPOSE AND EFFECT: The Board proposes to raise the initial licensure fees.
SUMMARY: The Board is amending this rule by changing the initial licensure fee during the first year of the biennial renewal period and deleting a fee reference for the second year of the biennial renewal period.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

RULE NO.: 64B17-2.002

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

SPECIFIC AUTHORITY: 456.013(2), 486.025, 486.061 FS.
LAW IMPLEMENTED: 456.013(2), 486.081(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-2.002 Initial Licensure Fee for Physical Therapists.

(+) An applicant who has been certified by the Board during the first year of the biennial renewal period as having satisfied the licensure requirements of either Rule 64B17-3.001 or 64B17-3.004, Florida Administrative Code, shall not be issued a license until he remits to the Department an initial licensure fee in the amount of \$100 \$55.

~~(2) An applicant who has been certified by the Board during the second year of the biennial renewal period as satisfying requirements of Rule 64B17-3.001 or 64B17-3.003, Florida Administrative Code, shall not be issued a license until he remits to the Department an initial licensure fee in the amount of \$30.~~

Specific Authority 456.013(2), 486.025, 486.061 FS. Law Implemented 456.013(2), 486.081(2) FS. History–New 8-6-84, Formerly 21M-7.35, Amended 6-20-89, Formerly 21M-7.035, Amended 10-17-90, Formerly 21MM-2.002, 61F11-2.002, 59Y-2.002, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

**DEPARTMENT OF HEALTH
Board of Physical Therapy Practice**

RULE TITLE: Initial Licensure Fee for Physical Therapist Assistants
PURPOSE AND EFFECT: The Board proposes to raise the initial licensure fees.

RULE NO.: 64B17-2.004

SUMMARY: The Board is amending this rule by changing the initial licensure fee during the first year of the biennial renewal period and deleting a fee reference for the second year of the biennial renewal period.

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

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

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(2), 486.106, 486.107(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-2.004 Initial Licensure Fee for Physical Therapist Assistants.

(+) An applicant who has been certified by the Board during the first year of the biennial renewal period as having satisfied the licensure requirements of either Rule 64B17-2.001 or 64B17-2.004, Florida Administrative Code, shall not be issued a license until he remits to the Department an initial licensure fee in the amount of \$100 \$55.

~~(2) An applicant who has been certified by the Board during the second year of the biennial renewal period as satisfying the licensure requirements of Rule 64B17-2.001 or 64B17-2.004, Florida Administrative Code, shall not be issued a license until he remits to the Department an initial licensure fee in the amount of \$30.~~

Specific Authority 486.025 FS. Law Implemented 456.013(2), 486.106, 486.107(2) FS. History--New 8-6-84, Formerly 21M-10.35, Amended 4-12-87, 9-22-87, 6-20-89, Formerly 21M-0.035, Amended 10-17-90, Formerly 21MM-2.004, 61F11-2.004, 59Y-2.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Biennial Renewal Fee for Physical Therapists and Physical Therapist Assistants

RULE NO.: 64B17-2.005

PURPOSE AND EFFECT: The Board proposes to raise the biennial renewal fees.

SUMMARY: Biennial Renewal Fee for Physical Therapists and Physical Therapist Assistants.

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

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

SPECIFIC AUTHORITY: 486.025, 486.085(1) FS.

LAW IMPLEMENTED: 486.085, 486.108(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-2.005 Biennial Renewal Fee for Physical Therapists and Physical Therapist Assistants.

Each licensed physical therapist and physical therapist assistant shall submit a biennial fee for the renewal of his or her license no later than the last day of each biennial period, as defined by the Department.

(1) The biennial renewal fee for physical therapists shall be \$100 \$55.

(2) The biennial renewal fee for physical therapist assistants shall be \$100 \$55.

Specific Authority 486.025, 486.085(1) FS. Law Implemented 486.085, 486.108(1) FS. History--New 8-6-84, Formerly 21M-8.10, Amended 9-22-87, 6-20-89, Formerly 21M-8.010, Amended 10-17-90, Formerly 21MM-2.005, 61F11-2.005, 59Y-2.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: RULE NO.:

Licensure Examination Subjects and Passing
 Score; Additional Requirements 64B17-3.002
 After Third Failure

PURPOSE AND EFFECT: The Board proposes to provide the applicant with greater flexibility in preparing to re-take the examination for the fourth time.

SUMMARY: The Board proposes to amend this rule for Licensure Examination Subjects and Passing Score to allow the applicant to determine what remedial assistance he or she needs to be successful.

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

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

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.109 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure.

(1) through (2) No change.

(3) An applicant must reapply in order to retake the examination. If an applicant wishes to take the examination for the fourth time, the applicant must submit to the Board for approval satisfactory evidence of having successfully completed the following since the last taking of the examination: successful completion of a course of study or internship ~~designed by a physical therapy program accredited by the American Physical Therapy Association.~~ An applicant who has completed these additional requirements may take the examination on two more occasions. An applicant who has failed the Department administered examination after five attempts is no longer eligible to take the examination.

Specific Authority 456.017, 486.025, 486.051 FS. Law Implemented 456.017, 486.051 FS. History—New 8-6-84, Formerly 21M-7.22, Amended 3-16-88, 6-20-89, Formerly 21M-7.022, Amended 6-6-90, 6-3-92, 3-24-93, Formerly 21MM-3.002, 61F11-3.002, Amended 12-22-94, Formerly 59Y-3.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: RULE NO.:

Licensure Examination Subjects and Passing
 Score; Additional Requirements 64B17-4.002
 After Third Failure

PURPOSE AND EFFECT: The Board proposes to provide the applicant with greater flexibility in preparing to re-take the examination for the fourth time.

SUMMARY: The Board proposes to amend this rule for Licensure Examination Subjects and Passing Score to allow the applicant to determine what remedial assistance he or she needs to be successful.

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

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

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.109 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure.

(1) through (2) No change.

(3) An applicant must reapply in order to retake the examination. If an applicant wishes to take the examination for the fourth time, the applicant must submit to the Board for approval satisfactory evidence of having successfully completed the following since the last taking of the examination: successful completion of a course of study or internship ~~designed by a physical therapist or physical therapist assistant program accredited by the American Physical~~

~~Therapy Association.~~ An applicant who has completed these additional requirements may take the examination on two more occasions. An applicant who has failed the Department administered examination after five attempts is no longer eligible to take the examination.

Specific Authority 456.017(1)(b), 486.025, 486.104 FS. Law Implemented 456.017, 486.104 FS. History—New 8-6-84, Formerly 21M-10.22, Amended 4-12-87, 3-16-88, 6-20-89, Formerly 21M-10.022, Amended 6-3-92, 3-24-93, Formerly 21MM-4.002, 61F11-4.002, Amended 12-22-94, Formerly 59Y-4.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH
Board of Physical Therapy Practice

RULE TITLE: Continuing Education
RULE NO.: 64B17-9.001

PURPOSE AND EFFECT: The Board proposes to amend continuing education requirements and to allow for emergency or hardship exceptions.

SUMMARY: The Board is specifying the emergency or hardship circumstances under which licensees shall be granted waivers or extensions of time with regard to the continuing education requirements.

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

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

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.109 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-9.001 Continuing Education.

(1) through (6) No change.

(7) The Board shall make exceptions for licensees from the continuing education requirements including waiver of all or a portion of these requirements or the granting of an extension of time in which to complete these requirements upon a finding of good cause by majority vote of the Board at a public meeting following receipt of a written request for exception based upon emergency or hardship. Emergency or hardship cases are those: 1) involving long term personal illness or illness involving a close relative or person for whom the licensee has care-giving responsibilities; 2) where the licensee can demonstrate that the required course(s) are not reasonably available; and 3) other demonstrated economic, technological or legal hardships that substantially relate to the ability to perform or complete the continuing education requirements. However, should the Board receive information indicating that a licensee is unable to practice physical therapy with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any material, or as a result of any mental or physical condition, the licensee shall be referred for investigation pursuant to Section 456.073, F.S.

Specific Authority 486.025 FS. Law Implemented 486.109(2) FS. History—New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH
Division of Family Health Services

RULE CHAPTER TITLE: Comprehensive Health
RULE CHAPTER NO.: 64F-8
Improvement Projects

RULE TITLES: Definitions
Minimum Requirements
RULE NOS.: 64F-8.001
64F-8.002

PURPOSE AND EFFECT: The purpose of the proposed rule repeal is to eliminate rules that are redundant of section 385.103, Florida Statutes. Moreover, the repeal of Chapter 64F-8, F.A.C. will eliminate administrative rule governing obsolete Comprehensive Health Improvement Projects (CHIP).

SUMMARY: The proposed rule repeal eliminates obsolete rules regarding the Comprehensive Health Improvement Projects.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule repeal will not result in additional regulatory costs. Because the proposed rule repeal is technical in nature and does not substantively change what is required by existing statutes, there will be no significant economic impact; the overall reduction in administrative rules will, however, have a positive economic impact by streamlining the operation of government.

SPECIFIC AUTHORITY: 385.103(2)(f) FS.

LAW IMPLEMENTED: 385.103 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED IN THE F.A.W.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet W. Baggett, Medical/Health Care Program Analyst, 4025 Esplanade Way, Bureau of Chronic Disease Prevention, Room 130T, Tallahassee, FL 32399-1744

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-8.001 Definition.

Specific Authority 385.103(2)(f) FS. Law Implemented 385.103 FS. History—New 8-31-87, Amended 4-25-96. Formerly 10D-97.003, Repealed.

64F-8.002 Minimum Requirements.

Specific Authority 385.103(2)(f) FS. Law Implemented 385.103 FS. History—New 8-31-87, Amended 4-25-96. Formerly 10D-97.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet W. Baggett, Medical/Health Care Program Analyst, Bureau of Chronic Disease Prevention

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Susan Allen, Program Administrator, Bureau of Chronic Disease Prevention

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2001

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: 5BER01-1 RULE TITLE: Citrus Canker Eradication

NOTICE OF WITHDRAWAL/CANCELLATION

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 33, August 17, 2001, Florida Administrative Weekly, has been withdrawn/cancelled.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.001 RULE TITLE: Premium Tax; Rate and Computation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12B-8.001, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., as originally published in the Florida Administrative Weekly on July 6, 2001 (Vol. 27, No. 27, pp. 3112-3115). These changes are in response to written comments received from the Joint Administrative Procedures Committee of the Florida Legislature.

A technical revision based on these comments changes the word “difference” in sub-subparagraph (3)(a)2.a. of Rule 12B-8.001, F.A.C., to “different.” Two other changes based on comments from the Committee were addressed by revising sub-sub-paragraph b. of Rule 12B-8.001(3)(a)2., F.A.C., and sub-paragraph 1. of Rule 12B-8.001(3)(d), F.A.C. to read as follows:

b. For example, a Florida corporate income tax return for tax year ending August 31, 2000, is due, without extension, on December 1, 2000. Since the Florida corporate income tax return is due on or before December 31, 2000, the insurer should include the amount of tax due on the return in computation of the corporate income tax and emergency excise tax credit on its 2000 insurance premium tax return, the 2000 DR-908, which is due March 1, 2001. If, however, the insurer extended the due date of the Florida corporate income tax return to June 1, 2001, and did not file and pay the return on or before December 31, 2000, the amount of tax due on the return is included in the computation of the corporate income tax and emergency excise tax credit on its 2001 insurance premium tax return, the 2001 DR-908, which is due March 1, 2002. For example, if the insurer paid intangible personal property tax (IPPT) February 1, 1995, on intangible assets managed or controlled in Florida on January 1, 1995, the amount paid should be claimed as a credit against its 1995 insurance premium tax (IPT) which was due March 1, 1996. However, if the insurer paid IPPT February 1, 1995, on intangible assets managed or controlled in Florida on January 1, 1994, the amount paid should be claimed as a credit against its 1994 IPT which was due March 1, 1995. In this situation, an amended 1994 IPT return must be filed provided the insurer had previously filed its original 1994 IPT return.

(d) Community Contribution Tax Credit.

1. Who May Claim the Credit. Any taxpayer who has received prior approval from the ~~Department of Community Affairs, through June 30, 1994, or the Governor's Office of Tourism, Trade, and Economic Development, subsequently,~~ for its community contribution to any revitalization project undertaken by an eligible sponsor, shall be allowed a credit of 50 percent of the contribution. The total annual credit under this section applied against the tax due under s. 624.509, F.S., or s. 624.510, F.S., for a calendar year, may not exceed \$200,000. The valuation of the contribution determined by the Governor's Office of Trade, Tourism, and Economic Development shall be used in the computation of the credit.

~~a. The valuation of the contribution determined by the Department of Community Affairs through June 30, 1994, or the Governor's Office of Trade, Tourism, and Economic Development, subsequently, shall be used in the computation of the credit. In instances of fraud, the Director of the Department of Revenue has the authority to redetermine the value of the contribution.~~

~~b. To qualify for the credit under the program expiring June 30, 1994, the insurer must have its community contribution approved by the Department of Community Affairs, and have completed the transfer of the asset by that date.~~

~~e. Beginning July 1, 1995, the program is reinstated pursuant to s. 624.5105, F.S., as amended, and will be administered by the Governor's Office of Trade, Tourism, and Economic Development.~~

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-57
 RULE CHAPTER TITLE: Railroad Safety Standards and Clearance Requirements

RULE NO.: 14-57.003
 RULE TITLE: Railroad Safety Standards and Clearance Requirements

NOTICE OF CHANGE

Notice was published in Florida Administrative Weekly, Vol. 27, No. 26, June 29, 2001, Pages 2990-2993.

SUMMARY OF CHANGE: There was no request for a hearing and no hearing was conducted. However, based upon a review by the Joint Administrative Procedures Committee, the following changes are being made:

1. Edition of the Code of Federal Regulations: In addition to adding Code of Federal Regulations citations not previously included, some of the cited safety standards and clearance requirements were updated since the previous amendment. Section (1) is revised to include a reference to the October 1, 2001, edition of the Code of Federal Regulations citations as follows:

“(1) This rule adopts the federal minimum safety standards for track, freight car, and locomotive inspections prescribed by 49 C.F.R. Parts 213, 214, 215, 216, 217, 218, 219, 220, 221, 223,

225, 228, 229, 230, 231, 232, 233, 234, 236, 238, 239, and 240, as printed in the annual edition of Title 49, Code of Federal Regulations, dated October 1, 2000, and the federal minimum safety standards for the transportation of hazardous material by rail as prescribed by 49 C.F.R. Parts 171, 172, 173, 174, 178, 179, and 180, as printed in the annual edition of Title 49, Code of Federal Regulations, dated October 1, 2000, as ~~part of the~~ rules of the Florida Department of Transportation; and prescribes reasonable requirements governing clearances above, beside, and between railroad tracks in the State of Florida. If a later version of an individual part is subsequently issued and adopted by the Florida Department of Transportation, that individual part will include the effective date of the revised standard.”

2. 14-57.003(5)(e)1. and 2.: The Joint Administrative Procedures Committee reviewing attorney questioned what appeared to be a contradiction between paragraphs 1. and 2. These are revised as follows:

“(e) Applicability Application.

1. The clearances prescribed in this rule shall apply to building structures or facilities constructed or relocated adjacent to any tracks prior therein described subsequent to September 17, 1953, and to all tracks therein.

2. The clearances prescribed in this rule ~~shall~~ do not apply to the extension of tracks or the adjacent buildings, structures, or facilities provided the track or buildings or structure or facility to be extended was constructed prior to September 17, 1953.”

3. 14-57.003(6): The Joint Administrative Procedures Committee reviewing attorney asked that the “applicable federal regulations” be specifically identified. The following change is made to address that concern:

“(6) Penalties. Failure to comply with the provisions of this rule chapter will result in a penalty in accordance with Section 351.35(2), Florida Statutes, as provided for in applicable federal regulations specified in Section 14-57.003(1) and incorporated by reference under Sections 14-57.003(3) and (4).”

METROPOLITAN PLANNING ORGANIZATIONS

Orlando Urban Area

RULE NO.: 35I-1.012
 RULE TITLE: Procedures for MPO Public Involvement

NOTICE OF CHANGE

Notice is hereby given that the following changes were made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 24, page 2827 of the June 15, 2001 issue of the Florida Administrative Weekly. In response to comments received from the Joint Administrative Procedures Committee, the following changes have been made to the proposed text of Rule 35I-1.012, F.A.C.

~~(4) In accordance with Continuing the provisions set forth in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and; the 1998 Transportation Efficiency Act for the 21st Century (TEA-21), the MPO will follow ~~requires all Metropolitan Planning Organizations to establish~~ a public involvement process in conjunction with the overall transportation planning process occurring within its ~~their~~ respective urban areas. ~~The Orlando Urbanized Area MPO shall have a policy to ensure that the requirements and criteria established under the TEA-21 legislation are met.~~~~

Specific Authority 163.01 FS. Law Implemented 339.175 FS. History—New 1-23-95, Amended 1-5-97, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:
40C-1.603 Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., which was originally published in Vol. 27, No. 3 of the January 19, 2001 issue of the Florida Administrative Weekly.

40C-1.603 Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsection (12). This fee recovers some of the District’s costs of processing applications. The fee schedule is:

- (1) through (4) No change.
- (5) Chapter 40C-4, F.A.C., environmental resource permits:
 - (a) through (d) No change.
 - (e) Chapter 40C-40, F.A.C., standard ~~general~~ environmental resource permits:
 - (f) through (k) No change.
 - (6) through (13) No change.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.: RULE TITLES:
40C-4.021 Definitions
40C-4.041 Permits Required
40C-4.051 Exemptions
40C-4.091 Publications Incorporated by Reference
40C-4.301 Conditions for Issuance of Permits
40C-4.302 Additional Conditions for Issuance of Permits
40C-4.331 Modification of Permits

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 3, of the January 19, 2001 issue of the Florida Administrative Weekly.

40C-4.021 Definitions.

Specific Authority 373.044, 373.113, ~~373.413~~, 373.414, ~~373.418~~ FS. Law Implemented 373.019, 373.403, 373.413, 373.414, 373.416, 373.418, 373.426, ~~403.813(2)~~ FS. History—New 1031-77, Formerly 161-4.02, 40C-4.02, Amended 2-3-81, 12-7-83, Formerly 40C-4.021, 40C-4.0021, Amended 9-25-91, 2-27-94, 10-3-95, _____.

40C-4.041 Permits Required.

- (1) No change.
- (2) The District issues four ~~three~~ types of environmental resource permits: conceptual approval permits, individual permits, standard permits, and general permits.

- (a) No change.
- (b) An individual, standard, or general permit is required prior to the construction, alteration, operation, maintenance, abandonment or removal of a surface water management system which:

- 1. through 8. No change.
- (c) A ~~general~~ permit will be issued for specific classes of surface water management systems which satisfy the thresholds and conditions of Chapters 40C-40 or 40C-400, F.A.C. Standard ~~general~~ permits are issued pursuant to chapter 40C-40, F.A.C. Noticed general permits are issued pursuant to Chapter 40C-400, F.A.C. A standard or general permit may authorize the construction, alteration, operation, maintenance, abandonment, or removal of a system.

(d) Projects which do not qualify for ~~general~~ permits under the provisions of Chapters 40C-40 or 40C-400, F.A.C., may qualify for an individual permit under Chapter 40C-4, F.A.C. An individual permit may authorize the construction, alteration, operation, maintenance, abandonment or removal of a system.

- (3) No change.
- (4)(a) The Governing Board may designate specific geographic areas within which ~~individual or general~~ permits shall be required for the construction, alteration, operation, maintenance, removal, or abandonment of any systems with threshold volumes and areas different from those specified in Subsection (2)(b) above.

- (b) through (c) No change.

Specific Authority 373.044, 373.113, 373.118, ~~373.414~~, 373.406, ~~373.413~~, ~~373.4136~~, ~~373.414~~, 373.415, ~~373.416~~, 373.418, ~~380.06(9)~~ FS. Law Implemented 373.083, 373.118, 373.406, ~~373.409~~, 373.413, 373.4135, ~~373.4136~~, 373.414, 373.415, 373.416, ~~373.418~~, 373.426, ~~380.06(9)~~ ~~373.429~~ FS. History—New 1-31-77, Formerly 161-4.04, 40C-4.04, Amended 2-3-81, 12-7-83, Formerly 40C-4.041, 40C-4.0-041, Amended 8-28-88, 8-1-89, 4-3-91, 8-11-91, 9-25-91, 10-20-92, 2-27-94, 10-3-95, 11-25-98, _____.

40C-4.051 Exemptions.

Specific Authority 373.044, 373.113, ~~373.171, 373.413, 373.414~~, 373.415, ~~373.416~~, 373.418 FS. Law Implemented 373.406, 373.413, ~~373.414, 373.415, 373.416, 373.418~~, 373.426, 403.813(2) FS. History--New 1-31-77, Formerly 161-4.05, 40C-4.06, Amended 2-3-81, 12-7-83, Formerly 40C-4.051, 40C-4.0051, Amended 4-3-91, 8-11091, 9-25-91, 5-17-94, 10-3-95, 11-25-98, 7-8-01,_____.

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin", "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Drainage Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective _____ ~~7-8-01~~.

(b) through (c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, ~~373.171, 373.413~~, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS. Law Implemented ~~120.60, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.109, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9)~~ FS. History--New 12-7-83, Amended 10-14-84, Formerly 40C- 4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 8-11-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01,_____.

40C-4.301 Conditions for Issuance of Permits.

(1) In order to obtain a standard ~~general~~, individual, or conceptual approval permit under this chapter or chapter 40C-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of a surface water management system:

(a) through (k) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.042, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History--New 1-31-77, Formerly 161-4.10, 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.301, 40C-4.0301, Amended 8-11-91, 9-25-91, 9-16-92, 6-7-93, 10-3-95,_____.

40C-4.302 Additional Conditions for Issuance of Permits.

(1) In addition to the conditions set forth in Section 40C-4.301, F.A.C., in order to obtain a standard ~~general~~, individual, or conceptual approval permit under this chapter or Chapter 40C-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, and abandonment of a system:

(a) through (d) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171, 373.414(9) FS. Law Implemented 373.016, 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 FS. History--New 10-3-95, Amended_____.

40C-4.331 Modification of Permits.

(1) In addition to the modification of permits pursuant to Section 373.429, Florida Statutes, a request for modification of a valid permit may be made as set forth in this section, The request for modification shall be reviewed using the conditions for issuance in Sections 40C-4.301 and 40C-4.302, F.A.C.

(a) By formal application on District form number 40C-4.900(1), ~~and will be reviewed using the same review and public notice procedures as new applications;~~ or

(b) By letter that describes the proposed modification, provided that the requested modification does not cause any of the following circumstances to occur:

1. through 5. No change.

6. Result in more than 10% or 0.5 + acre, whichever is less, of total additional mitigated impacts to wetlands and other surface waters per permit modified.

7. through 8. No change.

9. Reduce the financial responsibility mechanisms provided to ensure the continued construction and operation of the system in compliance with permit requirements, except in accordance with specific permit conditions that provide for a reduction in such financial responsibility mechanisms; ~~or~~

10. Result in a net reduction in the area of a conservation easement or mitigation area which was previously permitted; ~~or~~

~~11.40.~~ Otherwise, substantially alter the system design or permit conditions.

(2) through (4) No change.

Specific Authority 373.044, 373.113, ~~373.171, 373.414, 373.418~~ FS. Law Implemented ~~373.083, 373.413, 373.414, 373.416, 373.418, 373.426, 373.429~~ FS. History--New 2-20-77, Amended 12-26-77, Formerly 161-4.34, 40C-4.34, Amended 2-3-81, 12-7-83, Formerly 40C-4.331, 40C-4.0331, Amended 1-1-89,_____.

APPLICANT'S HANDBOOK: MANAGEMENT AND STORAGE OF SURFACE WATERS

1.5 Types of Rules

The District has implemented six (6) sets of rules to regulate surface water management systems: Chapter 40C-4, F.A.C., (Environmental Resource Permits: Surface Water Management Systems); Chapter 40C-40, F.A.C., (Standard ~~General~~ Environmental Resource Permits); Chapter 40C-41, F.A.C., (Environmental Resource Permits: Surface Water Management Basin Criteria); Chapter 40C-42, F.A.C., (Environmental Resource Permits: Regulation of Stormwater Management Systems); Chapter 40C-44, F.A.C., (Environment Resource Permits: Regulation of

- Agricultural Surface Water Management Systems); and 40C-400, F.A.C., (Noticed General Environmental Resource Permits).
- 1.5.2 Chapter 40C-40, F.A.C., provides for a shortened permitting procedure for surface water management systems which are relatively small-scale (see section 3.3 of this Handbook for a description of thresholds) and which meet the criteria established in Chapter 40C-4, F.A.C. These types of permits are known as “standard ~~general~~ environmental resource permits.”
 - 3.0 Activities Requiring a Permit
 - 3.2 Permits Required

An ~~individual or general~~ permit must be obtained for any stormwater management system, dam, impoundment, reservoir, appurtenant work or works which exceed the thresholds listed in section 3.3 of this Handbook. Such permit is to be obtained as:

 - 3.3.1 A ~~general or individual~~ permit is required prior to the undertaking of any activity described in section 3.2 if such activity:
 - 3.3.2 A standard ~~general~~ environmental resource permit is issued for a specific class of surface water management systems which meet the criteria specified in Chapters 40C-4, 40C-40, and 40C-41, F.A.C. (if applicable), and this Handbook, and which:
 - 3.5 Conceptual Approval Permits
 - 3.5.1 through 3.5.4 No change.
 - 3.5.5 Phases within a conceptually approved project shall be processed as standard ~~general~~ permits provided:
 - (a) through (c) No change.
 - 4.2 Forms and Instructions
 - 4.2.1 The application form including the required site and system design information for an individual and standard ~~general~~ environmental resource permit under Chapters 40C-4 and 40C-40, F.A.C., respectively, has been adopted as a rule in subsections 40C-4.900(1), and 40C-40.900, F.A.C. A copy of this application form is included in Appendix B of this Handbook. This form must be used to apply for a permit to construct, maintain,

- alter, remove, or abandon a system pursuant to these respective chapters. An application to operate a system is made automatically with an application for construction, maintenance, removal, or alteration. Information regarding operation of the system must be included in the permit application submittal.
- 4.3 Permit Processing Fee
 - 4.3.1 A non-refundable permit processing fee as specified by Chapter 40C-1, F.A.C., is required for the processing of each permit application ~~for individual, general or conceptual approval permits~~ or for a permit modification, and must be submitted concurrently with the filing of an application or the notice of intent. An application or notice submitted without the fee will not be considered complete (see subsections 5.3.2 and 6.3.2).
- 6.0 Procedures for Processing Standard and Noticed General Environmental Resource Permits
 - 6.1 Procedures Required
 - 6.1.1 The District is required to follow certain procedural guidelines set forth in Chapter 120, F.S., the Administrative Procedures Act and Chapters 28-101 through 28-110, F.A.C., the Uniform Rules of Procedure. These guidelines provide rules of procedure and public visibility for all District activities which affect the public; this includes the scheduling of meetings, establishment of rules and criteria, and the procedures to be followed in reviewing and acting on permit applications. Additionally, the District has adopted Chapter 40C-1, F.A.C. (Organization and Procedure) which describes the District’s organization and clarifies the specific procedures of the St. Johns River Water Management District. The District has also adopted Chapter 40C-40, F.A.C., setting forth procedures for the processing of standard ~~general~~ permits and section 40C-1.1013, F.A.C., setting forth procedures for the processing of noticed general permits.
 - 6.1.2 This section provides a brief overview of the procedures which the District will follow in receiving, processing, and acting on a standard general permit application or notification of intent to undertake an activity under the provisions of a noticed general permit. It is not a substitute for

Chapter 120, F.S., or Chapters 28-106, 28-107, 40C-1, 40C-40 or 40C-400, F.A.C.; but is rather to be considered a brief explanation of District procedure which conforms to Chapters 120, F.S., and Chapters 28-106, 28-107, and 40C-1, F.A.C.

6.2 Standard ~~General~~ Permits

6.2.1 District standard ~~general~~ permits differ from individual permits in that they are granted by rule to all systems which meet certain requirements.

6.2.2 These requirements are:

(a) and (b) No change.

(c) The person who seeks a standard ~~general~~ permit must submit a complete permit application at least 30 days prior to undertaking the activity which would otherwise require an individual permit and must receive District authorization prior to proceeding.

6.3 Initial Receipt of a Standard ~~General~~ Permit Application

6.3.1 When the application for a standard ~~general~~ permit is completed and signed, it must be delivered to the District headquarters or to one of the District offices indicated on the form. In order to be processed in a timely manner, the application must include all supporting documentation, and the appropriate permit processing fee.

6.3.2 District staff will then conduct a review of the application for a standard ~~general~~ permit to determine that all necessary information is included. If the application does not contain all of the required information or fee, the necessary additional information or fee will be requested from the permittee within 30 days of receipt of the application by the District. The application is then reviewed and evaluated using the criteria discussed in Part II of this Handbook.

6.4 Request for Additional Information Regarding a Standard ~~General~~ Permit

6.4.1 The first step of this review process is to determine whether all the technical data needed for a complete review of the application has been provided. In those cases where the information

contained in the submitted application for a standard ~~general~~ permit is not complete, the District staff will request that the additional information be supplied and will inform the permittee as to the reason that such information is required. Such requests for additional information will be accompanied by citation to a specific rule pursuant to section 373.417, F.S.

6.4.2 If the standard ~~general~~ permit application is determined to be incomplete, the District will request the necessary additional technical information within 30 days after the receipt of the application. The District will take action on the application within 30 days after the requested information has been received.

6.5 Staff Evaluation of Standard ~~General~~ Permit

6.5.1 Once the standard ~~general~~ permit application is complete, the staff will begin technical review of the application. Criteria used in the evaluation are defined and discussed in Part II of this Handbook.

6.5.2 The final staff evaluation will include a determination that the described system either meets the criteria for obtaining a standard ~~general~~ permit or that it apparently does not. If a standard ~~general~~ permit application apparently does not meet those criteria, then the application will be processed as an application for an individual permit and the applicant will be so notified, and provided a written explanation of the need for an individual permit.

6.5.3 Within 30 days after a standard ~~general~~ permit application is complete, the District staff will issue the ~~general~~ permit or notify the applicant that the permit application is upgraded to individual status.

6.5.4 For those systems which meet the District criteria, a standard ~~general~~ permit will be issued.

6.5.5 Notification to Public for Input Regarding Standard ~~General~~ Permits

At the time that the District has received a standard ~~general~~ permit application, it will provide public notice that the application has been filed. Such public notice will be sent by regular mail to those persons who have previously filed a written request for notification of pending applications within the affected area.

~~Notice of receipt of an application for a standard general permit will be posted in the District headquarters and in each permitting office.~~

For the District staff to properly evaluate any information which interested persons may submit, these persons should contact the District within 14 days of notification ~~as soon as possible after receiving notice of the application~~ if they have questions, comments, or information regarding the proposed system.

6.5.6 Objections Regarding Standard ~~General~~ Permits

A substantial objection as defined in section 6.2.4 will automatically cause the application for a standard ~~general~~ permit to be considered an application for an individual permit. Substantial objections must be filed with the District within 14 days of notification ~~posting of the notice~~ of the application. Notification of the application shall be deemed to be either the fifth day after the date on which the written notice is deposited in the United States mail if actual notice is mailed to the interested person, or the date that notice is published if actual notice is not mailed to the interested person. The applicant will be notified that an objection has been received and that the procedures for application for an individual permit must be followed. No additional fee will be required for standard ~~general~~ permit applications which are upgraded to individual status as a result of objections as described above.

7.2 Master drainage plans

- 7.2.1 An applicant may apply for and receive a standard ~~general~~ or individual permit for its existing or proposed master drainage plan for a project area.
- 7.2.2 Such application will be processed in accordance with the procedures established for standard ~~general~~ and individual permits.
- 7.2.3 After issuance of an individual permit for a master drainage plan, subsequent activities within the master drainage plan which are conducted in accordance with the requirements of 40C-40.302(1), F.A.C., and which would

ordinarily require an individual permit, may be authorized under the provisions of a standard ~~general~~ permit.

- 7.2.4 Subsequent activities which would ordinarily require an individual permit and which significantly differ from the approved master drainage plan will require an individual permit.

8.0 Criteria for Evaluation

8.1 Purpose

The criteria which are explained in this part are those which have been approved by the Governing Board for use by District staff in evaluating environmental resource permit applications pursuant to Chapters 40C-4, 40C-40, and 40C-41, F.A.C. The criteria are used in evaluating applications for individual, standard ~~general~~, and conceptual approval permits. The staff recommendation on permit approval for any permit will be based upon a determination of whether the system meets the criteria for evaluation.

8.2 Source of Criteria

The criteria for evaluation have been developed from guidelines established in Chapter 373, F.S. (Water Resources Act of 1972); Chapter 403, F.S., (Environmental Control); Chapter 62-40, F.A.C. (State Water Policy); and Governing Board policy as stated in Chapter 40C-4, F.A.C., (Environmental Resource Permits: Surface Water Management Systems), Chapter 40C-40, F.A.C., (Standard ~~General~~ Environmental Resource Permits), Chapter 40C-41, F.A.C., (Environmental Resource Permits: Surface Water Management Basin Criteria), Chapter 40C-42, F.A.C., (Environmental Resource Permits: Regulation of Stormwater Management Systems), Chapter 40C-44, F.A.C., (Environmental Resource Permits: Regulation of Agricultural Surface Water Management Systems), this Handbook, and through permitting decisions of the Governing Board,. Copies of Chapter 373, F.S., (abridged), Chapters 40C-4, 40C-40, 40C-41, and 40C-400, F.A.C., are contained in the appendices in Part IV of this Handbook.

9.1 Section 40C-4.301, F.A.C., Conditions

9.1.1 In order to obtain an individual, standard ~~general~~, or conceptual environmental resource permit, an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of a surface water management system:

10.1 Section 40C-4.302, F.A.C., Conditions

10.1.1 In addition to the conditions set forth in section 9, in order to obtain a standard ~~general~~, individual, or conceptual approval permit an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, and abandonment of a system:

11.0 Basin Criteria

11.3.5 Standard for Riparian Wildlife Habitat

The wetlands abutting the Wekiva River, Little Wekiva River downstream of Maitland Boulevard S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run and Seminole Creek support an abundance and diversity of aquatic and wetland dependent wildlife. Uplands abutting these wetlands protect the wetlands from climatic extremes and also provide important habitat for some aquatic and wetland dependent species. Construction and alteration of surface water management systems within these wetlands and uplands can result in adverse changes in the habitat, abundance, and food sources of aquatic and wetland dependent species.

(a) The applicant must provide reasonable assurance that the construction or alteration of a system will not adversely affect the abundance, food sources, or habitat (including its use to satisfy nesting, breeding and resting needs) of aquatic or wetland dependent species provided by the following designated Riparian Habitat Protection Zone:

1. The wetlands abutting the Wekiva River, Little Wekiva River downstream of Maitland Boulevard S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run, or Seminole Creek;
2. The uplands which are within 50 feet landward of the landward extent of the wetlands above.

3. The uplands which are within 550 feet landward of the stream's edge as defined, for the purpose of this subsection, as the waterward extent of the forested wetlands abutting the Wekiva River, Little Wekiva River downstream of the northernmost crossing of the Little Wekiva River with S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run or Seminole Creek. In the absence of forested wetlands abutting these streams, the stream's edge shall be defined, for the purpose of this subsection, as the mean annual surface water elevation of the stream; however, if hydrologic records are unavailable, the landward extent of the herbaceous emergent wetland vegetation growing in these streams shall be considered to be the stream's edge.

11.3.6 Local Government Notification for Wekiva River Protection Area

The District shall not issue a conceptual approval, individual, or standard general permit for a proposed surface water management system located wholly or partially within the Wekiva River Protection Area, as defined in Section 369.303(9), F.S., until the appropriate local government has provided written notification that the proposed activity is consistent with the local comprehensive plan and is in compliance with land development regulation in effect in the area where development will take place. The applicant proposing such a system must submit to the District form no. 40C-41.063(4), entitled "Local Government Notification", after it has been completed and executed by the local government. This form is hereby incorporated by reference and is available upon request from the St. Johns River Water Management District, Post Office Box 1429, Palatka, Florida 32178-1429. Permit applications for systems within the Wekiva River Protection Area shall be processed by the District staff pursuant to the time frames established in Section 120.60, F.S., and any District rule regarding permit processing, except that any agency action to approve or approve with conditions shall not occur until the Local Government Notification has been received by the District.

11.4.4

~~11.4.5~~

Off-site Land Preservation as Mitigation in the Econlockhatchee River Hydrologic Basin.

Mitigation in the Econlockhatchee River Hydrologic Basin must offset any adverse impacts of the system to the functions provided by the Econlockhatchee River Riparian Habitat Protection Zone and wetlands outside this zone, to aquatic and wetland dependent species. Subsection 16.1.6 of this Handbook allows for consideration of innovative mitigation proposals. Mitigation within the Econlockhatchee River Hydrologic Basin may include the off-site preservation of lands. The lands proposed for preservation must be regionally significant or provide unique fish and wildlife habitat. For the purposes of this section the land to be preserved must be located entirely within the Econlockhatchee River Basin as designated in section 40C-41.023, F.A.C., and the applicant must propose to convey the land in fee simple to the St. Johns River Water Management District or a mutually acceptable designee. At the option of the District, a perpetual conservation easement or other acceptable legal instrument may be conveyed to the District or a mutually acceptable designee in accordance with section 704.06, F.S. All of the following requirements will apply to off-site land preservation proposals within the Econlockhatchee River Basin:

- (a) Prior to proposing off-site land preservation, the applicant must demonstrate that alternatives for avoiding adverse impacts to the functions provided by the Riparian Habitat Protection Zone and wetlands outside the zone have been evaluated, and that to the maximum extent practicable, adverse impacts to these functions have been avoided.
- (b) As a part of an off-site land preservation proposal, the applicant must demonstrate that the proposal meets the standard described in paragraph 11.4.34(a) by providing a functional analysis, as described in paragraph 11.4.34(b), of the proposed impacts within the Riparian Habitat Protection Zone and the benefits of the proposed preservation area. If adverse impacts occur to wetlands, then as part of an off-site land preservation proposal, the applicant must demonstrate that the proposal meets the criteria described in section 12.3 subsection 10.7.4.

(c) The range of appropriate ratios to be used to determine credit for preservation will depend upon the functional analysis of impacts and benefits. The suitability of this mitigation option, the specific ratios applicable, credits to be assigned, and the use of these credits will be determined on a case-by-case basis based on site specific information.

12.2.2 Fish, Wildlife, Listed Species and their Habitats

As part of the assessment of the impacts of regulated activities upon fish and wildlife, the District will provide a copy of all notices of applications for standard ~~general~~, individual, and conceptual approval permits which propose regulated activities in, on or over wetlands or other surface waters to the Florida Game and Fresh Water Fish Commission for review and comment. In addition, the District staff may solicit comments from the Florida Game and Fresh Water Fish Commission regarding other applications to assist in the assessment of potential impacts to wildlife and their habitats, particularly with regard to listed wildlife species. Where proposed activities have a potential to impact listed marine species, the District will provide a copy of the above-referenced types of applications to the Department of Environmental Protection.

12.2.3.6 Historical and Archaeological Resources

In reviewing and balancing the criterion regarding historical and archaeological resources in paragraph 12.2.3(f), the District will evaluate whether the regulated activity located in, on, or over wetlands or other surface waters will impact significant historical or archaeological resources. The applicant must map the location of and characterize the significance of any known historical or archaeological resources that may be affected by the regulated activity located in, on or over wetlands or other surface waters. The District will provide copies of all conceptual, individual and standard ~~general~~ permit applications to the Division of Historical Resources of the Department of State and solicit their comments regarding whether the regulated activity may adversely affect significant historical and archaeological resources. The applicant will be required to perform an archaeological survey and to develop and implement a plan, as necessary to

demarcate and protect the significant historical or archaeological resources, if such resources are reasonably expected to be impacted by the regulated activity.

12.2.8 Cumulative Impacts

Pursuant to paragraph 12.1.1(g), an applicant must provide reasonable assurances that a regulated activity will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the regulated activity for which a permit is sought. The impact on wetlands and other surface waters shall be reviewed by evaluating the impacts to water quality as set forth in subsection 12.1.1(c) and by evaluating the impacts to functions identified in subsection 12.2.2. If an applicant proposes to mitigate these adverse impacts within the same drainage basin as the impacts, and if the mitigation fully offsets these impacts, then the District will consider the regulated activity to have no unacceptable cumulative impacts upon wetlands and other surface waters, and consequently, the condition for issuance in paragraph 12.1.1(g) will be satisfied. The drainage basins within the District are identified on Figure 12.2.8-1.

When adverse impacts to water quality or adverse impacts to the functions of wetlands and other surface waters, as referenced in the paragraph above, are not fully offset within the same drainage basin as the impacts, then ~~a~~An applicant must provide reasonable assurance that the proposed system, when considered with the following activities, will not result in unacceptable cumulative impacts to water quality or the functions of wetlands and other surface waters, within the same drainage basin:

- (a) projects which are existing or activities regulated under Part IV, Chapter 373 which are under construction or projects for which permits or determinations pursuant to Section 373.421 or 403.914 have been sought.
- (b) activities which are under review, approved, or vested pursuant to section 380.06, or other activities regulated under Part IV, Chapter 373 which may reasonably be expected to be located within wetlands or other surface waters, in the same drainage basin, based upon the comprehensive plans, adopted pursuant to

Chapter 163, of the local governments having jurisdiction over the activities, or applicable land use restrictions and regulations.

Only those activities listed in paragraphs (a) and (b) which have similar types of impacts (adverse effects) to those which will be caused by the proposed system will be considered. (All citations in paragraphs (a) and (b) refer to provisions of Florida Statutes.)

The cumulative impact evaluation is conducted using an assumption that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications.

12.2.8.2 Applicants may propose measures such as preservation to prevent cumulative impacts. Such preservation shall comply with the land preservation provisions in subsection 12.3.8. If unacceptable cumulative impacts are expected to occur, based on an evaluation conducted in accordance with subsection 12.2.8, the applicant may propose mitigation measures as provided for in sections 12.3-12.3.8. ~~Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 12.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within that drainage basin.~~

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-40.011	Policy and Purpose
40C-40.031	Implementation
40C-40.042	Standard Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Surface Water Management Systems
40C-40.112	Standard Permit Application
40C-40.302	Conditions for Issuance of Permits
40C-40.321	Duration of Permit
40C-40.351	Revocation of Permits
40C-40.381	Limiting Conditions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 3 of the January 19, 2001 issue of the Florida Administrative Weekly.

40C-40.011 Policy and Purpose.

(1) This chapter grants standard ~~general~~ environmental resource permits for certain specified surface water management systems which have been determined to be not harmful to the water resources of the District and to be not inconsistent with the objectives of the District. This chapter sets forth the requirements for qualifying for a standard ~~general~~ permit and the conditions under which it may be exercised. Surface water management systems which are non-exempt, which do not qualify for a noticed general environmental resource permit pursuant to Chapter 40C-400, F.A.C., and which do not qualify for a standard ~~general~~ permit under this chapter, are required to obtain individual permits under the provisions of Chapter 40C-4, F.A.C. The District may require an individual permit application for any surface water management system for which an application has been filed under this chapter which may not conform to the provisions of this chapter, or Chapter 373, F.S., or for which a substantial objection has been received.

(2) For applications for standard ~~general~~ permits which are received and reviewed by a permitting office, the Governing Board appoints the Directors and Assistant Directors of the permitting offices as its agents for the purposes of reviewing and issuing these permits. Any individual listed in subsection 40C-40.011(3), F.A.C., can act on behalf of the Director or Assistant Director of a permitting office.

(3) For applications for standard ~~general~~ permits which are received and reviewed by the Headquarters office, the Governing Board appoints the Executive Director, Assistant Executive Director, Deputy Assistant Executive Director, Director of the Department of Resource Management, and the Assistant Directors of the Department of Resource Management as its agents for the purposes of reviewing and issuing these permits.

Specific Authority 373.044, 373.113, ~~373.118~~ FS. Law Implemented 373.083, 373.118, 373.413, 373.416, 373.426 FS. History—New 12-7-83, Amended 2-27-94, 10-3-95, 1-4-96, _____.

40C-40.031 Implementation.

(1) This rule specifies the effective dates for standard ~~general~~ environmental resource permits granted in this chapter. If the surface water management system meets the conditions of this chapter, the effective date is December 7, 1983.

(2) No change.

Specific Authority 373.044, 373.113, ~~373.118~~ FS. Law Implemented 373.083, 373.118, 373.413, 373.416, 373.426 FS. History—New 12-7-83, Amended 2-27-94, 10-3-95, _____.

40C-40.042 Standard ~~General~~ Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Surface Water Management Systems.

(2) No construction, operation, maintenance, alteration, abandonment or removal of a surface water management system shall be commenced until the permittee receives a standard ~~general~~ permit from the District.

Specific Authority 373.044, 373.113, ~~373.118~~ FS. Law Implemented 120.60, 373.083, 373.118, 373.413, 373.416, 373.426 FS. History—New 12-7-83, Amended 2-27-94, 10-3-95, _____.

40C-40.112 Standard ~~General~~ Permit Application.

(1) To apply for a standard ~~general~~ permit, the applicant must submit form 40C-4.900(1) to the District. The applicant shall submit five copies of the application, construction plans, and any supporting documents describing the proposed system.

(2) A complete application for a standard ~~general~~ permit shall also constitute an application for certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341. Issuance of the permit shall constitute certification of compliance with water quality standards, unless the permit is issued pursuant to the net improvement provision in paragraph 373.414(1)(b), F.S., or the permit specifically states otherwise.

(3) If a standard ~~general~~ permit application involves activities located in, on, or over wetlands or other surface waters, then, within three business days of receipt of the application, the District shall forward a copy to the appropriate office of the U.S. Army Corps of Engineers unless specifically authorized by the Corps to do otherwise.

Specific Authority 373.044, 373.113, ~~373.118~~ FS. Law Implemented 373.083, 373.118, 373.413, 373.416, 373.426 FS. History—New 12-7-83, Amended 2-27-94, 10-3-95, 1-4-96, _____.

40C-40.302 Conditions for Issuance of Permits.

To qualify for a standard ~~general~~ permit under this chapter, the permittee must give reasonable assurance that the surface water management system meets subsection (1) and all of the threshold conditions of subsection (2).

(1) This rule specifies the effective dates for standard ~~general~~ environmental resource permits granted in this chapter. If the surface water management system meets the conditions of this chapter, the effective date is December 7, 1983.

(2) through (3) No change.

~~(4) Threshold condition paragraph (2)(b) shall not apply to a residential development that meets the following:~~

~~(a) All residential lots are 5 acres or greater in size and each lot has an area of uplands outside the 100-year floodplain that is sufficient to construct a residence without necessitating filling of wetlands or the 100-year floodplain, other than filling ditches that were constructed in uplands or filling for the driveway; and~~

~~(b) Deed restrictions are placed upon each lot that require that the residence, onsite sewage disposal system and all associated residential improvements, except for the driveway, be constructed in uplands and outside the 100-year floodplain.~~

~~(4)(5) Threshold conditions in subsection (2) shall not apply to the following:~~

(a) Phases within a project that has a valid conceptual approval permit provided:

1. The proposed activity is consistent with the conceptual approval permit;

2. The approved conceptual plan includes the location and acreage of wetlands onsite, an assessment of wetland impacts, and a conceptual mitigation plan (if required); ~~and~~

3. The approved conceptual plan includes the approximate size, location, and discharge points of the proposed stormwater management system;- and

4. The amount of wetland impacts authorized by each standard permit issued under this subsection shall not exceed 10 acres.

(b) Phases within a project that has a valid individual permit for a master drainage plan provided the proposed activity does not significantly differ from the master drainage plan.

~~(5)(6)~~ Notwithstanding the threshold conditions of subsection (2), a standard ~~general~~ permit shall be authorized for incidental site activities which are in connection with the work set forth in an individual environmental resource permit application, provided:

(a) The applicant has submitted a complete individual environmental resource permit application for the project area that is the subject of the proposed incidental site activities.

1. For the purposes of this requirement, an application is complete when the applicant has submitted all information required on application form 40C-4.900(1) and has submitted all information requested by District staff in timely requests for additional information;

2. This ~~general~~ permit is not authorized for projects where the applicant has submitted a written request to begin processing the permit application in accordance with section 373.4141, Florida Statutes;

(b) through (e) No change.

(f) The District must not have received any ~~timely~~ submitted substantial objections (as defined in subsection 6.2.4 of the Applicant's Handbook: Management and Storage of Surface Waters) to the associated individual environmental resource permit application, unless all such objections are withdrawn at the time this permit is ~~issued requested~~.

Specific Authority 373.044, ~~373.118~~, 373.406, 373.414, 373.418 FS. Law Implemented ~~373.019, 373.083, 373.118~~, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History--New 12-7-83, Amended 9-25-91, 1-6-93, 10-3-95, 1-11-99,_____.

40C-40.321 Duration of Permit.

Unless revoked or otherwise modified, the duration of the standard ~~general~~ permit for construction, operation, maintenance, alteration, abandonment, or removal of a surface water management system is:

Specific Authority 373.044, 373.113,~~373.118~~ FS. Law Implemented 373.083, 373.118, 373.413, 373.416, 373.426 FS. History--New 12-7-83, Amended 2-27-94, 10-3-95,_____.

40C-40.351 Revocation of Permits.

Violations of this chapter may result in the revocation or suspension of the ~~general~~ permit in whole or part in accordance with the provisions of Section 373.429 and Chapter 120, Florida Statutes, and Chapter 40C-1, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083, 120.60, 373.429 FS. History--New 12-7-83, Amended _____.

40C-40.381 Limiting Conditions.

The ~~general~~ permits authorized in this chapter shall be subject to the following limiting conditions:

(1) No change.

(2) The ~~general~~ permit shall be subject to other reasonable conditions as are necessary to assure that the permitted works will not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.

(3) For ~~general~~ permits authorizing incidental site activities, the following limiting conditions shall also apply.

(a) through (b) No change.

~~(c)1-~~ The permittee shall proceed in an expeditious fashion to obtain the individual environmental resource permit.

~~(d)2-~~ Unless revoked or modified the duration of a ~~general~~ permit authorizing incidental site activities shall be 60 days.

Specific Authority 373.044, 373.113, 373.406, 373.414, 373.418 FS. Law Implemented 373.083, 373.117, 373.406, 373.413, 373.414, 373.416, 373.418, 373.419, 373.423, 373.426 FS. History--New 12-7-83, Amended 2-27-94, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-41.063
RULE TITLE: Conditions for Issuance of Permits

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 3 of the January 19, 2001, issue of the Florida Administrative Weekly.

40C-41.063 Conditions for Issuance of Permits.

(1) through (2) No change.

(3) Within the Wekiva River Hydrologic Basin, the following standards and criteria are established:

(a) through (d) No change.

(e) Standard for Riparian Wildlife Habitat

1. The applicant must provide reasonable assurance that the construction or alteration of a system will not adversely affect the abundance, food sources, or habitat (including its use to satisfy nesting, breeding and resting needs) of aquatic or wetland dependent species provided by the following designated Riparian Habitat Protection Zone:

a. The wetlands abutting the Wekiva River, Little Wekiva River downstream of Maitland Boulevard S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run, or Seminole Creek;

b. The uplands which are within 50 feet landward of the landward extent of the wetlands above.

c. The uplands which are within 550 feet landward of the stream's edge as defined, for the purpose of this subsection, as the waterward extent of the forested wetlands abutting the Wekiva River, Little Wekiva River downstream of the northernmost crossing of the Little Wekiva River with S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run or Seminole Creek. In the absence of forested wetlands abutting these streams, the stream's edge shall be defined, for the purpose of this subsection, as the mean annual surface water elevation of the stream: however, if hydrologic records are unavailable, the landward extent of the herbaceous emergent wetland vegetation growing in these streams shall be considered to be the stream's edge.

Specific Authority 373.044, 373.113, ~~373.171~~, 373.414, 373.415, 373.418 FS. Law Implemented 373.413, 373.414, 373.415, 373.416, 373.418, 373.426 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-42.022	Permits Required
40C-42.0225	Exemptions From Permitting for Stormwater Management Systems
40C-42.026	Specific Design and Performance Criteria
40C-42.029	Monitoring and Operational Maintenance Requirements
40C-42.091	Publications Incorporated by Reference
40C-42.900	Forms and Instructions

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the St. Johns River Water Management District is making the following changes to Chapter 40C-42, F.A.C., which was originally published in Vol. 27, No. 3 of the January 19, 2001 issue of the Florida Administrative Weekly.

40C-42.022 Permits Required.

Specific Authority 373.044, 373.113, ~~373.118, 373.406, 373.414, 373.418, 373.171~~ FS. Law Implemented ~~373.118, 373.406, 373.413, 373.414, 373.416, 373.418, 373.426~~ FS. History—New 9-25-91, Amended 4-11-94, 11-22-94.

40C-42.0225 Exemptions From Permitting for Stormwater Management Systems.

Specific Authority 373.044, 373.113, ~~373.414, 373.418, 373.171, 373.413~~ FS. Law Implemented 373.413, ~~373.414, 373.416, 373.418, 403.812, 403.813(2)~~ FS. History—New 9-25-91, Amended 3-21-93, 10-3-95.

40C-42.026 Specific Design and Performance Criteria.

Specific Authority 373.044, 373.113, 373.118, ~~373.171, 373.406, 373.414, 373.418~~ FS. Law Implemented ~~373.118, 373.406, 373.413, 373.414, 373.416, 373.418, 373.426, 403.813~~ FS. History—New 4-1-86, Amended 9-25-91, 3-21-93.

40C-42.029 Monitoring and Operational Maintenance Requirements

(1) The operation and maintenance entity is required to provide for periodic inspections of the stormwater management system to insure that the system is functioning as designed and permitted. If specified below or by permit condition, the entity shall submit inspection reports to the District, certifying that the stormwater management system is operating as designed. In addition, the entity will state in the report what operational maintenance has been performed on the system. The reports shall only be required for those systems which are subject to operation phase permits pursuant to subsection 40C-42.028(1), F.A.C., after the effective date of this rule adoption, unless indicated otherwise in a permit. The reports shall be submitted to the District as follows unless otherwise required by a permit condition:

(b) Other Systems. Any other type of stormwater management system shall be inspected by the operation and Maintenance entity once within two years after the completion of construction and every two years thereafter to insure that the system is functioning as designed and permitted. If a required inspection reveals that the system is not functioning as designed and permitted, then within 14 days of that inspection the entity shall submit an Exceptions Report on form number 40C-42.900(6), Exceptions Report for Stormwater Management Systems Out of Compliance. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name, address, and telephone number of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours.

(2) All permits issued pursuant to this chapter prior to (effective date) are hereby modified to reflect the requirements in paragraph (1)(b) above and to remove any condition requiring the submittal of inspection reports for retention, underdrain, wet detention, dry detention, swales and wetland stormwater management systems. All other conditions of these permits shall remain in effect unless revoked or modified by the District.

Specific Authority 373.044, 373.113, 373.118, ~~373.171, 373.406, 373.414, 373.416, 373.418, 403.877~~ FS. Law Implemented ~~373.117, 373.118, 373.406, 373.413, 373.414, 373.416, 373.418, 373.426~~ FS. History—New 9-25-91, Amended 3-21-93, 4-11-94.

40C-42.091 Publications Incorporated by Reference.

(1) The Governing Board adopts by reference Part I “Policy and Procedures”, Part II, “Criteria for Evaluation”, and Part III “Operation and Maintenance”, of the document entitled

“Applicant’s Handbook: Regulation of Stormwater Management Systems, Chapter 40C-42, F.A.C.”, effective 1-11-99.

APPLICANT’S HANDBOOK SECTION:

1.5 Summary of District Surface Water Management System Rules

The District has implemented several different rules that regulate surface water management systems:

- Chapter 40C-4, F.A.C. (Environmental Resource Permits: Surface Water Management Systems)
- Chapter 40C-40, F.A.C. (Standard ~~General~~ Environmental Resource Permits)
- Chapter 40C-41, F.A.C. (Environmental Resource Permits: Surface Water Management Basin Criteria)
- Chapter 40C-42, F.A.C. (Environmental Resource Permits: Regulation of Stormwater Management Systems)
- Chapter 40C-44, F.A.C. (Environmental Resource Permits: Regulation of Agricultural Surface Water Management Systems)
- Chapter 40C-400, F.A.C. (Noticed General Environmental Resource Permits)

1.5.2 Chapter 40C-40, F.A.C.

Chapter 40C-40, F.A.C., provides for a shortened permitting procedure for surface water management systems which are relatively small-scale (see section 3.3 of the Applicant’s Handbook: Management and Storage of Surface Waters for a description of thresholds) and which meet the criteria established in Chapter 40C-4, F.A.C. These types of permits are known as standard ~~general~~ environmental resource permits.

1.5.3 Chapter 40C-41, F.A.C.

Chapter 40C-41, F.A.C., establishes criteria which must be met for systems within specified geographic areas of special concern. These criteria are in addition to the ones established in Chapters 40C-4, 40C-40, and 40C-42, F.A.C., are applicable to individual, standard ~~general~~, and conceptual approval environmental resource permits and environmental resource stormwater permits.

1.5.4 Chapter 40C-42, F.A.C.

Chapter 40C-42, F.A.C., provides for the regulation of stormwater management systems associated with projects which are above the thresholds explained in section 3.3 of this handbook. It establishes procedures which are to be followed in obtaining a permit and contains the criteria which must be met in order to obtain

a permit. These types of permits are known as either individual or standard ~~general~~ environmental resource stormwater permits.

8.2 Source of Criteria

The criteria for evaluation have been developed from guidelines established in:

- Chapter 403, F.S., (Environmental Control)
- Chapter 62-25, F.A.C., (Regulation of Stormwater Discharge)
- Chapter 62-40, F.A.C., (State Water Policy)
- Chapter 40C-4, F.A.C., (Environmental Resource Permits: Surface Water Management Systems)
- Chapter 40C-40, F.A.C., (Standard ~~General~~ Environmental Resource Permits)
- Chapter 40C-41, F.A.C., (Environmental Resource Permits: Surface Water Management Basin Criteria)
- Chapter 62-3, F.A.C., (Water Quality Standards)
- Chapter 62-302, F.A.C. (Surface Water Quality Standards)

40C-42.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved by the Governing Board and are available upon request from:

Department of Resource Management
 St. Johns River Water Management District
 P.O. Box 1429
 Palatka, Florida 32178-1429.

(6) Exceptions Report for Stormwater Management Systems Out of Compliance, form number 40C-42.900(6), adopted (effective date).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:
 40C-400.447

RULE TITLE:
 General Permit to the Florida
 Department of Transportation,
 Counties and Municipalities for
 Minor Activities Within Existing
 Rights-of-Way or Easements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 3 of the January 19, 2001 issue of the Florida Administrative Weekly.

40C-400.447 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements.

(1) A general permit is hereby granted to the Florida Department of Transportation, counties and municipalities to conduct the activities described below:

(a) through (f) No change.

(g) Ditch bank and bottom stabilization necessary to repair erosion damage to restore previously existing ditch configurations. Authorized repair methods are placement of riprap, sand cement toe walls, clean fill material, poured concrete, geotechnical textiles and other similar stabilization materials. The placement of riprap or other lining materials shall be limited to a length of 500 feet along the axis of the ditch and must not diminish permitted stormwater treatment capacity. This general permit shall not be applicable within one-quarter mile along the length of an area, within the same ditch, which has been stabilized under this general permit within a three year period.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: 40E-41
RULE CHAPTER TITLE: Surface Water Management Basin and Related Criteria

RULE NOS.: 40E-41.343, 40E-41.360, 40E-41.363
RULE TITLES: Application of Part IV, Permit Thresholds, Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees

NOTICE OF CHANGE

Notice is hereby given that the following changes were made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., which proposed rule was published in Vol. 27, No. 27, page 3119; Vol. 27, No. 28, page 3232; and Vol. 27, No. 29, page 3346 of the July 6, July 13, and July 20 issues of the Florida Administrative Weekly, respectively.

In response to comments received from the Joint Administrative Procedures Committee, changes have been made to proposed Rule 40E-41.343; subsection (2) of Rule 40E-41.360; and subsection (1) of Rule 40E-41.363 set forth in proposed Part IV of Chapter 40E-41, F.A.C., as follows:

40E-41.343 Application of Part IV.

All projects located within the WPA, WPAB, or adjacent to the Protective Levees which require permits pursuant to Rule 40E-4.041, F.A.C. shall be constructed, altered, operated, maintained and abandoned in accordance with the criteria specified in Rules 40E-4.301 and 40E-4.302, or and/or Rule

40E-40.302, F.A.C., as applicable, (Environmental Resource Permits Conditions for Issuance) and 40E-41.363 (Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees).

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History–New _____.

40E-41.360 Permit Thresholds.

(1) All systems proposed within the boundaries of the WPA shall require an individual permit.

~~(2) As provided for in Rule 40E-40.011(2), the District shall require an individual permit application for any system proposed within the WPAB or adjacent to the Protective Levees that does not comply with the provisions of this part; is harmful to the water resources of the District; is not consistent with the overall objectives of the District; is contrary to the provisions of Chapter 373, F.S.; or which is of heightened public concern.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History–New _____.

40E-41.363 Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees.

(1) In order to obtain a permit under this part, an applicant must provide reasonable assurance that the proposed activities will meet the requirements of this section; not be harmful to the water resources; and be consistent with the purposes and objectives set forth in Rule 40E-41.320, F.A.C. not be inconsistent with the objectives of the District; or otherwise restrict, interfere with, or limit accomplishment of the Water Preserve Area objectives.

(2) through (10) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History–New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-7.004
RULE TITLE: Approval of Training Programs
SECOND NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 41, October 13, 2000 issue of the Florida Administrative Weekly and a previous Notice of Change published in Vol. 27, No. 18, May 4, 2001 F.A.W. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1) shall read as follows:

(1) Each registered training program provider shall apply for approval of a training program. The application must be submitted on a Board-approved form DBPR/BCAI/16, B.C.A.I. Training Program Approval Application, effective _____, with instructions, which is hereby incorporated by reference, copies of which may be obtained from the Board office. The application for approval shall indicate the length of the program in hours, and shall include a copy of the program syllabus.

Subsections (2) through (9) no change from the Notice of Change published May 4, 2001.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-14.007 Standard of Care for Office Surgery

NOTICE OF PUBLIC HEARING

The Board of Osteopathic Medicine hereby gives notice of a public hearing to be held on the above-referenced rule on September 21, 2001 at 1:00 p.m., at the Tampa Airport Hilton, 2225 Lois Avenue, Tampa, Florida. This public hearing is being held in response to a request received from the Florida Osteopathic Medical Association on August 17, 2001. The rule was originally published in Vol. 27, No. 31, of the August 3, 2001, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
64B16-27.500 Negative Drug Formulary

NOTICE OF PUBLIC HEARING

The Board of Pharmacy hereby gives notice of a public hearing to be held on the above-referenced rule on September 14, 2001, at 1:00 p.m. – 3:00 p.m., at The Collins Building, 107 West Gaines Street, 1st Floor, 134 Administrative Services, Video Conferencing Room (across from the cafeteria), Tallahassee,

Florida. This public hearing is being held in response to two requests received from DuPont Pharmaceutical Company and Florida Chapter American College of Cardiology. The rule was originally published in Vol. 27, No. 30, of the July 27, 2001, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

School Psychology

RULE NOS.: RULE TITLES:
64B21-502.001 Continuing Education
64B21-502.004 Continuing Education Credit Guidelines
64B21-502.005 Initial Licensure Period

SECOND NOTICE OF CHANGE

The Department of Health, Division of Medical Quality Assurance, in accordance with subparagraph 120.54(3)(d)1., FS, announces changes to rule amendments proposed to Rule Chapter 64B21-502, F.A.C. The rule amendments were originally noticed in the May 25, 2001 issue of the Florida Administrative Weekly, Vol. 27, No. 21, and were followed by a Notice of Change in the August 3, 2001 issue of the Florida Administrative Weekly, Vol. 27, No. 31. The present change is in response to comments provided by the Joint Administrative Procedures Committee. The changed rule will read as follows:

64B21-502.001 Continuing Education.

(1) Every applicant for renewal of licensure shall demonstrate evidence of having obtained thirty (30) contact hours of continuing education credit earned during each biennial renewal period. One (1) of the thirty (30) hours must be on domestic violence consistent with Section 456.031, F.S. The licensee shall retain for four (4) years certificates of attendance or other records to document the completion of the continuing education requirement. The Department will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met.

~~(2) The Department may grant provider approval for programs relating to the profession for which license renewal is sought.~~

Specific Authority ~~120.53(1), 490.007(2), 490.0085, 490.015~~ FS. Law Implemented ~~490.007(2), 490.0085, 456.031~~ FS. History—New 4-13-82, Amended 11-27-83, 2-21-85, Formerly 21U-502.01, Amended 12-26-91, 6-24-92, Formerly 21U-502.001, 61E9-502.001, Amended _____.

64B21-502.004 Continuing Education Credit Guidelines.
No change.

64B21-502.005 Initial Licensure Period.
No change.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 396, MONEY BAGS
RULE NO.: 53ER01-54

SUMMARY OF THE RULE: This emergency rule relates to the Florida Lottery Instant Game 396, "MONEY BAGS," for which Lottery retailers will begin selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-54 Instant Game Number 396, MONEY BAGS.

(1) Name of Game. Instant Game Number 396, "MONEY BAGS."

(2) Price. MONEY BAGS tickets sell for \$1.00 per ticket.

(3) MONEY BAGS lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning MONEY BAGS lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any MONEY BAGS lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(6) Determination of Prize Winners. A ticket having a "MONEY" symbol in the play area shall entitle the claimant to the corresponding prize shown below it. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$250, \$1,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a MONEY BAGS lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(7) The value, number of prizes, and odds of winning in Instant Game Number 396 are as follows:

GAME PLAY TICKET	WIN	NUMBER OF WINNERS IN 42 POOLS OF 240,000 TICKETS PER POOL	ODDS
\$1	\$1 TICKET	1,209,600	1 in 8.33
\$1 + \$1	\$2	336,000	1 in 30.00
\$2	\$2	235,200	1 in 42.86
\$1 + \$1 + \$2	\$4	201,600	1 in 50.00
\$5	\$5	134,400	1 in 75.00
(\$1 x 6) + \$4	\$10	67,200	1 in 150.00
\$5 + \$5	\$10	67,200	1 in 150.00
\$5 + \$5 + \$5	\$15	33,600	1 in 300.00
\$5 + \$5 + \$5 + \$5 + \$5	\$25	8,568	1 in 1,176.47
\$25	\$25	2,058	1 in 4,897.96
\$5 x 7	\$35	840	1 in 12,000.00
\$10 x 5	\$50	294	1 in 34,285.71
\$25 x 4	\$100	15	1 in 672,000.00
\$250 x 4	\$1,000	5	1 in 2,016,000.00
\$1,000	\$1,000	5	1 in 2,016,000.00

(8) The overall odds of winning any prize in Instant Game Number 396 are 1 in 4.39.

(9) For reorders of Instant Game Number 396, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(10) Payment of prizes for MONEY BAGS instant tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4100.

(11) By purchasing a MONEY BAGS lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c), 25.115(1) FS. History—New 8-20-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 20, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 393, KEY
RULE NO.: 53ER01-55

WEST TREASURES

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 393, "KEY WEST TREASURES" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-55 Instant Game Number 393, KEY WEST TREASURES.

(1) Name of Game. Instant Game Number 393, "KEY WEST TREASURES."

(2) Price. KEY WEST TREASURES tickets sell for \$2.00 per ticket.

(3) KEY WEST TREASURES lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning KEY WEST TREASURES lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any KEY WEST TREASURES lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$7.00, \$10.00, \$30.00, \$40.00, \$50.00, \$100, \$1,000, \$10,000, and VACATION. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a KEY WEST TREASURES lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) A claimant who is entitled to a prize of a "VACATION" shall be entitled to a prize of a Key West Vacation Package ("vacation package"). The vacation package shall include hotel accommodations, room and tax only, for up to two people in a maximum of one room for three nights at either the Wyndham Casa Marina Resort or the Wyndham Reach Resort in Key West; two Historic Tours of America "Key West Passport" books, which include discounts or passes to various Key West attractions and services; three fifty-dollar gift certificates for dining at designated Key West restaurants; and \$500 in cash. The vacation package shall also include payment of federal withholding taxes on the value of the vacation package. Any additional federal, state, or local taxes shall be the responsibility of the winner.

(9) Procedures for Claiming a Vacation Package. A player who has won a vacation package in accordance with the instant play features of Instant Game Number 393 described in paragraphs (8)(a) and (b) above, shall claim his or her prize as follows. The claimant should complete the information section on the back of a winning KEY WEST TREASURES ticket. The claimant must file a claim with a Lottery office and complete a Winner Claim Form DOL 173-2, Revised 2/01, or DOL 173-S, Revised 2/01 in accordance with the instructions on the form. The forms are incorporated herein by reference and may be obtained from any Lottery retailer or Lottery

office. The claimant shall either mail his or her claim to the Florida Lottery, Winner Validation, Capitol Complex, Tallahassee, Florida 32399-4027, or submit it to any Lottery office. The risk of loss or late delivery of a claim submitted by mail remains with the player. Prizes must be claimed within sixty days after the end of the KEY WEST TREASURES instant lottery game. Prior to the receipt of a vacation package, the claimant must also complete a Key West Vacation Acceptance and Release Form DOL 454, Effective 8/01. Acceptance and Release Form DOL 454 is incorporated herein by reference and may be obtained from any Lottery office. Upon the Lottery's receipt of the vacation package claimant's executed Release and Acceptance Form, arrangements will be made with the claimant to award the vacation package.

(10) Vacation Package Details and Restrictions.

(a) Hotel accommodations are subject to availability. A claimant's vacation reservations must be made with Wyndham Resorts Key West a minimum of thirty days prior to the claimant's travel.

(b) Vacation packages may be transferred by a claimant one time and must be transferred as a complete package through Wyndham Resorts Key West.

(c) Gift certificates to Key West restaurants will be selected based on restaurant availability at the time of the claimant's vacation.

(d) A vacation package, including the hotel accommodations, does not include travel, incidentals, tips, telephone calls, or any other personal expenses.

(e) All elements of a vacation package must be used by December 15, 2002. Any vacation package not completed by December 15, 2002, will be forfeited; however, the value of the vacation package will remain taxable income to the winner.

(f) A vacation prizewinner must be 18 years of age or older unless accompanied on the vacation by a parent or legal guardian who is at least 21 years of age.

(g) Cash will not be awarded in lieu of vacation packages, except as provided in paragraph (10)(h) below.

(h) The Florida Lottery reserves the right, if necessary, due to unforeseen circumstances beyond the control of the Lottery, to award a cash prize in lieu of a vacation package or an element of a vacation package. In the event cash prizes are awarded, the cash prize amount shall be as follows:

1. If a cash prize is awarded in lieu of the entire vacation package, the cash prize will be equivalent to the fair market value of the vacation package elements plus applicable federal withholding tax as further described in subparagraph (10)(h)3. below. Applicable federal withholding tax shall be deducted from the cash prize at the time it is awarded.

2. If, after a vacation package is awarded to a winner, one or more of the elements described in sub-subparagraphs (10)(h)3.a., b., and c., become unavailable to the winner through no fault of his or her own, the Lottery will award a cash prize in an amount equivalent to the fair market value of the unavailable element or elements of the vacation package.

3. The fair market value of each vacation package element is as follows:

- a. Hotel accommodations = \$850
- b. Key West passport books = \$189
- c. Dining gift certificates = \$150
- d. Cash = \$500
- e. Applicable federal withholding tax – the applicable amount of federal withholding taxes paid by the Lottery on the total value of elements a. through d.

(i) State Owed Debts.

1. If a winner is identified as owing an outstanding debt to a state agency or child support collected through a court, or spousal support or alimony as provided in subsection 24.115(4), Florida Statutes (state owed debt), in an amount less than the cash portion of the prize (\$500), the non-cash portion of the prize and the amount owed to the claimant after his or her debt is satisfied shall be awarded.

2. A vacation package winner who has been identified as owing a state owed debt greater than the cash portion of the prize (\$500) will be given forty-eight hours from the time the winner is notified of the debt to clear the debt. If the winner clears the debt within the given time frame, the winner will be awarded the prize. If the winner does not clear the debt within the given time frame, the winner's entire cash portion of the prize will be applied toward the outstanding debt as provided in Section 24.115(4), Florida Statutes, and the winner will forfeit the remaining non-cash portion of the prize. In such case, federal tax withholding will not be paid.

(j) A winner's right to a vacation prize is not assignable.

(11) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 393 are as follows:

GAME PLAY TICKET	WIN	NUMBER OF WINNERS IN 28 POOLS OF 180,000 TICKETS	ODDS
\$2	\$2 TICKET	672,000	1 in 7.50
\$2 x 2	\$2	134,400	1 in 37.50
\$4	\$4	67,200	1 in 75.00
\$2 + (\$2 x 2) + \$1	\$4	134,400	1 in 37.50
\$3 + (\$2 x 2)	\$7	33,600	1 in 150.00
\$7	\$7	33,600	1 in 150.00
\$5 x 2	\$10	33,600	1 in 150.00
\$2 + \$3 + \$5	\$10	16,800	1 in 300.00
\$10	\$10	16,800	1 in 300.00
\$5 x 4	\$20	16,800	1 in 300.00
(\$2 x 3) + \$4 + (\$5 x 2)	\$20	8,400	1 in 600.00
\$10 x 2	\$20	8,400	1 in 600.00
\$3 x 10	\$30	15,876	1 in 317.46
(\$5 x 4) + \$10	\$30	15,400	1 in 327.27
\$4 x 10	\$40	11,200	1 in 450.00
\$30 + (\$5 x 2)	\$40	9,380	1 in 537.31
\$2 + (\$3 x 2) + (\$5 x 3) + \$7 + (\$10 x 2) + \$50	\$100	28	1 in 180,000.00
(\$10 x 6) + \$40	\$100	28	1 in 180,000.00
(\$50 x 8) + \$100	\$500	8	1 in 630,000.00
\$100 x 5	\$500	8	1 in 630,000.00
Vacation + \$500	Vacation + 500	75	1 in 67,200.00
\$1,000 x 10	\$10,000	2	1 in 2,520,000.00
\$10,000	\$10,000	2	1 in 2,520,000.00

(12) The overall odds of winning any prize in Instant Game Number 393 are 1 in 3.99.

(13) For reorders of Instant Game Number 393, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(14) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. By purchasing a KEY WEST TREASURES lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(15) Payment of prizes for KEY WEST TREASURES lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011.

(16) A copy of the KEY WEST TREASURES instant game rules may be obtained by writing the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011 or by calling (850)487-7724.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c), 24.115(1) FS. History—New 8-20-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 20, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:

Instant Game Number 392, CASINO ROYALE 53ER01-56

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 392, "CASINO ROYALE" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-56 Instant Game Number 392, CASINO ROYALE.

(1) Name of Game. Instant Game Number 392, "CASINO ROYALE."

(2) Price. CASINO ROYALE tickets sell for \$5.00 per ticket.

(3) CASINO ROYALE lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid

winning CASINO ROYALE lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any CASINO ROYALE lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) Design of Ticket. There are 4 different games in Instant Game Number 392, CASINO ROYALE.

(5) The play symbols and play symbol captions in Game 1 are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions in Game 1 are as follows:

INSERT SYMBOLS

(7) The legend in Game 1 is as follows:

INSERT SYMBOLS

(8) The "YOUR CARDS" play symbols and play symbol captions in Game 2 are as follows:

INSERT SYMBOLS

(9) The "DEALER'S TOTAL" play symbols and play symbol captions in Game 2 are as follows:

INSERT SYMBOLS

(10) The "PRIZE" symbols and prize symbol captions in Game 2 are as follows:

INSERT SYMBOLS

(11) The legends in Game 2 are as follows:

INSERT SYMBOLS

(12) The play symbols and play symbol captions in Game 3 are as follows:

INSERT SYMBOLS

(13) The legends in Game 3 are as follows:

INSERT SYMBOLS

(14) The “YOUR CARDS” play symbols and play symbol captions in Game 4 are as follows:

INSERT SYMBOLS

(15) The “DEALER’S CARD” play symbols and play symbol captions in Game 4 are as follows:

INSERT SYMBOLS

(16) The prize symbols and prize symbol captions in Game 4 are as follows:

INSERT SYMBOLS

(17) The legends in Game 4 are as follows:

INSERT SYMBOLS

(18) Determination of Prize Winners. Each of the four games in Instant Game Number 392, CASINO ROYALE, uses a different play methodology. The determination of prizewinners for each game is as follows:

(a) Game 1.

1. In Game 1, a ticket having a number in the “YOUR NUMBER” play area that matches any number in the “WHEEL NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$500, \$1,000, \$10,000, and \$100,000.

2. In Game 1, a claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$5.00 instant ticket or any combination of instant and on-line tickets that totals \$5.00, except as provided in paragraph (18)(e), below.

(b) Game 2.

1. In Game 2 there are four hands. A ticket having two cards in the “YOUR CARDS” play area of one hand, the total of which is greater than the total of the two cards in the “DEALER’S TOTAL” play area of the same hand shall entitle the claimant to the corresponding prize shown for that hand. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$75.00, \$100, \$500, \$1,000, and \$10,000.

2. In Game 2, a claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$5.00 instant ticket or any combination of instant and on-line tickets that totals \$5.00, except as provided in paragraph (18)(e), below.

3. In Game 2, the point value assigned to Kings, Queens and Jacks is 10, and the point value assigned to Aces is 11.

(c) Game 3. In Game 3 there are four pulls. A ticket having three like symbols in the play area of one pull shall entitle the claimant to the corresponding prize amount shown for that symbol in the legend. The prize amounts are: \$5.00, \$10.00, \$20.00, \$40.00, \$700, \$1,000, and \$10,000.

(d) Game 4.

1. In Game 4, a ticket having a card in the “YOUR CARDS” play area that is higher than the card shown in the “DEALER’S CARD” play area shall entitle the claimant to the prize shown in the “PRIZE” play area. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500, \$1,000, \$10,000, and \$100,000.

2. In Game 4, a claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$5.00 instant ticket or any combination of instant and on-line tickets that totals \$5.00, except as provided in paragraph (18)(e), below.

(e) A person who submits by mail a CASINO ROYALE lottery ticket which entitles the holder to a prize of a \$5.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$5.00 in lieu of an actual ticket.

(19) Number and Size of Prizes: The value, number of prizes, and odds of winning in Instant Game Number 392 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL	ODDS
TICKET (GAMES 1, 2, or 4)	\$5 TICKET	672,000	1 in 7.50
G1- (\$1 x 2) + G2-\$2 + G4-\$1	\$5	84,000	1 in 60.00
G1- (\$1 x 3) + G2-\$1 + G4-\$1	\$5	84,000	1 in 60.00
G1-\$1 + G4- (\$2 x 2)	\$5	168,000	1 in 30.00
G3-\$5	\$5	210,000	1 in 24.00
G1- (\$1 x 3) + G2-\$2 + G4-\$5	\$10	168,000	1 in 30.00
G1-\$1 + \$5 + G4- (\$2 x 2)	\$10	42,000	1 in 120.00
G1- (\$2 x 2) + G2-\$5 + G4-\$1	\$10	42,000	1 in 120.00
G2-\$5 + G3-\$5	\$10	42,000	1 in 120.00
G1-\$1 + G2-\$2 + G3-\$5 + G4- (\$1 x 2)	\$10	21,000	1 in 240.00
G1-\$1 + G2-\$5 + G3-\$5 +			

G4- (\$2 x 2)	\$15	84,000	1 in 60.00
G1-\$2 + \$2 + G3-\$5 +			
G4- (\$2 x 3)	\$15	42,000	1 in 120.00
G1- (\$1 x 4) + G3-\$5 +			
G4- (\$2 x 3)	\$15	42,000	1 in 120.00
G1-\$1 + (\$2 x 3) + G2-\$1 +			
(\$2 x 2) + G3-\$10 + G4-			
(\$1 x 3)	\$25	42,000	1 in 120.00
G1-\$1 + (\$2 x 3) + G2-\$2 +			
G3-\$10 + G4- (\$2 x 3)	\$25	35,700	1 in 141.18
G1-(\$1 x 4) + G2-\$2 +			
\$1 + G3- (\$5 x 2) + G4-			
(\$2 x 4)	\$25	12,600	1 in 400.00
G1- (\$1 x 4) + G3- (\$5 x 3)			
+ G4- (\$2 x 3)	\$25	11,550	1 in 436.36
G2-\$10 + G3-\$5 + G4-			
(\$5 x 2)	\$25	9,450	1 in 533.33
G1-\$2 + G2- (\$5 x 2) + G3-			
\$10 + G4- (\$1 x 3)	\$25	9,450	1 in 533.33
G1- (\$1 x 2) + (\$2 x 2) +			
G2- (\$5 x 4) +			
G3- (\$5 x 4) +			
G4- (\$1 x 4)	\$50	22,218	1 in 226.84
G2-\$10 + \$25 +			
G3-\$20 +			
G4- (\$10 x 2)	\$75	504	1 in 10,000.00
G1- (\$5 x 3) +			
G2- (\$15 x 2) +			
G3-\$5 + \$10 +			
G4- (\$5 x 3)	\$75	504	1 in 10,000.00
G1- \$2 + (\$5 x 3) +			
G2- \$1 + \$2 + (\$5 x 2) +			
G3- (\$5 x 3) + \$10 +			
G4- (\$5 x 4)	\$75	504	1 in 10,000.00
G1- (\$5 x 2) + G2-\$25 +			
G3- \$5 + \$20 +			
G4- (\$5 x 3)	\$75	504	1 in 10,000.00
G1- (\$5 x 3) + G2- \$10 +			
G3- \$10 + \$20 +			
G4- (\$10 x 2)	\$75	504	1 in 10,000.00
G1- (\$5 x 3) +			
G2- (\$25 x 2) + G3-\$5 +			
G4- (\$10 x 3)	\$100	420	1 in 12,000.00
G1- \$25 + G2-\$10 +			
G3- \$5 + \$20 +			
G4- (\$10 x 4)	\$100	420	1 in 12,000.00
G1- (\$2 x 2) + (\$3 x 2) +			
G2- (\$10 x 3) + G3-\$40 +			
G4- (\$5 x 4)	\$100	420	1 in 12,000.00
G1- (\$5 x 2) + \$25 +			
G2- (\$10 x 2) +			
G3- (\$5 x 4) + G4- \$25	\$100	420	1 in 12,000.00
G1- \$20 + G2- (\$10 x 2) +			
G3- \$20 + G4- (\$10 x 4)	\$100	420	1 in 12,000.00
G1- (\$10 x 4) + G2-\$100 +			
G3- (\$40 x 4) +			
G4- (\$100 x 2)	\$500	25	1 in 201,600.00
G1- \$10 + (\$25 x 3) +			
G2- \$20 + \$50 + \$75 +			
G3- \$10 + \$20 + \$40 +			
G4- (\$50 x 4)	\$500	25	1 in 201,600.00
G1- (\$25 x 4) +			
G2- (\$25 x 2) + (\$40 x 2) +			
G3- \$10 + \$20 + \$40 +			
G4- (\$50 x 4)	\$500	25	1 in 201,600.00
G1-\$1,000	\$1,000	5	1 in 1,008,000.00
G2-\$1,000	\$1,000	5	1 in 1,008,000.00
G3-\$1,000	\$1,000	5	1 in 1,008,000.00
G4-\$1,000	\$1,000	5	1 in 1,008,000.00
G1- (\$25 x 2) + (\$50 x 2) +			
G2- (\$25 x 2) + G3- \$700 +			
G4- (\$25 x 4)	\$1,000	10	1 in 504,000.00
G1-\$500 + G2-\$500 +			
G4- \$500	\$1,500	4	1 in 1,260,000.00
G1- \$10,000	\$10,000	2	1 in 2,520,000.00
G2- \$10,000	\$10,000	2	1 in 2,520,000.00
G3- \$10,000	\$10,000	2	1 in 2,520,000.00
G4- \$10,000	\$10,000	2	1 in 2,520,000.00

G1- \$10,000 +			
G2-\$10,000 +			
G3- \$10,000 +			
G4-\$10,000	\$40,000	1	1 in 5,040,000.00
G1- \$100,000	\$100,000	1	1 in 5,040,000.00
G4- \$100,000	\$100,000	1	1 in 5,040,000.00

(20) The overall odds of winning any prize in Instant Game Number 392 are 1 in 2.73.

(21) For reorders of Instant Game Number 392, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(22) By purchasing a CASINO ROYALE lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(23) Payment of prizes for CASINO ROYALE lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c), 24.115(1) FS. History—New 8-20-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 20, 2001

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Gem Estates Utilities, Inc.'s petition for variance of Rule 25-30.110(3) and (6), Florida Administrative Code, filed March 29, 2001, in Docket No. 010385-WU, was approved by the Commission at its June 25, 2001, Agenda Conference. Order No. PSC-01-1479-PAA-WU, issued July 16, 2001, memorialized the decision, and was consummated by Order No. PSC-01-1631-CO-WU, issued August 9, 2001.

The rule addresses the filing of annual reports by jurisdictional utilities. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on April 13, 2001.

A copy of the Order can be obtained from: Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on August 14, 2001, the South Florida Water Management District (SFWMD) received a Petition for Variance (Application 010814-9) from the Martin County Public Services Department for a project known as Tropic Vista Area Drainage Improvements, located in Martin County. The petition seeks relief from Section 6.2, Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – August 2000, incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., pertaining to discharge rates.

A copy of the petition may be obtained from: Beth Colavecchio, (561)682-6905 or e-mail, bcolavec@sfwmd.gov. The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33401, Attn: District Clerk.

For additional information, contact Ruth Holmes at the above address, or telephone (561)682-6274, or e-mail rholmes@sfwmd.gov.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection has taken action on a petition for variance received from Environmental Engineering Consultants, Inc., (EEC) on May 9, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on June 1, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(3), F.A.C., for the use of in-situ chemical oxidation using hydrogen peroxide and Fenton's Reagent (iron catalyst) to clean up sites contaminated with petroleum compounds, chlorinated solvents, and other hydrocarbon-base contaminants. Specifically, the variance requested a zone of discharge for pH, total dissolved solids (TDS), iron, and sulfate within a 50-foot radius from the point of discharge for a duration of 365 days. No public comment was received. On August 14, 2001, the Department granted a variance to EEC in a final order, OGC File No.: 01-0788. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528, F.A.C.; that the extent of the zone of discharge for pH, TDS, iron, and sulfate shall be a 50-foot radius from the point of injection for a duration of 365 days; that the injection of the product shall be at such a rate and

volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifers; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions. For a copy of the final order write or call Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400; telephone (850)921-9412.

The Department of Environmental Protection has taken action on a petition for variance received from Environmental Engineering Consultants, Inc., (EEC) on May 9, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on June 1, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(3), F.A.C., for the use of in-situ aerobic biodegradation using a powder of calcium peroxide and calcium hydroxide mixed with chlorine free water to clean up sites contaminated with gasoline, diesel fuel, and other chemicals containing primarily aromatic hydrocarbons. Specifically, the variance requested a zone of discharge for pH and total dissolved solids (TDS) within a 50-foot radius from the point of discharge for a duration of 365 days. No public comment was received. On August 14, 2001, the Department granted a variance to EEC in a final order, OGC File No.: 01-0790. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528, F.A.C.; that the extent of the zone of discharge for pH and TDS shall be a 50-foot radius from the point of injection for a duration of 365 days; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifers; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions. For a copy of the final order write or call Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400; telephone (850)921-9412.

The Department of Environmental Protection has taken action on a petition for variance received from LFR, Inc., on June 15, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on July 6, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(3), F.A.C., for the use of a cosolvent flushing solution to remediate a site contaminated with tetrachloroethene, a dense non-aqueous phase liquid chlorinated solvent. Specifically, the variance requested a zone of discharge for pH and ethanol within a 100-foot radius from the point of discharge for a duration of 24 months. No public comment was received. On August 14, 2001, the Department granted a variance to LFR, Inc., in a final order, OGC File No.: 01-0991. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528, F.A.C.; that the extent of the zone of discharge for pH and ethanol shall be a 100-foot radius from the point of injection; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifers; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions. For a copy of the final order write or call Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400; telephone (850)921-9412.

On May 29, 2001, the Department received a request, pursuant to Section 120.542, F.S. (2000), from Florida Power & Light Company seeking a temporary variance from the incident reporting and response requirements under Rules 62-761.450(2)(a)7., and 62-761.820(1), F.A.C., for the Port Everglades Terminal facility located in Fort Lauderdale, Fl. The petition was assigned OGC case #01-0898. A Notice of Receipt of Petition for Variance/Waiver was published in the June 15, 2001, F.A.W. On August 1, 2001, the request was approved for a period ending February 1, 2002, for tanks 901 and 902. No comments from the public were received. Copies may be obtained from the Department of Environmental Protection, Bureau of Petroleum Storage Systems, Mail Station 4575, 2600 Blair Stone Rd. Tallahassee, Florida 32399-2400; Attn.: John Svec.

On May 11, 2001, the Department received a request, pursuant to Section 120.542, F.S. (2000), from Kaleel Service Station seeking a temporary variance from upgrading with overflow protection devices as required under Rule 62-761.510(2)(d), F.A.C., for the Kaleel Service Station located in Jacksonville, Fl. The petition was assigned OGC case #01-0807. A Notice of Receipt of Petition for Variance/Waiver was published in the May 25, 2001, F.A.W. On July 30, 2001, the request was approved. No comments from the public were received. Copies may be obtained from the Department of Environmental Protection, Bureau of Petroleum Storage Systems, Mail Station 4575, 2600 Blair Stone Rd., Tallahassee, Florida 32399-2400; Attn.: John Svec.

NOTICE IS HEREBY GIVEN that on August 6, 2001, the Florida Department of Environmental Protection received a petition from Superior Special Services, Inc., seeking a variance under Section 120.542, F.S. from the requirement under Rule 62-737.860(4), F.A.C., that a 99% effective reclamation rate for mercury must be demonstrated. Manufacturers in recent years have lowered the mercury content in the fluorescent bulbs from the range of 2000 ppm down to 700 ppm. Current technology makes the 99% recovery rate with the lowered mercury content a technological hardship. Petitioner proposes a reclamation rate schedule, based on the original concentration of mercury in the material to be processed. The petition has been assigned File No.: 01-1298. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Waste Management Section, Northwest District, 160 Governmental Center, Pensacola, Florida 32501. Attn.: Charles Goddard. Comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Department of Health, by order dated on August 20, 2001 has granted the petition for Variance of Rules 64E-5.1408(2) and 64E-5.1403(2)(a) and (b), Florida Administrative Code, filed by Cynthia L. Beamish, Assistant General Counsel, on behalf of University of Miami. The petition was filed with the Department on May 23, 2001; and, noticed of receipt of the Petition was published in Vol. 27, No. 23, pages 2754-2755 of the Florida Administrative Weekly.

No comments from interested persons were received.

The Order provides the Petition for Variance of Rules 64E-5.1408(2) and 64E-5.1403(2)(a) and (b), Florida Administrative Code, is granted with stipulation, in which the petitioner will not be able to implement the variance until it has amended its license to include adequate procedures as described in Amended Petition received May 23, 2001 and

correspondence dated July 2, 2001 with record keeping requirements that demonstrate compliance and the department has approved the amended license.

A copy of the Order may be obtained from: Mr. Theodore M. Henderson, Agency Clerk, Department of Health, BIN A02, 4052 Bald Cypress Way, Tallahassee, FL 32399-1703, (850)245-4005.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services has issued a Final Order granting a Petition for Waiver of Rules 65E-12.109(1)(b), and 65E-12.109(2)(g), Florida Administrative Code. The Petition was received by the Agency Clerk on May 30, 2001, by Manatee Glens Corporation and assigned Case No. 01-002W. The Final Order was issued on August 13, 2001.

A copy of the Final Order may be obtained by writing: Office of the Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 202B, Tallahassee, FL 32399-0700.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on August 20, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Variance from or Waiver of Rule 67-48.140(5), F.A.C. ("Petition") from Villamara Place, Inc. The Petition seeks relief from the terms of the Florida Housing Firm Commitment Letter, Dated September 4, 1998 that requires all units receiving HOME Second Mortgage Loan financing to have closed by September 4, 2001.

A copy of the Petition can be obtained from: Andrew T. Price, Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Fish and Wildlife Conservation Commission has received a petition from Pamela A. Stoppelbein DBA Stop's Marine Charters ("Stops Marine Charters") for a waiver or variance from the Collier County manatee protection rule (68C-22.023, Florida Administrative Code). The petition was received by the Commission's Office of General Counsel on August 8, 2001,

and seeks authorization to operate a motorboat at speeds greater than those allowed by the rule while conducting guided nature tours.

Copies of the petition may be received from, and written comments on the petition may be submitted to: Florida Fish and Wildlife Conservation Commission, Office of General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600; Attention Ross Burnaman. To be considered, comments must be received no later than 14 days from the date of publication of this notice. [FILE NO. 01-0064].

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Museum of Florida History Foundation**, Inc. announces their Annual Meeting to which all persons are invited.

DATE AND TIME: Monday, September 10, 2001, 6:00 p.m.

PLACE: Museum of Florida History, R. A. Gray Building, Ground Floor, Theater, 500 S. Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Meeting immediately followed by a Board of Directors Meeting.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact Penny Lord, (850)922-529, at least 48 hours prior to the meeting in order to request any special assistance.

The Florida **Secretary of State's Select Task Force on Voting Accessibility** will hold a workshop and public hearing on:

DATE AND TIME: September 10, 2001, 10:00 a.m. – 4:00 p.m.

PLACE: Knott Building, Room 412, 111 St. Augustine, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational meeting of task force members regarding public meetings/public records laws, submission of expense vouchers, and to consider public testimony from the Division of Elections and others regarding elections laws, building and construction requirements for Americans with Disabilities under both federal and state laws, and possible uses of alternative technologies to benefit disabled voters.

If you need an accommodation because of disability in order to participate, please notify Ginger Simmons, Staff Secretary, in writing at least five days in advance at 301 S. Bronough Street, Suite #200, Tallahassee, FL 32301.

The Board of Trustees of The **Northeast Florida Preservation, Inc.**, the citizens' support organization of the St. Augustine Regional Preservation Office, Division of Historical Resources, announces a meeting to which all interested parties are invited.

DATE AND TIME: September 21, 2001, 1:30 p.m.

PLACE: Sala de Montiano, Government House, 48 King Street, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting.

A copy of the agenda may be obtained by contacting: St. Augustine Regional Preservation Office, P. O. Box 4168, St. Augustine, FL 32085-4168, (904)825-5045, sarpres@aug.com. Should any person wish to appeal any decision made by the corporation, he/she will need a record of the proceedings and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting in order to request any needed special assistance should contact the office at least 48 hours in advance of the meeting.

The **Department of State, Division of Cultural Affairs** announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, September 12, 2001, 1:00 p.m.

PLACE: Volusia County Health Department, Main Conference Room, 420 Fentress Avenue, Daytona Beach, FL 32214-1208, (904)947-3418

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites for Art-in-State Buildings Project No. DOH 9964/7000, Volusia County Health Department, Daytona Beach.

COMMITTEE: Art Selection Committee

DATE AND TIME: Tuesday, September 18, 2001, 3:00 p.m.

PLACE: Gulf County Health Department, Conference Room, 502 4th Street, Port St. Joe, FL 32456, (850)227-1276

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Proposal meeting to review and discuss final proposals for Art-in-State Buildings Project No. DOH 9823/7000, Gulf County Health Department, Port St. Joe, FL.

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, September 26, 2001, 1:00 p.m.

PLACE: Children Medical Services, Sunland Annex Building, Conference Room 104, 2303 Phillips Road, Tallahassee, FL 32308, (850)487-2604

COMMITTEE: Art Selection Committee

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites for Art-in-State Buildings Project No. DOH 9837/5100, Children's Medical Services Building, Tallahassee, Leon County.

COMMITTEE: Art Selection Committee

DATE AND TIME: Thursday, September 27, 2001, 1:00 p.m.

PLACE: Hendry County Health Department, Conference Room, 1140 Pratt Boulevard, La Belle, FL 33975, (863)674-4056

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites for Art-in-State Buildings Project No. DOH 9730/9910, Hendry County Health Department, Clewiston.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs. 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 Don Blancett, (850)487-2980, Ext 131. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

The **Department of State, Division of Cultural Affairs, Florida Arts Council** announces public Committee meetings to which all persons are invited:

COMMITTEE: Quarterly Assistance

DATE AND TIME: Monday, September 24, 2001, 9:00 a.m. – conclusion

PLACE: R. A. Gray Building, Auditorium, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and make recommendations regarding the applications received for the Quarterly Assistance Grant applications.

COMMITTEE: Governmental Affairs

DATE AND TIME: Monday, September 24, 2001, 9:00 a.m. – conclusion

PLACE: R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss any outstanding issues and the upcoming Legislative Session.

COMMITTEE: Arts in Education Committee
 DATE AND TIME: Monday, September 24, 2001, 1:30 p.m. – conclusion.
 PLACE: R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Ongoing Committee activities as necessary.
 COMMITTEE: Awards
 DATE AND TIME: Monday, September 24, 2001, 1:30 p.m. – conclusion
 PLACE: R. A. Gray Building, Auditorium, 500 South Bronough Street, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and make recommendations regarding nominations to the Florida Artists Hall of Fame and Florida Arts Recognition Award Programs.
 The Department of State, Division of Cultural Affairs, Florida Arts Council announces a public meeting to which all persons are invited:
 DATE AND TIME: Tuesday, September 25, 2001, 9:00 a.m. – conclusion
 PLACE: R. A. Gray Building, Auditorium, 500 South Bronough Street, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and make recommendations regarding the Division of Cultural Affairs’ programs and grants, and to conduct other business as necessary.
 A copy of the agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250 or by calling Wendy G. Moss, Administrative Assistant, (850)487-2980.
 Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record this meeting.
 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 Wendy G. Moss, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Women’s Hall of Fame/Women’s History Committee of the **Florida Commission on the Status of Women** will hold a telephone conference on:
 DATE AND TIME: September 17, 2001, 2:00 p.m.
 PLACE: Please call (850)414-3300 for instructions on participation
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Women’s Hall of Fame/Women’s History Committee of the **Florida Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: September 20, 2001, 10:00 a.m.
 PLACE: Please call (850)414-3300 for instructions on participation
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF INSURANCE

The Florida **Department of Insurance** announces a public meeting of the Blue Ribbon Panel on Bail Bond Reform to which all interested parties are invited.

DATES AND TIME: October 1-2, 2001, 10:00 a.m.
 PLACE: The Larson Building, Room 116, 200 East Gaines Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address regulatory issues related to Chapter 648, Florida Statutes, with the intent to make recommended legislative changes to the laws regarding bail bonds.

Anyone requiring further information should contact: Sally Burt, Bail Bond Coordinator, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0320, (850)413-5660 or e-mail at burts@doi.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate at these meetings should contact Sally Burt, (850)413-5660, at least five (5) days prior to the meeting.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public workshop on Rule Chapter 5B-58, Citrus Canker Eradication, to which all persons are invited:

DATE AND TIME: Thursday, September 13, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: Broward County Main Library, 100 South Andrews Avenue, Fort Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider public comments on the proposed amendments to Rule Chapter 5B-58, Citrus Canker Eradication, F.A.C.

If you need a special accommodation in order to attend this meeting because of a disability, please let us know by September 10, 2001.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** (DOF) and the Point Washington State Forest Management Plan Advisory Group announce two public meetings and a public hearing to which all persons are invited.

PUBLIC MEETING – POINT WASHINGTON STATE FOREST MANAGEMENT PLAN ADVISORY GROUP

DATE AND TIME: Tuesday, September 11, 2001, 6:00 p.m.

PLACE: South Walton Tourist Development Council Meeting Room, the corner of Hwy. 98 and Hwy. 331, Santa Rosa Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Point Washington State Forest Management Plan Advisory Group to prepare for a public hearing the evening of September 11, 2001 and provide recommendations to the DOF to help in preparation of a management plan for the Point Washington State Forest.

PUBLIC HEARING

DATE AND TIME: Tuesday, September 11, 2001, 7:00 p.m.

PLACE: South Walton Tourist Development Council Meeting Room, the corner of Hwy. 98 and Hwy. 331, Santa Rosa Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To solicit public comments on management of the Point Washington State Forest. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to the DOF's Chipola River District Office, Attention: Tom Beitzel, 715 W. 15th Street, Panama City, FL 32401, and should be mailed so as to arrive at the District Office by the date of the public hearing.

PUBLIC MEETING – POINT WASHINGTON STATE FOREST MANAGEMENT PLAN ADVISORY GROUP

DATE AND TIME: Wednesday, September 12, 2001, 9:00 a.m.

PLACE: South Walton Fire District Inlet Beach Station #1, 117 N. Wall Street, Inlet Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Point Washington State Forest Management Plan Advisory Group to review comments from the public hearing of September 11, 2001, and provide recommendations to the DOF to help in preparation of a management plan for the Point Washington State Forest.

Copies of a working draft on the plan are available by contacting the Chipola River District Office in writing at the above address or by telephone (850)747-5639.

Special accommodations for persons with disabling condition should be requested in writing at least 48 hours in advance of these proceedings. Any request for special accommodations can be made by writing the DOF's Chipola River District Office at the above listed address.

You are hereby notified in accordance with Section 286.0105, Florida Statutes, should you decide to appeal any decision made as a result of, or take exception to any findings of fact with respect to any matter considered at the hearing and meeting referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such record shall include the testimony and evidence upon which the appeal is to be based.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** (DOF) and the Jennings State Forest Management Plan Advisory Group announce two public meetings and a public hearing to which all persons are invited.

PUBLIC MEETING – JENNINGS STATE FOREST MANAGEMENT PLAN ADVISORY GROUP

DATE AND TIME: Monday, September 24, 2001, 3:00 p.m. – 4:00 p.m.

PLACE: Clay County Public Library, Middleburg/Clay Hill Branch, 2245 Aster Street, Middleburg, FL 32068

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Jennings State Forest Management Plan Advisory Group to review advisory group procedures and to prepare for a public hearing the evening of Monday September 24, 2001.

PUBLIC HEARING

DATE AND TIME: September 24, 2001, 7:00 p.m. – 8:30 p.m.

PLACE: J. L. Wilkinson Elementary, Cafeteria, 4965 County Road 218, Middleburg, FL 32068

GENERAL SUBJECT MATTER TO BE CONSIDERED: To solicit public comment on management of the Jennings State Forest. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to the DOF's Jennings State Forest, 1337 Long Horn Road, Middleburg, FL 32068, and should be mailed so as to arrive at the Jennings State Forest Office by the date of the public hearing.

PUBLIC MEETING – JENNINGS STATE FOREST MANAGEMENT PLAN ADVISORY GROUP

DATE AND TIME: Tuesday September 25, 2001, 9:30 a.m. – 12:00 Noon

PLACE: Clay County Public Library, Middleburg/Clay Hill Branch, 2245 Aster Street, Middleburg, FL 32068

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Jennings State Forest Management Plan Advisory Group to review comments from the public hearing of September 24, 2001, and to provide input to the DOF to help in preparation of a management plan for the Jennings State Forest.

Copies of a working draft of the plan are available by contacting the Jennings State Forest Headquarters in writing at the above address or by telephone, (904)291-5530.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of these proceedings. Any request for special accommodations can be made by writing the DOF's, Jennings State Forest Headquarters at the above listed address.

You are hereby notified in accordance with Section 286.0105, Florida Statutes, should you decide to appeal any decision made as a result of, or take exception to any findings of fact with respect to any matter considered at the hearing and meetings referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such record shall include the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF EDUCATION

NOTICE OF CORRECTION – The **Florida School for the Deaf and the Blind** hereby gives notice of change to the date of rule development workshop for the rules published in the Florida Administrative Weekly, Vol. 27, No. 33, August 17, 2001 (Appointment and Jurisdiction, 6D-1.002; Meetings, 6D-1.003; Officers, 6D-1.004; Committees, 6D-1.008; Forms and Standard Instructions, 6D-1.012; Naming Facilities, 6D-1.013). The Specific Authority for the rules is 242.331(3) FS., Law Implemented is 242.331(1), 242.331(2) FS.

A Rule Development Workshop will now be held at the time and place listed below:

DATE AND TIME: Friday, September 21, 2001, 9:00 a.m.

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

The person to be contacted regarding the proposed rule development is: Elaine F. Ocuto, Executive Assistance, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 21, 2001, 9:00 a.m.

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind including a rule development workshop on Rules 6D-1.002 Appointment and Jurisdiction, 6D-1.003 Meetings, 6D-1.004 Officers, 6D-1.008 Committees, 6D-1.012 Forms and Standard Instructions, 6D-1.013 Naming Facilities.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The Florida **Department of Education, Division of Community Colleges** jointly with the Florida Department of Health, Board of Nursing announces the following meeting to which all persons are invited.

DATE AND TIME: September 10, 2001, 9:30 a.m. – 4:00 p.m.

PLACE: Hyatt Regency, Orlando International Airport Hotel, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning and development of an implementation plan to submit to the Florida Legislature as mandated in Chapter 2001-203, Laws of Florida, which requires the State Board of Nursing and the Department of Education to submit a plan detailing both the impact and the cost of any proposed rule which would change faculty/student clinical ratios.

The **Department of Education** announces the following Committee Meeting of the Occupational Access and Opportunity Commission to which all persons are invited and to which all interested individuals are encouraged to attend.

STATE PLAN COMMITTEE

DATE AND TIME: September 20, 2001, 10:00 a.m. – 1:00 p.m.

PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 360, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the State Plan Committee.

The Department of Education announces a series of public meetings to which all persons are invited and to which all interested individuals are encouraged to attend.

STATE PLAN PUBLIC MEETING

DATE AND TIME: October 17, 2001, 4:00 p.m. – 6:00 p.m.

PLACE: Ft. Pierce, Florida

DATE AND TIME: October 24, 2001, 4:00 p.m. – 6:00 p.m.

PLACE: Gainesville, Florida

DATE AND TIME: October 25, 2001, 4:00 p.m. – 6:00 p.m.

PLACE: Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Occupational Access and Opportunity Commission and the Florida Rehabilitation Council are requesting public comment to identify the vocational rehabilitation needs of individuals with disabilities in regard to employment.

FIVE-YEAR PLAN PUBLIC MEETING

DATE AND TIME: October 17, 2001, 6:00 p.m. – 7:00 p.m.

PLACE: Ft. Pierce, Florida

DATE AND TIME: October 24, 2001, 6:00 p.m. – 7:00 p.m.

PLACE: Gainesville, Florida

DATE AND TIME: October 25, 2001, 6:00 p.m. – 7:00 p.m.

PLACE: Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The OAO's Five-Year Plan Committee is requesting public comment regarding the promotion of occupational access and opportunities for Floridians with disabilities and the formulation of a strategy to guide the future direction of the vocational rehabilitation program.

Facility Locations to be announced.

Please note that the following accommodations will be provided: American Sign Language Interpreters, Assistive Listening Devices, Real-Time Captioning, Large Print and Braille materials. In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, seven days before the meeting.

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces an Executive Planning Committee (EPC) Conference Call to review and discuss issues relating to the training and certification of criminal justice officers. All parties are invited to participate.

MEETING: EXECUTIVE PLANNING COMMITTEE (EPC) CONFERENCE CALL

DATE AND TIME: Thursday, September 13, 2001, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Criminal Justice Professionalism Program, Conference Room #B1055, 2331 Phillips Road, Tallahassee, Florida 32308, Telephone Number: Please call (850)921-2591, Suncom 291-2591 to participate in the telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Planning Committee will be reviewing and discussing issues relating to the training and certification of criminal justice officers.

EPC MEETING AGENDA: A copy of the EPC agenda may be obtained by contacting: Research and Training Specialist, Jay Preston, (850)410-8658 or via e-mail jaypreston@fdle.state.fl.us. If you wish to write the Commission for a copy of this issue, please write to Florida Department of Law Enforcement, Criminal Justice

Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Research and Training Specialist, Jay Preston

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Jay Preston, (850)410-8658, at least two (2) weeks prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 6 announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, September 25, 2001, 5:00 p.m.

PLACE: Jose De Diego Middle School, Cafeteria, 3100 N. W. 5th Avenue, Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views on the improvements and actions being considered by Contract Number C7278, Federal-Aid Number 1951-534, otherwise known as I-195 P D & E. The limits of the project corridor are from I-95 on the West, Biscayne Bay on the East, Northwest/Northeast 42nd Street on the North and Northwest/Northeast 34th Street on the South in Miami-Dade County, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call (305)470-5208. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mike Ciscar, District Environmental Management Engineer, Florida Department of Transportation, District 6, 1000 N. W. 111th Avenue, Room 6103, Miami, Florida 33172.

The Florida **Department of Transportation**, District 5 announces a public hearing to which all persons are invited:

DATE AND TIMES: September 27, 2001, Open House, 5:00 p.m.; Presentation, 7:00 p.m.

PLACE: Rockledge City Hall, 1600 Huntingdon Lane, Rockledge, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of FID Number 237556-1-22-02, Federal Aid Project Number 4856 032 P, otherwise known as SR 5 (US 1). The project limits are from Barnes Boulevard in Rockledge to Cidco Road north of Cocoa, which is located in Brevard County, Florida

A copy of the agenda may be obtained by contacting: Mr. Daniel Kristoff, Project Manager, 4811 Beach Boulevard, Suite 201, Jacksonville, FL 32207-4867.

Anyone needing special accommodations under the Americans with Disabilities Act of 1990 should contact Mr. Gary Huttman, by telephone, (904)672-8600 or by writing 555 West Granada Boulevard, Suite C-12, Ormond Beach, Florida 32174, at least seven days prior to the public hearing.

The Florida **Department of Transportation**, District One and the Turnpike District announce their public hearings to which all interested persons are invited. Specific notice is provided to the Polk, Lee, Sarasota/Manatee, Charlotte and Collier Metropolitan Planning Organizations (MPO's) and the County Commission Chairpersons for Polk, Manatee, Sarasota, Charlotte, Lee, Collier, Hendry, Glades, Okeechobee, Highlands, Hardee and DeSoto Counties.

DATE AND TIME: October 10, 2001, 9:30 a.m.

PLACE: Central Florida Regional Planning Council, Highlands County Board of County Commissioners Chambers, 600 S. Commerce Ave., Sebring, Florida

DATE AND TIME: October 18, 2001, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 4890 Bayline Dr., N. Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

These hearings will consist of presentations by the Department on the Tentative Five Year Work Program for fiscal years 2002/2003-2006/2007 followed by a public testimony period. These public hearings are being conducted pursuant to paragraph 339.135(4)(c), Florida Statutes, as amended. At each hearing, the public is invited to review the District One, Tentative Five Year Work Program. Department staff will be available prior to and immediately following for informal discussion and assistance. A Court reporter will be available to accept public comments, if desired, for entry into the public records.

The proposed projects have been developed in accordance with the Civil Rights Act of 1964 and the Civil Rights Act of 1968. Under title VI and Title VII of the United States Civil Rights Act any person(s) or beneficiary who believes he or she has been subjected to discrimination because of race, color, religion, sex, age, national origin, disability of familial status may file a written complaint to the Florida Department of Transportation Equal Opportunity Office in Tallahassee or contact the District's Title VI and Title VII Coordinator as shown below:

CENTRAL OFFICE: Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, MS #65, Tallahassee, Florida 32399-0405

DISTRICT 1: Florida Department of Transportation, District 1, 801 North Broadway, Bartow, Florida 33830, Attn: Cora Mitchell.

If requested and in compliance with the Americans with Disabilities Act, the Department will provide special assistance at the public hearing for those persons who are disabled. Those persons requiring special assistance must send written

notification to the Department at least 10 days prior to the public hearing to: Lori Carlton, Florida Department of Transportation, 801 North Broadway, Bartow, Florida 33830.

A copy of the agenda may be obtained from Lori Carlton at the same address, or by calling: (863)519-2358.

Written comments from all interested parties will be accepted by the Department at the public hearing and within ten days after the public hearing. Comments should be mailed to: David A. Twiddy, P. E., District Secretary, Florida Department of Transportation, Post Office Box 1249, Bartow, Florida 33831.

The following are meetings concerning the Departments Tentative Five Year Work Program for Fiscal Years 2002/2003-2006/2007 but are not public hearings.

DATE AND TIME: October 8, 2001, 2:00 a.m.

PLACE: Charlotte County Airport, 28000 Airport Road, Punta Gorda, Florida

DATE AND TIME: October 9, 2001, 9:00 a.m.

PLACE: DeSoto County Admin. Building, 115 E. Oak Street, Arcadia, Florida

DATE AND TIME: October 11, 2001, 9:00 a.m.

PLACE: Polk County Admin. Building, 300 W. Church Street, Bartow, Florida

DATE AND TIME: October 16, 2001, 9:00 a.m.

PLACE: Highlands County Courthouse, 600 S. Commerce Ave., Sebring, Florida

DATE AND TIME: October 19, 2001, 9:00 a.m.

PLACE: Ft. Myers City Hall, 2200 2nd Street, Ft. Myers, Florida

DATE AND TIME: October 22, 2001, 9:30 a.m.

PLACE: Sudakoff Center, 5700 N. Tamiami Trail, Sarasota, Florida

DATE AND TIME: October 22, 2001, 7:00 p.m.

PLACE: Glades County Courthouse, 500 Avenue J, Moore Haven, Florida

DATE AND TIME: October 23, 2001, 6:30 p.m.

PLACE: Hendry County Courthouse, 25 E. Hickpochee Street, Labelle, Florida

DATE AND TIME: October 25, 2001, 8:45 a.m.

PLACE: Hardee County Courthouse, 412 W. Orange Street, Wauchula, Florida

DATE AND TIME: October 25, 2001, 2:00 p.m.

PLACE: Okeechobee County Courthouse, 304 N. W. 2nd Street, Okeechobee, Florida

DATE AND TIME: October 26, 2001, 10:00 a.m.

PLACE: Collier County Government Center, 3301 E. Tamiami Trail, Bldg. F, Naples, Florida

STATE BOARD OF ADMINISTRATION

The Investment Committee of the **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Tuesday, September 11, 2001, 9:00 a.m. or soon thereafter

PLACE: The Hotel Sofitel, Monte Carlo Room, 5800 Blue Lagoon Drive, Miami, FL 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited. A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308 or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Tuesday, September 11, 2001, 10:30 a.m. or soon thereafter

PLACE: The Hotel Sofitel, Monte Carlo Room, 5800 Blue Lagoon Drive, Miami, FL 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Program Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308 or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Foundation Board** announces a public meeting to which all interested parties are invited to attend.

DATE AND TIME: Tuesday, September 11, 2001, 1:00 p.m. or soon thereafter

PLACE: The Hotel Sofitel, Monte Carlo Room, 5800 Blue Lagoon Drive, Miami, FL 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Foundation Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308 or by calling (850)922-6740.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, that person may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)922-6740, no later than five (5) days prior to the meeting.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 26, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, telephone (850)488-3417.

PUBLIC SERVICE COMMISSION

NOTICE OF RESCHEDULING – The Florida **Public Service Commission** announces the rescheduling of a prehearing from August 27, 2001 in Docket No. 010302-TP – Petition by ALLTEL Communications, Inc. for arbitration of certain open issues in existing interconnection agreement with BellSouth Telecommunications, Inc.

DATE AND TIME: September 6, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

The Florida **Public Service Commission** announces a hearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 981609-WS – Emergency petition by D. R. Horton Custom Homes, Inc., to eliminate authority of Southlake Utilities, Inc., to collect service availability charges and AFPI charges in Lake County.

Docket No. 980992-WS – Complaint by D. R. Horton Custom Homes, Inc., against Southlake Utilities, Inc., in Lake County regarding collection of certain AFPI charges.

DATE AND TIME: September 17, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the emergency petition by D. R. Horton Custom Homes, Inc., to eliminate authority of Southlake Utilities, Inc., to collect service availability charges and AFPI charges in Lake County and complaint by D. R. Horton Custom Homes, Inc., against Southlake Utilities, Inc., in Lake County regarding collection of certain AFPI charges, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on September 11, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

The Florida **Public Service Commission** announces a prehearing conference and a hearing to be held in the following dockets, to which all interested persons are invited.

DOCKET NO. 000824-EI – Review of Florida Power Corporation's Earnings, Including Effects of Proposed Acquisition of Florida Power Corporation by Carolina Power & Light.

DOCKET NO. 001148-EI – Review of Florida Power & Light Company's Proposed Merger with Entergy Corporation, the Formation of a Florida Transmission Company ("Florida Transco"), and their effect on FPL's Retail Rates.

DOCKET NO. 010577-EI – Review of Tampa Electric Company and Impact of its Participation in GridFlorida, a Florida Transmission Company, on TECO's Retail Ratepayers.

PREHEARING CONFERENCE

DATE AND TIME: September 17, 2001, 1:30 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To: (1) Simplify the issues; (2) Identify the positions of the parties on the issues; (3) Consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) Identify exhibits; (5) Establish an order of witnesses; and (6) Consider such other matters as may aid in the disposition of the action.

HEARING

DATES AND TIME: Wednesday, October 3, 2001, 9:30 a.m.; (Thursday, October 4, 2001; Friday, October 5, 2001, have also been reserved for continuation of the hearing if needed. The starting time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded.)

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing will be for the Commission to consider the individual petitions of Florida Power Corporation, Florida Power & Light Company and Tampa Electric Company concerning the prudence of the formation of, and each utility's participation in, GridFlorida (i.e., "Phase 1" of the above referenced dockets) and to address any motions or other matters that may be pending at the time of the hearing.

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

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: September 18, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, F.A.C.), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: September 18, 2001, 1:00 p.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

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

THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 010441-EU – Petition to resolve territorial dispute with Gulf Power Company in Washington County by West Florida Electric Cooperative Association, Inc.

DATE AND TIME: September 19, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition to resolve territorial dispute with Gulf Power Company in Washington County by West Florida Electric Cooperative Association, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on August 30, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 960786-TL – Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271, F.S. of the Federal Telecommunications Act of 1996.

DATE AND TIME: September 20, 2001, 9:30 a.m.

PLACE: Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) The simplification of the issues; (2) The identification of the positions of the parties on the issues; (3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) The identification of the exhibits; (5) The establishment of an order of witnesses; and (6) Such other matters as may aid in the disposition of the action.

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

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 010740-TP – Request for arbitration concerning complaint of IDS Telcom LLC against BellSouth Telecommunications, Inc. regarding breach of interconnection agreement.

DATE AND TIME: September 21, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the request for arbitration concerning complaint of IDS Telcom LLC against BellSouth Telecommunications, Inc. regarding breach of interconnection agreement, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on September 10, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** announces a public meeting of the Hardee County Transportation Disadvantaged Local Coordinating Board to which all persons are invited.

DATE AND TIME: Wednesday, September 12, 2001, 9:00 a.m.

PLACE: Hardee County Commission Chambers, 412 West Orange Street, Room A204, Courthouse Annex, Wauchula, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly LCB Meeting.

To receive information regarding the agenda or if there are any questions contact Marcia Staszko, (863)534-7130, Ext. 103.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the date given on the notice.

The **Central Florida Regional Planning Council** will hold its meeting and the Council’s Executive Committee meeting to which all persons are invited:

DATE AND TIME: Wednesday, September 12, 2001, 9:30 a.m.

PLACE: Highlands County Health Department, Conference Room, 7205 South George Blvd., Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, Exercise Sub-Committee and Risk Management Program Sub-Committee to which all persons are invited.

DATE AND TIME: Wednesday, September 12, 2001, 10:00 a.m.

PLACE: Southwest Florida Water Management District, Conference Room, 170 Century Boulevard, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC and Special Sub-Committee Meetings.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the Highlands County Transportation Disadvantaged Local Coordinating Board to which all persons are invited.

DATE AND TIME: Wednesday, September 12, 2001, 1:30 p.m.

PLACE: Highlands County Agri-Civic Center, Conference Room III, 4509 West George Boulevard, Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly LCB Meeting.

To receive information regarding the agenda or if there are any questions contact Marcia Staszko, (863)534-7130, Ext. 103.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the date given on the notice.

The **Central Florida Regional Planning Council** announces a public meeting of the Okeechobee County Transportation Disadvantaged Local Coordinating Board to which all persons are invited.

DATE AND TIME: Friday, September 14, 2001, 10:00 a.m.
PLACE: Okeechobee Health Department, 1728 N. W. 9th Avenue, Okeechobee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly LCB Meeting.

To receive information regarding the agenda or if there are any questions contact Marcia Staszko, (863)534-7130, Ext. 103.
In accordance with the American with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the date given on the notice.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:
DATE AND TIME: Monday, September 10, 2001, 8:30 a.m. (Please call to confirm date, time and location)
PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702
GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive/Budget Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:
DATE AND TIME: Monday, September 10, 2001, 10:00 a.m. (Please call to confirm date, time and location)
PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702
GENERAL SUBJECT MATTER TO BE CONSIDERED: Tampa Bay Regional Planning Council.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a

verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:
DATE AND TIME: Monday, September 10, 2001, 11:30 a.m. (Please call to confirm date, time and location)
PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702
GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee Meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:
DATE AND TIME: Thursday, September 13, 2001, 9:00 a.m. (Please call to confirm date, time and location)
PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., Suite 219, St. Petersburg, FL 33702
GENERAL SUBJECT MATTER TO BE CONSIDERED: Agency on Bay Management – Full Agency Meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:
DATE AND TIME: Monday, September 24, 2001, 9:30 a.m. (Subject to cancellation – please call to confirm date, time and location)
PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., Suite 219, St. Petersburg, FL 33702
GENERAL SUBJECT MATTER TO BE CONSIDERED: Clearinghouse Review Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, September 26, 2001, 10:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Local Emergency Planning Committee, District VIII Meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization for the Orlando Urban Area**, announces the following public meetings of its Governing Board and Executive Committee to which all persons are invited:

DATE AND TIMES: Wednesday, September 12, 2001, 9:00 a.m. and 11:00 a.m., respectively

PLACE: Metroplan Orlando Boardroom, 315 East Robinson Street, Suite 355, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Board Meeting and Executive Committee Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order
2. Agenda Review
3. Approval of Minutes
4. Consent Items
5. Action Items
6. Presentations, if any.
7. Other Business
8. Chairman's Report
9. Executive Director's Report
10. Legislative Report

A copy of the detailed agenda may be obtained by contacting: Virginia Lewis-Whittington, Manager of Board Services, Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, FL 32801, (407)481-5672, Extension 314.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Metroplan Orlando, (407)481-5672, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATE AND TIME: Thursday, September 13, 2001, 5:05 p.m. (CDT)

PLACE: Destin City Hall, Council Chambers, 4200 Two Trees Road, Destin, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Adoption of Proposed Millage Rate and Tentative Budget for FY 2001/2002

A copy of this agenda can be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999.

Appeal from any NFWFMD Board decision requires a record of the proceedings. Although Governing Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Suwannee River Water Management District** announces the following public hearing to which all interested persons are invited.

DATE AND TIME: September 11, 2001, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Maywood Chesson Tract, 121 Acres +/-, Little Shoals Addition, Columbia County, Florida, with funds from the Florida Forever Trust Fund.

A copy of the agenda may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, FL 32060.

If any person decides to appeal any decision made with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The Suwannee River Water Management District does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of

the District's functions, including one's access to, participation, employment or treatment in its programs or activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact Lisa M. Cheshire, Administrative Assistant, (904)362-1001 or 1(800)226-1066 (Florida only), Fax (904)362-1056.

The Suwannee River Water Management District announces the following public meetings to which all interested persons are invited.

DATE AND TIME: September 11, 2001, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Cleatus Ward Tract, 180 acres +/-, Union County, Florida, with funds from the Florida Forever Trust Fund; also the proposed acquisition of the Levy Wade Tract/Peacock Slough Addition, 551 acres +/-, Suwannee County, Florida, with funds from the Florida Forever Trust Fund; also the proposed acquisition of the USFWS/Horse Pond Exchange Tract, 140 acres +/-, Levy County, Florida, with funds from the Florida Forever Trust Fund.

A copy of the agenda may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, FL 32060.

DATE AND TIME: September 11, 2001, following the Board Meeting

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Public Hearing on FY 2001-2002 budget and proposed millage rate.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa M. Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The St. Johns River Water Management District announces the following public meetings and hearings, which may be conducted by means of or in conjunction with communications technology, to which all persons are invited:

PERSONNEL COMMITTEE

DATE AND TIME: Tuesday, September 11, 2001, 8:30 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Personnel Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

INFORMATION TECHNOLOGY COMMITTEE

DATE AND TIME: Tuesday, September 11, 2001, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Information Technology Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

BUDGET AND GOVERNING BOARD

DATE AND TIME: Tuesday, September 11, 2001, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of budget information for Fiscal Year 2001-2002. Staff will recommend approval of external budget amendments that will result in a net decrease in the adopted FY 2000-2001 budget. Discussion and consideration of other District business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

PUBLIC HEARING ON THE TENTATIVE MILLAGE RATE AND BUDGET FOR FY 2001-2002

DATE AND TIME: Tuesday, September 11, 2001, 6:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the tentative FY 2001-2002 millage rate and budget and an opportunity to receive public comment prior to consideration and adoption by the Governing Board.

FINANCE COMMITTEE MEETING

DATE AND TIME: Wednesday, September 12, 2001, 8:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Wednesday, September 12, 2001, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

NOTE: In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference.

A copy of the agenda for these meetings may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Executive Office.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, September 13, 2001, 9:00 a.m.

PLACE: Sanford City Hall, City of Sanford Meeting Room, 300 N. Park Avenue, Sanford, FL 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: Briefing and tour of St. Johns River Pilot Treatment Plant.

Anyone requiring a special accommodation to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (904)329-4101 or (904)329-4450 (TDD).

NOTE: If any person decides to appeal any decision with respect to any matter considered at the above-listed meeting or hearing, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** announces a Northern Region Recreation Advisory Council Meeting to which all persons are invited.

MEETING: Northern Region Recreation Advisory Council

DATE AND TIME: Tuesday, September 18, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve, Marineland, 9741 Ocean Shore Blvd., Marineland, FL

TOUR: Moses Creek Conservation Area, State Road 206, St. Augustine, FL

DATE AND TIME: Tuesday, September 18, 2001, 1:00 p.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss recreation on District lands in the Northern Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

If, due to disability, you require a special accommodation to participate in this public meeting, contact Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

The **St. Johns River Water Management District** announces the following public meetings and hearings, which may be conducted by means of or in conjunction with communications technology to which all persons are invited:

FACILITIES, PLANNING, CONSTRUCTION COMMITTEE

DATE AND TIME: Wednesday, September 26, 2001, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss project construction and contractual matters of the District.

DATE AND TIME: Wednesday, September 26, 2001, 10:00 a.m.

PLACE: Georgia-Pacific Corporation, County Road 216, Palatka, FL 32177 (two miles north of Palatka; accessible from Highway 100, West or Highway 17, South)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Briefing on Georgia-Pacific Corporation environmental issues and tour of Palatka facility.

BUDGET AND GOVERNING BOARD

DATE AND TIME: Wednesday, September 26, 2001, 2:00 p.m.

PLACE: District Headquarters, Highway 10, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of budget information for Fiscal Year 2001-2002; and discussion and consideration of other District business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

PUBLIC HEARING ON THE FINAL MILLAGE RATE AND BUDGET FOR FY 2001-2002

DATE AND TIME: Wednesday, September 26, 2001, 5:05 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the final FY 2001-2002 millage rate and budget and an opportunity to receive public comment prior to consideration and adoption by the Governing Board.

NOTE: In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference.

A copy of the agenda for these meetings may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Executive Office.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

INDUSTRIAL ADVISORY COMMITTEE'S ALTERNATE SOURCES SUBCOMMITTEE

DATE AND TIME: Wednesday, September 5, 2001, 9:00 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business. Some members of the District's Governing and Basin Boards may attend the meeting.

Questions may be directed to: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida), or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** (SWFMWD) announces the following public meetings to which all interested persons are invited:

GOVERNING BOARD TENTATIVE BUDGET HEARING

DATE AND TIME: Monday, September 10, 2001, 5:01 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Governing Board adoption of tentative millage rate and budget for FY 2002.

JOINT GOVERNING/BASIN BOARDS WORKSHOP

DATE AND TIME: Friday, September 14, 2001, 9:00 a.m.

PLACE: Energy Technology Resource Center, 3650 Spectrum Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water management issues.

LAKE PANASOFFKEE RESTORATION COUNCIL MEETING

DATE AND TIME: Monday, September 17, 2001, 5:00 p.m.

PLACE: Sumter County Courthouse Commission Chambers, 209 North Florida Avenue, Bushnell, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Council business.

JOINT HILLSBOROUGH BOARD OF COUNTY COMMISSIONERS/HILLSBOROUGH RIVER, ALAFIA RIVER AND NORTHWEST HILLSBOROUGH BASIN BOARDS MEETING

DATE AND TIME: Thursday, September 20, 2001, 11:30 a.m. – 1:00 p.m.

PLACE: Port Authority/University of South Florida, 1101 Channelside Drive, Tampa, FL

GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS

DATE AND TIME: Tuesday, September 25, 2001, 9:00 a.m.

PLACE: SWFWMD, Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting, public hearing and committee meetings.

GOVERNING BOARD FINAL BUDGET HEARING

DATE AND TIME: Tuesday, September 25, 2001, 5:01 p.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Governing Board adoption of final millage rate and budget for FY 2002.

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, September 26, 2001, 9:00 a.m.

PLACE: SWFWMD, Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

These public meetings and agendas are available by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, September 12, 2001, 6:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business. Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATES AND TIMES: September 10, 2001, 10:00 a.m. – 12:00 Noon; September 19, 2001, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida (All those wishing to attend may do so at the location listed above.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD budget and finance-related matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information, or those wishing to submit written or physical evidence may contact Marcie Daniel, Budget Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: September 11, 2001, 5:15 p.m.

PLACE: South Florida Water Management District Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment, vote on tentative FY 2001-02 millage rates and budget, and approve the Everglades Agricultural Privilege Tax Rolls, C-139 Basin Agricultural Privilege Tax Roll, Incentive Credits, Vegetable Classified Acreage and Disaster Deferrals.

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) By writing to the South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact Aaron Basinger, Budget Department, (561)682-6660, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406.

The **South Florida Water Management District** announces a public workshop/meeting which may be conducted by means of or in conjunction with communications technology, to which all interested parties are invited:

DATE AND TIME: September 12, 2001, 9:00 a.m.

PLACE: IGFA (International Game Fish Association), 300 Gulf Stream Way, Dania Beach, FL, Meeting Room Events Hall, 1st Floor (Take I-95 exit to Griffin Road. Go west to Anglers Avenue. Go south)

GENERAL SUBJECT MATTER TO BE CONSIDERED: A. Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters; B. Conduct meeting of the Human Resources Committee; C. Conduct meeting of the Audit Committee. Discussion on adopting a resolution amending the FY 2000-01 Budget.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, September 13, 2001, meeting agenda, including regulatory and non-regulatory items.

Hotels: 1) Sheraton Ft. Lauderdale Airport Hotel, 1825 Griffin Road, Dania Beach, Florida; 2) Hilton Ft. Lauderdale, Airport Hotel, 1870 Griffin Road, Dania Beach, Florida

Those who desire more information may contact: Lorraine Crawl, 201 S. Andrews Avenue, Ft. Lauderdale, Florida 33401, (954)713-4984.

DATE AND TIME: September 12, 2001, time to be determined

PLACE: To be determined

GENERAL SUBJECT MATTER TO BE CONSIDERED: Possible off-site dinner with Governing Board members after workshop/meeting. No discussion of Governing Board's business or activities shall occur between or among board members at this dinner site.

DATE AND TIME: September 13, 2001, 8:30 a.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, conduct meeting of the Human Resources Committee and Audit Committee, including public meetings, adopt a resolution amending the FY 2000-01 Budget as follows:

South Florida Water Management District
Proposed FY2000-01 Budget Amendment

	General Fund	Special Revenue Funds	Capital Projects Funds	Internal Service Fund	Total
FY2000-01 Amended Revenues and Balances	\$94,971,843	\$177,530,700	\$325,138,607	\$3,180,539	\$600,821,689
Amendments:					
Florida Department of Environmental Protection		500,000			500,000
Undesignated Fund Balance Appropriation		(229,000)	229,000		0
Transfers In		(621,000)	(3,800,000)		(4,421,000)
Transfers Out	3,200,000	1,450,000	(229,000)		4,421,000
Total Amended Revenues and Balances	98,171,843	178,630,700	321,338,607	3,180,539	601,321,689
Reserved for Encumbrances	10,549,806	34,603,573	96,020,049	29,766	141,203,194
Total Amended Sources	\$108,721,649	\$213,234,273	\$417,358,656	\$3,210,305	\$742,524,883
FY2000-01 Amended Appropriations	\$94,971,843	\$177,530,700	\$325,138,607	\$3,180,539	\$600,821,689
Amendments:					
Retrofit Public Water Supply Utilities Surrounding Lake Okeechobee		500,000			500,000
Personal Services (PS) for District Fund	3,200,000				3,200,000
Personal Services for Okeechobee Basin Fund		1,450,000			1,450,000
Personal Services from CERP Fund			(3,800,000)		(3,800,000)
Personal Services from Everglades Restoration Fund		(850,000)			(850,000)
Total Amended Appropriations	98,171,843	178,630,700	321,338,607	3,180,539	601,321,689
Reserved for Encumbrances	10,549,806	34,603,573	96,020,049	29,766	141,203,194
Total Amended Appropriations & Encumbrances	\$108,721,649	\$213,234,273	\$417,358,656	\$3,210,305	\$742,524,883

This amendment is composed of a series of transactions which relate to:

1. The recognition of revenue from Florida Department of Environmental Protection in the amount of \$500K to help cost share water related retrofit projects for "at risk" utilities around Lake Okeechobee.
2. The realignment of budget authority among fund types to align budgeted personnel expenditures with actual expenditures.
3. An accounting adjustment to transfer monies from the Save Our Rivers Capital Fund to Save Our Rivers Fund for preacquisition land costs associated with the Save Our Rivers Program.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

NOTE: Due to extensive demolition and construction at the main complex for the next 15 months, parking will be severely impacted. Additional parking for the public will be available at the National Guard Armory just east of the main complex, or at Lake Lytel Park, located west of the main complex.

In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, September 13, 2001, meeting agenda, including regulatory and non-regulatory items.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680, or may be acquired via the SFWMD Website at <http://www.sfwmd.gov/agenda.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact Tony Burns, District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: September 25, 2001, 5:15 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment, vote on final FY 2001-02 millage rates and budget.

PLACE: South Florida Water Management District Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) By writing to the South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact Aaron Basinger, Budget Department, (561)682-6660, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: October 10, 2001, 12:00 Noon

PLACE: STA 3/4 Construction Village, U.S. Highway 27, 4 miles north of the Palm Beach-Broward County line.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ground breaking ceremony for Stormwater Treatment Area 3/4.

A map and a copy of the agenda may be obtained: (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) By writing to the South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact Sharon Gabriel, Comprehensive Everglades Restoration Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6844.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Medicaid Sub-Committee Meeting of the Finance, Audit and Performance Committee via teleconference to which all persons are invited.

DATE AND TIME: Friday, September 14, 2001, 2:00 p.m. – until adjournment.

PLACE: Conference Call Telephone Number: (850)921-6623 or Suncom 291-6623

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide updates on data collection and development of an action plan and other business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5711 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

TAMPA BAY WATER

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, September 17, 2001, 10:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

SPACEPORT FLORIDA AUTHORITY

The **Florida Commercial Space Financing Corporation** announces a Board of Directors meeting and a teleconference to which the public is invited.

DATE AND TIME: September 10, 2001, 9:30 a.m. – 11:00 a.m.

PLACE: This is a telephone conference call meeting. The number to call is 1(800)939-8909, participant code 665956.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will be meeting to review and approve an executive search contract to seek the next FCSFC President and to consider other proposed matters related to the business of the Corporation.

For more information, contact Ms. Judy Blanchard, (321)267-2877. To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, Florida/NASA Business Incubation Center, 1311 N. Highway U.S. 1, Suite 129, Titusville, FL 32796.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

SHINE (Serving Health Insurance Needs of Elders) Planning and Steering Committee Meeting.

DATES AND TIME: Wednesday, September 12-13, 2001, 9:00 a.m. – 4:30 p.m.

PLACE: Sheraton Suites, Orlando Airport, 7550 Augusta National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Elder Insurance Benefits, Counseling, Training, Education and Outreach techniques for the SHINE Program.

A copy of the agenda may be obtained by contacting: Shelia Kilpatrick, (850)414-2060.

The **State Long-Term Care Ombudsman Council** announces a public meeting for all districts in Florida to which all persons are invited. You may contact the State Long-Term Care Ombudsman Office, (850)488-6190 for further information.

DATE AND TIME: September 27, 2001, 9:00 a.m.

PLACE: North West Florida, LTCOP

DATE AND TIME: September 19, 2001, 10:00 a.m.

PLACE: Panhandle, LTCOP

DATE AND TIME: September 20, 2001, 12:30 p.m.

PLACE: North Central Florida, LTCOP

DATE AND TIME: September 13, 2001, 1:00 p.m.

PLACE: Withlacoochee Area, LTCOP

DATE AND TIME: September 18, 2001, 12:00 Noon

PLACE: First Coast, LTCOP

DATE AND TIME: September 20, 2001, 1:30 p.m.

PLACE: Mid and South Pinellas, LTCOP

DATE AND TIME: September 13, 2001, 1:30 p.m.

PLACE: Pasco and North Pinellas, LTCOP

DATE AND TIME: September 18, 2001, 10:00 a.m.

PLACE: West Central Florida, LTCOP

DATE AND TIME: September 6, 2001, 12:30 p.m.

PLACE: East Central Florida, LTCOP

DATE AND TIME: September 4, 2001, 11:00 a.m.

PLACE: Southwest Florida, LTCOP

DATE AND TIME: September 10, 2001, 2:30 p.m.

PLACE: Treasure-Gold Coast, LTCOP

DATE AND TIME: September 11, 2001, 1:30 p.m.

PLACE: Broward County, LTCOP

DATE AND TIME: September 18, 2001, 1:15 p.m.

PLACE: South Dade and the Florida Keys, LTCOP

DATE AND TIME: September 13, 2001, 10:30 p.m.

PLACE: North Dade, LTCOP

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to the Long-Term Care Ombudsman Program.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency For Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 14, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Orlando Airport Hyatt, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certificate of Need (CON) Workgroup as authorized by Chapter 2000-318, Laws of Florida.

A copy of the agenda may be obtained by writing: Agency For Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail at colvinl@fdhc.state.fl.us.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, telephone (850)922-0791.

DEPARTMENT OF MANAGEMENT SERVICES

The **Correctional Privatization Commission** announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 12, 2001, 10:00 a.m.

PLACE: Claude Pepper Building, 111 West Madison Street, Room G-01, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of pertinent Commission business relating to the current and upcoming fiscal years.

Any person who decides to appeal a decision of the Correctional Privatization Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Section 286.0105, Florida Statutes.

A copy of the agenda may be obtained by writing: Correctional Privatization Commission, Office of the Executive Director, 4050 Esplanade Way/Pepper Building, Suite 680, Tallahassee, Florida 32399-0950.

Any person requiring some accommodations at this hearing because of a physical impairment should call the Correctional Privatization Commission, Office of the Executive Director, (850)921-4034, at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please contact the Correctional Privatization Commission, Office of the Executive Director, by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The Boards of Directors for the **Florida Correctional Finance Corporation**, the Glades County Correctional Facilities Finance Corporation, the Bay County Private Correctional Facility Finance Corporation, and the South Bay Correctional Facilities Finance Corporation announce a meeting to which all persons are invited.

DATE AND TIME: September 12, 2001, immediately following the Correctional Privatization Commission Meeting to be held at 10:00 a.m.

PLACE: Claude Pepper Building, 111 West Madison Street, Room G-01, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of pertinent business of the above-named Corporations relative to refinancing of correctional facilities owned by them and the merger and acquisition of private correctional and juvenile justice facilities in Bay, Glades, Columbia, Gadsden, Polk and Palm Beach Counties.

Any persons deciding to appeal a decision of any of the above-named Corporations with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Section 286.0105, Florida Statutes.

A copy of each of the Corporation's agenda may be obtained by writing: Corporation c/o Correctional Privatization Commission, Office of the Executive Director, 4050 Esplanade Way/Pepper Building, Suite 680, Tallahassee, Florida 32399-0950.

Any person requiring some accommodations at this hearing because of a physical impairment should call the Correctional Privatization Commission, Office of the Executive Director, (850)921-4034, at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please contact the Correctional Privatization Commission, Office of the Executive Director, by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIME: Thursday, September 13, 2001; Friday, September 14, 2001, 8:00 a.m.

PLACE: Doubletree in the Gardens, 4431 PGA Blvd., Palm Beach Gardens, Florida 33410

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-0754.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)487-1395, at least seven calendar days

prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Board of Pilot Commissioners** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: October 11, 2001, 1:00 p.m. (CST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Committee Meeting, Finance Committee Meeting, immediately followed by Probable Cause Panel meeting, which portions may be closed to the public. Agenda available on request.

DATE AND TIME: October 12, 2001, 9:00 a.m. (CST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

PLACE: New World Landing, 600 South Palafox Street, Pensacola, FL 32501, (850)434-7736

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-0698, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel at the time, date and place shown below:

DATE AND TIME: Monday, October 1, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Real Estate Appraisal Board Probable Cause Panel. Portions of the probable cause panel meeting are not open to the public.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Real Estate Appraisal Board, Division of Real Estate, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Real Estate Appraisal Board, Division of Real

Estate using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Appraisal Board** announces a workshop meeting to which everyone is invited at the time, date and place shown below:

DATE AND TIME: Monday, October 1, 2001, 1:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801, (407)245-0800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop session to discuss Florida Administrative Code, Chapter 61J1 for possible changes and to develop guidelines in processing applications submitted with a criminal disclosure.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Real Estate Appraisal Board, Division of Real Estate, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Real Estate Appraisal Board, Division of Real Estate using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, Division of Real Estate, P. O. Box 1900, Orlando, Florida 32802-1900.

The **Florida Real Estate Appraisal Board** announces a meeting to which everyone is invited at the time, date and place shown below:

DATE AND TIME: Tuesday, October 2, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801, (407)245-0800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – Including but not limited to: Rule/statute amendments, and Disciplinary actions.

Any person who decides to appeal a decision made by the Board with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Real Estate Appraisal

Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, P. O. Box 1900, Orlando, Florida 32802-1900.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, September 12, 2001, 6:00 p.m.

PLACE: Guana Tolomata Matanzas National Estuarine Research Reserve, 9741 Ocean Shore Blvd., Town of Marineland, St. Augustine, Florida 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group (MAG) for the Guana Tolomata Matanzas National Estuarine Research Reserve (GTMNERR) meets regularly on the second Wednesday of the third month of each quarter. The MAG is composed of ten citizens appointed by the three state legislators with overlapping jurisdictions within the reserve boundaries, ten representatives of the local, state and federal government entities with authority and responsibility in the reserve, and one member of the Friends of Guana River State Park (FroG), a private non-profit Citizen Support Organization. The government entities are the National Park Service; the Florida Park Service; the Florida Fish and Wildlife Conservation Commission; the St. Johns River Water Management District; the Florida Inland Navigation District; the Flagler County Board of County Commissioners; the St. Johns County Board of County Commissioners; the St. Augustine Port, Waterway and Beach Authority; the City of St. Augustine; and the Town of Marineland. The MAG provides advisory input to the Office of Coastal and Aquatic Managed Areas for the management of the GTMNERR.

The meeting agenda will include election of officers for Chairman and Vice-Chairman of the MAG, a presentation by GTMNERR Graduate Research Fellow, Ashley Murphy, on the application of Geographic Information Systems (GIS) on coastal resource management, discussion of the GTMNERR Grand Opening event on Estuaries Day, September 28, and progress reports on a variety of GTMNERR activities including the planned construction of an environmental education center at the Guana River State Park.

A copy of the agenda may be obtained by contacting: Mr. Kenneth Berk, GTMNERR, 9741 Ocean Shore Blvd., Marineland, Florida 32080, (904)461-4054.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

The **Department of Environmental Protection** announces a public meeting on rule development for the establishment of a phosphorus water quality criterion for the Everglades Protection Area pursuant to the Everglades Forever Act to which all persons are invited:

DATES AND TIME: September 20-21, 2001, 9:00 a.m.

PLACE: The Sheraton West Palm Beach, 630 Clearwater Park Road, West Palm Beach, FL, (561)833-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss revisions to Rule 62-302.530 and 62-302.540, F.A.C., pertaining to the establishment of a phosphorus water quality criterion for the Everglades Protection Area pursuant to the Everglades Forever Act.

A copy of the agenda may be obtained by contacting: Kristi Mader, Department of Environmental Protection, Everglades Technical Support Section, 2600 Blair Stone Road, MS #3560, Tallahassee, Florida 32399-2400, (850)921-5213.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Gloria Almada, (561)681-6600. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, September 18, 2001, 7:00 p.m. (EDT)

PLACE: Cypress Lodge, Lake Wauberg Outdoor Recreation Center, 133 Regatta Drive, Micanopy, Florida 32667

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plan for Paynes Prairie Preserve State Park to the public.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station 525, Tallahassee, Florida 32399-3000.

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 calling Jack Gillen, Park Manager, Paynes Prairie Preserve State Park, (352)466-3397. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces an advisory group meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 19, 2001, 9:00 a.m. (EDT)

PLACE: Cypress Lodge, Lake Wauberg Outdoor Recreation Center, 133 Regatta Drive, Micanopy, Florida 32667

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present and review the proposed land management plan for Paynes Prairie Preserve State Park with the Park Advisory Group.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station 525, Tallahassee, Florida 32399-3000.

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 calling Jack Gillen, Park Manager, Paynes Prairie Preserve State Park, (352)466-3397. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

DEPARTMENT OF HEALTH

The **Department of Health, Division of Medical Quality Assurance** announces a meeting to which all persons are invited.

DATE AND TIME: September 11, 2001, 9:30 a.m. or soon thereafter – 4:30 p.m.

PLACE: Dale Mabry Conference Center, Tallahassee Regional Airport, Tallahassee, Florida, (850)891-7800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long Range Planning Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C00, Tallahassee, Florida 32399-3255 or by calling (850)245-4224.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting (850)245-4224. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Department with respect to any matter considered at the above-cited meeting or hearing, he/she will need to

ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Division of Medical Quality Assurance** announces a meeting to which all persons are invited.

DATE AND TIME: September 12, 2001, 8:30 a.m. or soon thereafter – 4:30 p.m.

PLACE: Radisson Hotel, 415 North Monroe Street, Tallahassee, Florida 32301, (850)224-6000

GENERAL SUBJECT MATTER TO BE CONSIDERED: New Board/Council Member Training Seminar.

A copy of the agenda may be obtained by writing: Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C00, Tallahassee, Florida 32399-3255 or by calling (850)245-4224.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting (850)245-4224. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Department with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, September 22, 2001, 8:30 a.m. or soon thereafter

PLACE: The Hilton Miami Airport & Towers, 5101 Blue Lagoon Dr., Miami, FL 33126, (305)262-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Nursing** announces it will hold the following meeting to which all persons are invited.

BOARD LEGISLATIVE COMMITTEE

DATE AND TIME: September 15, 2001, 9:00 a.m. – 12:00 Noon

PLACE: 4080 Woodcock Dr., Jacksonville, FL, telephone conference (850)487-8587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss all upcoming legislative issues concerning the Board of Nursing and Nursing issues.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

The **Department of Health, Board of Nursing** jointly with the Department of Education announces a public meeting to which all interested persons are invited.

STUDENT TEACHER RATIO MEETING

DATE AND TIME: Monday, October 8, 2001, 9:30 a.m. – 4:00 p.m.

PLACE: Hyatt Regency, Orlando International Airport, 9300 Airport Blvd., Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss recommendations for legislature in reference to student teacher ratio issues.

A copy of the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Florida Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207.

Please Note that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing Office, (904)858-6940, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Physical Therapy Practice** announces conference call meetings to which all persons are invited:

DATES AND TIMES: September 13, 2001; October 25, 2001; November 15, 2001; December 14, 2001, Education meeting, 8:30 a.m. or soon thereafter, Quorum Call, 10:30 a.m. or soon thereafter

PLACE: Number: Nonsuncom (850)487-8856, Suncom 277-8856

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Board Quorum Call and Education Committee Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Tallahassee, FL 32399-3255 or by calling (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE OF CORRECTION – Department of Health, Board of Psychology announces a meeting and conference call to which all persons are invited.

DATES AND TIME: September 14-15, 2001, 9:00 a.m. or soon thereafter

PLACE: The Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700, contact Betsey Hines, board office, (850)245-4372

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by contacting the board office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Emergency Medical Services Advisory Council** announces a telephone conference call to be held via meet me number.

DATE AND TIME: September 10, 2001, 10:00 a.m. – 12:00 Noon (EST)

PLACE: Florida Bureau of Emergency Medical Services, 4052 Bald Cypress Way, BIN #C18, Tallahassee, FL 32399-1738, meet me number 1(800)647-7427

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council and to assign chairpersons to council subcommittees.

Any persons requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Bureau of Emergency Medical Services, (850)245-4440, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Donna Gonzalez, 4052 Bald Cypress Way, BIN #C18 (HEMS), Tallahassee, Florida 32399-1738 or call (850)245-4059.

P.O. # G10454

The **Department of Health** announces two meetings of the Research Review and Advisory Committee to which all persons are invited.

DATE AND TIME: September 10, 2001, 10:00 a.m.

PLACE: Florida Onsite Wastewater Association Training Center, 2301 Highway 557, Polk City, Florida

DATE AND TIME: September 14, 2001, 10:00 a.m.

PLACE: Will be conducted via telephone conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed and current research projects, including the review and comment on the final report of the "Seasonally Inundated Area Study".

A copy of the agenda and the call-in phone number may be obtained by contacting: Mark Hooks, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1713 or by phone, (850)245-4070 or by email at Mark_hooks@doh.state.fl.us.

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATE AND TIME: September 17, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this study is to develop a methodology to assess the costs of providing trauma care to be specifically used for reporting to the Florida Legislature.

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 before August 15, 2001, by contacting Charlotte Sorrell, (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Purchase Order Number G10454.

NOTICE OF CHANGE – The **Department of Health** announces that the meeting of the Technical Review and Advisory Panel for Onsite Sewage Treatment and Disposal Systems that is open to the public and to which all persons are invited:

DATE AND TIME: September 27, 2001, 9:00 a.m.

PLACE: Florida Association of Realtors, 7025 Augusta National Drive, Orlando, FL 32822, (407)438-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code, and to discuss proposed and current research relating to onsite sewage treatment and disposal systems.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

The **Correctional Medical Authority** announces a meeting to be held to which all persons are invited:

DATE AND TIME: September 14, 2001, 10:00 a.m. – 2:00 p.m.

PLACE: North Florida Reception Center, Highway 231, Lake Butler, Florida 32054-0628

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda and directions to the facility may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, BIN #B-04, Tallahassee, FL 32399-1732 or calling (850)245-4044.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces a meeting of the Marion County Children’s Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, September 5, 2001, 12:00 Noon

PLACE: Marion County Sheriff’s Office, 692 N. W. 30th Ave., Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, subsection 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Community Alliance to which all persons are invited.

DATE AND TIME: Thursday, September 27, 2001, 8:30 a.m.

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, subsection 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Community Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, September 27, 2001, 10:00 a.m.

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, subsection 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The **Department of Children and Family Services**, District Ten, in conjunction with the community will conduct the following meeting during the month of September:

The Department of Children and Families Alcohol, Drug Abuse and Mental Health Standing Committee announces a public meeting to which you are invited to attend:

DATE AND TIME: September 10, 2001, 3:00 p.m. – 5:00 p.m.

PLACE: Broward Regional Health Planning Council, Inc., 915 Middle River Drive, Suite 115, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to Alcohol, Drug Abuse and Mental Health clients.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, 201 W. Broward Blvd., Suite 200, Ft. Lauderdale, FL 33301.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Scott Silverman) at least 5 working days before the meeting, (954)759-5446 or (954)467-4509 (TDD).

The **Department of Children and Family Services**, SunCoast Region, Mental Health Program Office announces the following public forum to which all persons are invited.

DATE AND TIME: September 11, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: SunCoast Regional Headquarters, 9393 North Florida Avenue, Room 807, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The department is seeking public input and information regarding the designation of a Short-Term Residential Treatment Program at Northside Mental Health Center.

Contact for the above meeting: Laurie Dreiser, Department of Children and Family Services, (813)558-5708.

Persons needing accommodation to participate in the forum should call Laurie Dreiser, at least 3 days in advance of the forum.

The **Department of Children and Family Services**, SunCoast Region announces the following public meeting to which all persons are invited:

PASCO COMMUNITY ALLIANCE

DATE AND TIME: September 12, 2001, 2:00 p.m.

PLACE: Counsel Square II, Conference Room 150, 7601 Little Road, New Port Richey, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss implementation of community alliances in the SunCoast Region.

Agendas can be obtained seven days in advance of each meeting at: Mary Grizzle State Office Building, Suite 414, 11351 Ulmerton Road, Largo, FL.

Persons needing accommodation to participate in these meetings should call at least 3 days in advance of the meeting, (727)588-7061 or TDD (727)588-6662, to arrange accommodations.

NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces the following Board of Commissioners meeting to which all interested parties are invited:

DATE AND TIME: Friday, September 7, 2001, 4:00 p.m.

PLACE: Robert L. Anderson Administration Center, 4000 S. Tamiami Trail, Venice, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District with the First Public Hearing at 5:01 p.m. on the proposed Budget for FY 2001/2002.

A copy of the agenda for this meeting may be obtained by writing: WCIND, Post Office Box 1845, Venice, FL 34284.

No verbatim record will be made of this meeting. Any person wishing to appeal decisions made at this meeting may need to ensure that a verbatim record is made.

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 7, 2001, 8:00 a.m.

PLACE: The Jupiter Beach Resort, 5 N. A-1-A, Jupiter, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Legislative and Land Acquisition and Management Committees will meet. Please contact: District Office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for

such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Thursday, September 13, 2001, 10:00 a.m.

PLACE: Seltzer Conference Room, 6th Floor, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluation of responses submitted for Florida Housing Finance Corporation's Request for Proposals #2001/03 for Credit Underwriting, Loan Servicing, Compliance Monitoring and Financial Monitoring for Single Family and Multifamily Programs.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Laurie Camp, Human Resources Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a public workshop and meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee; Guarantee Committee; Combined Cycle Committee; Multifamily Revenue Bond Committee; Board Meeting

DATES AND TIME: September 20-21, 2001, 9:00 – adjourned

PLACE: City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, FL 32301, (850)891-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider, review, and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.

2. Consider, review and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.
3. Consider, review and take action on matters brought to the Combined Cycle Committee and to consider recommendations made by the Combined Cycle Committee to the Board.
4. Consider, review and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board.
5. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues which have satisfied the requirements for funding.
6. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
7. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
8. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
9. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
10. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
11. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
12. Consideration of all necessary actions with regard to the Multifamily Bond Program.
13. Consideration of approval of underwriters for inclusion on approved master list and teams.
14. Consideration of all necessary actions with regard to the HOME Rental Program.
15. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
16. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
17. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
18. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
19. Consideration of all necessary actions with regard to the Home Ownership Programs.
20. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
21. Consideration of Appeals from Combined Cycle ranking and grading with entry of final orders.
22. Consideration of workouts or modifications for existing projects funded by the Corporation.
23. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
24. Consideration of funding additional reserves for the Guarantee Fund.
25. Consideration of audit issues.
26. Evaluation of Professional and Consultant performance
27. Such other matters as may be included on the Agenda for the September 20 & 21, 2001, Board Workshop and Meeting.

A copy of the agenda may be obtained by contacting: Natalyne Richardson, Board Administrative Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Natalyne Richardson, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement** announces the following Boating Advisory Council public meeting, to which all persons are invited:

DATE AND TIME: October 18, 2001, 9:00 a.m. – 3:30 p.m.

PLACE: Renaissance Orlando Hotel – Airport, 5445 Forbes Place, Orlando, Florida 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Boating Advisory Council.

An agenda of the meeting may be obtained by contacting: Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or by calling Paul Ouellette or Shelly Gurr, (850)488-5600.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should notify Andrena Knicely, (850)487-1406, at least five calendar days before the meeting.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Wednesday, September 5, 2001, 9:30 a.m.

PLACE: Pennington Law Firm, 215 S. Monroe Street, 2nd Floor, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing: Brenda DeYounks, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200 or by facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NATIONAL COUNCIL ON COMPENSATION INSURANCE

The **Florida Workers Compensation Appeals Board** announces a meeting to which all persons are invited.

DATE AND TIME: September 12, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Renaissance Orlando Hotel – Airport, 5445 Forbes Place, Orlando, Florida 32812, (407)240-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide a mechanism by which aggrieved parties may obtain a review of the application of the rules of the workers compensation system to their individual workers compensation policies.

Contact: Michelle Baker, National Council on Compensation Insurance, Inc., 901 Peninsula Corporate Circle, Boca Raton, Florida 33487, (561)893-3195.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a general meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: September 12, 2001, 2:00 p.m.

PLACE: TRDA, Conference Room, 5195 South Washington Ave., Titusville, FL 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: Linda D. Lundy, TRDA, Office Manager, (321)269-6330 or llundy@trda.org.

CITY OF ORLANDO

The **City of Orlando** announces a public hearing to which all persons are invited:

DATE AND TIME: Wednesday, September 12, 2001, 7:00 p.m.

PLACE: Shenandoah Elementary School, 4827 S. Conway Road, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of South Conway Road Improvements (CR 506), FDOT Financial Management #2416991-1-48-01, Federal Aid #8857 013 U. The limits of the project are from SR 15/Hoffner Road to SR 528/Beeline Expressway.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act should write to the address given below or call (407)246-3186. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Charles R. Ramdatt, P. E., Project Manager, City of Orlando, Public Works Department, 400 S. Orange Avenue, P. O. Box 4990, Orlando, FL 32802-4990.

FLORIDA LEGISLATURE

The **Council for Education Policy Research and Improvement** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, September 13, 2001, 10:00 a.m. – 5:00 p.m.

PLACE: Prestwick Room, Hyatt Regency, Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will hold its first meeting and will address organizational issues as well as its work assignments for the coming year. Action items include procedures for community colleges to propose delivery of selected baccalaureate degrees and approval of requests for proposals for several workforce development grant programs authorized by the Legislature.

For further information contact: Dr. William B. Proctor, Executive Director, Council for Education Policy Research and Improvement, Tallahassee, Florida 32399-1400, (850)488-7894.

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Leonard L. Zanello, Sr., Financial Strategies and Insurance, Inc., on June 4, 2001. The following is a summary of the agency's disposition of the petition:

The Petitioner may award a gift for sales leads, seminar arrangements and referrals, in the manner described herein, provided that all of the provisions of sub-subparagraphs 626.9541(1)(h)1., b. and c. and subsection 626.112(8), Florida Statutes (2001) have been met. However, if the award of a gift is in any way, directly or indirectly, based upon the purchase of insurance, a violation of the applicable statutes would be presented.

A copy of the Declaratory Statement may be obtained by contacting: Lisa S. Santucci, Esquire, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4126.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed July 13, 2001, by Mark Fischer, Deputy Fire Chief, Cocoa Beach Fire Department. The Petition is seeking the Department's interpretation of subsection 633.025(10), Florida Statutes (2000), and Subdivision 19-3.4.2.1 of NFPA 101, the Life Safety Code, 1997 edition, as it applies to the Petitioner's circumstances regarding apartment buildings of three stories or fewer or fewer than 11 units in a complex with exterior walkways and shared manual fire alarm systems. Petitioner specifically requests a declaratory statement on the following question: With the adoption of the Florida Fire Prevention Code and the changes to subsection 633.025(10), Florida Statutes, and the 2000 edition of NFPA 101, will the exemption for units that open directly onto an open walkway that lead to stairs at the end of the walkway be continued in effect, or will the exemption be solely for situations in which each dwelling unit has either its own independent exit or its own independent stairway or ramp discharging at grade?

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN THAT the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on August 13, 2001 from Douglas Jackson. Petitioner is seeking amendment of Rule 33-210.102, Florida Administrative Code, Legal Mail.

A copy of the Petition may be obtained by writing: Perri King Dale, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on August 14, 2001 from Mark Osterback. Petitioner is seeking amendment of Rule 33-103.005(5), Florida Administrative Code, to require a time limit for responses to inmate requests.

A copy of the Petition may be obtained by writing: Perri King Dale, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on August 8, 2001, the Board of Nursing received a Petition for Declaratory Statement with regard to subsection 464.003(3)(a), Florida Statutes, from Carol Nelson Watson, R.N. Petitioner requests a declaratory statement from the Board in regards to whether a Registered Nurse may perform colon hydrotherapy with or without direct supervision. This matter will be addressed at the Practice Committee meeting during the regularly scheduled board meeting on October 9, 2001, 4:00 p.m., or shortly thereafter, at the Pensacola Grand Hotel, 200 East Gregory Street, Pensacola, Florida, (850)433-3336.

A copy of the Petition for Declaratory Statement may be obtained by writing: Dr. Ruth Stiehl, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207.

NOTICE IS HEREBY GIVEN THAT the Board of Physical Therapy Practice has GRANTED a request for declaratory statement on June 29, 2001, in response to the Petition filed by Sean L. Kimball on or about June 17, 2001. The Final Order was given the number DOH-01-1305-DS-MQA.

Petitioner requested a declaratory statement from the Board with regards to his signature on patient progress notes prepared by an individual not licensed by this Board. The Board explained the direct supervision requirements for when the Petitioner may sign notes relating to patient care provided by others who are not licensed by this Board.

A copy of the Petition and Order may be obtained by writing: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

Debra Ann McCall vs. Department of Corrections; Case No.: 01-3152RX; Rule No.: 33-601.708(12)(e)

United Wisconsin Life Insurance Company vs. Department of Insurance; Case No.: 01-3135RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Florida League of Cities, Inc. vs. Department of Insurance, State Fire Marshal's Office and Florida Association of Special Districts, Inc., Florida Professional Firefighters, Inc., City of Daytona Beach, and Florida Fire Chiefs Association; Case No.: 00-5143RP; Rule No.: 4A-62.003; Closed

William Scotsman, Inc. vs. Department of Community Affairs, Division of Housing and Community Development and GE Capital Modular Space; Case No.: 01-1660RP; Rule No.: 9B-1.003(16)(a); Closed

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

The University of Central Florida, announces that construction management services will be required for the project listed below:

Project No. BR-423

Project and Location: The Education Building Remodel is located on the University of Central Florida campus, west of the Administration Building, Millican Hall.

Project Description: Pre-construction services and the renovation and remodeling of an existing three (3) story facility that requires space reconfigurations for approximately 41,603 sq. ft. in the following breakdown: Classroom – 3,405 sq. ft.; Teaching Lab – 1,561 sq. ft.; Library/Study – 895 sq. ft.; Office/Computer – 35,742 sq. ft. The construction cost will be approximately \$4,700,000. This facility will be in the planning phase in the year 2001.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The

construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Gina Seabrook, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Boulevard, Post Office Box 163020, Orlando, FL 32816-3020, (407)823-2166, Fax (407)823-5141, email: gseabroo@mail.ucf.edu. The project fact sheet for the Education Building Remodel may be found on the Facilities Planning home page. Our website address is: <http://www.fp.ucf.edu>.

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning, 4000 Central Florida Boulevard, Physical Plant Building 16, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m. (Local Time), Monday, October 1, 2001. Submittals received after 5:00 p.m. will not be accepted. Facsimile (FAX) submittals are not acceptable and will not be considered.

**INVITATION TO BID (ITB)
FOR A GENERAL CONTRACTOR**
For exclusive competition by qualified
Minority Business Enterprises (MBE's only)

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s)

recorded below and immediately thereafter publicly opened and recorded Fifth (5th) Floor Conference Room No. 513D, School Board Building.

October 2, 2001
2:00 p.m.

DCSB Project No. C-90770 – Additions, Remodeling, Renovations and Site Improvements at Bayview Elementary School No. 84. This project is for a new media center and renovation of existing media center space. The construction cost estimate is \$1.1 million. All general contractors or prime bidders that are interested in bidding are required to attend a mandatory pre-bid conference to be held on September 12, 2001, 10:00 a.m., Bayview Elementary School No. 84, 3257 Lake Shore Blvd., Jacksonville, Florida 32210. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a fee of \$100.00 at the office Saxelbye Architects, Inc., 201 N. Hogan Street, Suite 400, Jacksonville, Florida 32202, (904)354-7728, contact Kim Larsen. DCSB Point of Contact: Tony M. Gimenez, (904)390-2279.

Contract documents for bidding may be examined at but not obtained at Duval County Public Schools, Facilities Services, 5th Floor, 1701 Prudential Drive, Jacksonville, FL 32207.

The bid tabulation and Notice of Award recommendation will be posted at 5:00 p.m. (Local Time), on the first floor bulletin board at the Duval County Public Schools, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

Any party desiring additional information concerning participation on the project should contact:

Minority Business Affairs Office
1701 Prudential Drive, 4th Floor
Jacksonville, Florida 32207-8182

EXPRESSWAY AUTHORITIES

**NOTICE OF INVITATION TO BID
MDX PROJECT NO. 836-016**

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a contractor ("Bidder") for construction related to the addition of a dedicated right-turn lane at the N. W. 87th Avenue off ramp from State Road (SR) 836 (the "Project"). The Work for the Project consists of, but is not limited to, providing all labor, Materials, Equipment and incidentals necessary for the installation of roadway signage, drainage, roadway pavement markings, asphalt pavement, miscellaneous concrete work, and maintenance of traffic operations. The

Bidder should be aware that the majority of the Work associated with the Project shall be done during off-peak hours (9:30 a.m. – 3:30 p.m. and 9:00 p.m. – 6:00 a.m.).

Sealed Bids will be received at the MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami, Florida 33142 (“MDX Headquarters Building”), until 2:00 p.m., Monday, September 24, 2001. A Bidder must be prequalified by the State of Florida Department of Transportation in accordance with Rule Chapter 14-22, Florida Administrative Code or certified with Miami-Dade County to provide general contractor services on the submittal date for the Bids in order to submit a Bid. A Bidder that is not prequalified in accordance with Rule Chapter 14-22, F.A.C., or certified with Miami-Dade County on the date of the Bids submittal, shall be declared “NON RESPONSIVE” and the Bid will be REJECTED.

Copies of the Plans, Specifications and the Bid Blank will be available on Wednesday, September 5, 2001, after 12:00 Noon, at the MDX Headquarters Building. The cost of these documents is \$20.00 per set. Make checks payable to the Miami-Dade Expressway Authority. No refunds will be made for the above charges for any of the documents.

The construction cost estimate for the Project is \$172,000 (One Hundred and Seventy Two Thousand Dollars) and Contract time for this Project is set for sixty (60) calendar days from the Notice to Proceed.

MDX has scheduled a Mandatory Pre-Bid Conference to discuss the Project with interested Bidders on Wednesday, September 12, 2001, 2:00 p.m., at the MDX Headquarters Building. Please be advised that this Pre-Bid Conference is mandatory. Any Bidder not attending the Mandatory Pre-Bid Conference will be declared “Non-Responsive”.

If you have any questions regarding this notice, or would like to additional information, please contact:

Ms. Helen M. Cordero
MDX Procurement Officer
Phone (305)637-3277
Fax (305)637-3283
E-mail Hcordero@mdx-way.com

All sealed Bids must be received by MDX at 3790 N. W. 21st Street, Miami, Florida 33142, no later than 2:00 p.m., Monday, September 24, 2001.

Equal Employment Opportunities. The Miami-Dade Expressway Authority prohibits discrimination on the basis of race, color, sex, age, national origin, religion and disability or handicap in accordance with the Provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et. seq., the Florida Civil Rights Act of 1992, as amended, § 760.10 et. seq., Fla. Stat. (1996), and other Federal and State discrimination statutes. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women.

MDX encourages small, minority and women-owned business to have full opportunity to submit bids and proposals in response to solicitation documents issued by MDX, and bidders and proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX’s overall goal is not a pre-requisite for bidders or proposers on MDX projects.

REQUEST FOR LETTERS OF INTEREST

The Tampa-Hillsborough County Expressway Authority (THCEA) requests Letters of Interest from qualified firms to participate in a design competition for professional urban design, and landscape design services for the Authority’s Meridian Gateway project. Qualification submittals shall include the following information:

- A. Cover Page:
 - The following notation: “Letter of Interest for Meridian Street Urban Design”
 - Consultant's name and address
 - Contact person, phone and fax numbers, Email address
- B. Cover Letter: (2 page maximum)
 - Statement of Qualifications
- C. Organizational Chart/Personnel Summary: (3 page maximum)
 - Project roles of specified personnel
 - Statement regarding qualifications of consultant in type of work
 - Identification of key personnel to be assigned to the project
- D. Organizational and Technical Approach to project: (2 page maximum)
- E. List of Representative Past Projects and References: (10 page maximum)
 - Include graphic depictions of representative projects
- F. Resumes of Key Personnel: (maximum of 1 page each)

An original and twelve copies of the Letter of Interest and Qualifications must be received by mail or hand delivery by 4:00 p.m., September 10, 2001 (subject to any extension of the deadline as provided for in this RFQ). Submittals received after that time or extended deadline, will be not be accepted. Address responses to: Contracts Administrator, Tampa-Hillsborough County Expressway Authority, 412 East Madison Street, Suite 800, Tampa, FL 33602.

THCEA encourages DBE/MBE firms “Disadvantaged Business Enterprises/Minority Business Enterprises” to compete for this project and requires all firms to ensure that DBEs or certified or certifiable MBEs are afforded the opportunity to participate in all contracting activities to the greatest extent feasible. The firm selected to provide these services must assure that it has adhered to this policy, use of

DBE/MBE subconsultants is not mandatory. Applicants may contact the Contract Administrator, (813)272-5986, Fax (813)273-3730, for further information.

CONTRACT: THCEA-51.31.01

Meridian Street Urban Design

DESCRIPTION: The Meridian Gateway competition will include designs for boulevard style streetscapes (sidewalks and medians) and signature gateway entrances. The Meridian Streetscape will be designed along a six-lane, divided arterial between Channelside Drive and Twiggs Street with improvements to proposed or existing cross-streets at Brorein Street/Channelside Drive; Whiting Street; Jackson Street; Kennedy Boulevard; and, Twiggs Street.

SPECIAL NOTES: In accordance with the requirements of Section 287.055, F.S., firms will be shortlisted on September 14, 2001, based on the company's understanding of the project, demonstrated urban design experience and level of resources.

The shortlist will consist of a minimum of three (3) firms who will then participate in a design competition. Details of the design competition will be provided at a scoping meeting to be held after the shortlist is announced.

Following dates are subject to change. Contact the Contract Services Administrator for updated information:

RESPONSE DEADLINE: September 10, 2001

PLANNED SHORT-LIST DATE: September 14, 2001

SCOPING MEETING: September 21, 2001

PLANNED FINAL SELECTION DATE: October 22, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INVITATION TO BID

BID NO. BDRS 27-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Renovate and Repair the Existing Campground Electrical Distribution System at St. Andrews State Park

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to replace 176 camp site pedestals including underground wiring and all associated work.

PARK LOCATION: St. Andrews State Park
South on S.R. 392 off U.S. 98 (Bay County) Florida

PROJECT MANAGER: Dallas Marshall
Bureau of Design and Recreation Services
Telephone Number (850)488-5372
Fax Number (850)488-3537

MINORITY BUSINESS

REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PRE-

QUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489 and 633 of the Florida Statutes, for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, August 31, 2001 at:

St. Andrews State Park
4607 State Park Lane
Panama City, Florida 32408-7323
Attention: Carl Keen, Park Manager
Telephone Number (850)233-5141

ADA

REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are

needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-5372, at least five (5) workdays prior to openings.

BID SUBMITTAL

DUE DATE: No later than 3:30 p.m., Tuesday, September 25, 2001, to the below address:

Florida Department of
Environmental Protection
Bureau of Design and Recreation
Services
3540 Thomasville Road
Tallahassee, Florida 32309

The Department reserves the right to reject any or all bids.
Michael Renard, Contracts Manager, Bureau of Design and Recreation Services

HILLSBOROUGH COUNTY WORKFORCE BOARD

NOTICE OF PROPOSAL

Audit Services

Procurement Submittal Deadline: September 10, 2001

This RFP describes the requirements of the Hillsborough County Workforce Board, Inc. to obtain the services of an accounting firm whose principal officers are independent Certified Public Accountants for auditing of the Hillsborough County Workforce Board, Inc., which receives funds under the Workforce Investment Act (WIA), Agency for Workforce Innovations (AWI), the Welfare Transition Program, Welfare to Work (WtW) and Wagner Peyster.

If interested contact: Man M. Le, Hillsborough County Workforce Board, Inc., 9250 Bay Plaza Boulevard, Suite 320, Tampa, FL 33619, (813)744-5547, Ext. 238, Fax (813)744-5764.

COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE TO PROFESSIONAL CONSULTANTS FOR PROFESSIONAL SERVICES FOR CRIMINAL JUSTICE CONSULTING

The Columbia County Board of County Commissioners announces that professional services in the disciplines of criminal justice with specific expertise in corrections be required for the project listed below.

PROJECT NUMBER: 2001-L

PROJECT LOCATION: Columbia County, Florida

SERVICES TO BE PROVIDED: The selected firm is expected to provide a comprehensive jail needs assessment study, and any additional services as may be requested.

RESPONSE DUE DATE: September 21, 2001, 2:00 p.m. (EDT)

To request a complete Solicitation of Interest announcement, contact the County Coordinator's Office: Board of Commissioners, P. O. Box 1529, Lake City, Florida 32056-1529, (386)755-4100, Fax (386)758-2182, email: bcc@columbiacountyfla.com

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO DESIGN-BUILD FIRMS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, Letters of Interest from Design-Build firms desiring to render Design-Build Services for the following project at Tampa International Airport, Tampa, Florida:

DESIGN AND CONSTRUCTION OF THE SERVICE BUILDING EXPANSION

AND MODIFICATIONS AND RELATED WORK

Services to be furnished shall include, but not be limited to, all architectural design and all engineering related to structural, mechanical, plumbing, fire protection, electrical, electronic and information technology systems; architectural/engineering services during construction; construction by a qualified contractor; and related surveys and testing. A more detailed Scope of Services will be included in the formal Request for Qualifications.

Qualified Design-Build firms desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.
Senior Director of Planning and Design
Hillsborough County Aviation Authority
Post Office Box 22287
Tampa, Florida 33622

Interested parties may inquire as to project descriptions, details and required data submission to: William J. Connors, Jr., Senior Director of Planning and Design, (813)870-8704. **ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR QUALIFICATIONS IS REQUIRED AT THIS TIME.** Subsequent to receiving Letters of Interest, a Request for Qualifications will be sent to all respondents and adequate response time set forth in that package.

The Letters of Interest Only must be received at or before 5:00 p.m. (Local Time), Wednesday, September 12, 2001. Subsequent to receiving Letters of Interest, a Request for Qualifications will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Qualification Conference will then be held on Wednesday, September 26, 2001, 10:00 a.m. (Local Time), Hillsborough County Aviation Authority, Board Room,

Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport, Tampa, FL. Details of this conference will be included in the Request for Qualifications.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By: /s/ Louis E. Miller

Louis E. Miller, Executive Director

TAMPA BAY ESTUARY PROGRAM

REQUEST FOR PROPOSALS

The Tampa Bay Estuary Program (TBEP), is requesting proposals from qualified respondents to conduct the following project:

TAMPA BAY TECHNICAL SUPPORT CONTRACT AUGUST 2001

Request for proposal instructions and associated proposal documents may be obtained from TBEP, 100 8th Avenue, S. E., MS:I-1/TBEP, St. Petersburg, Florida 33701. Sealed proposals will be received at the above-stated address until 2:00 p.m., Tuesday, October 9, 2001, at which time they will be publicly opened.

The total TBEP FY 2000-2001 budget is \$745,000, 44.3% of which is federally funded. TBEP encourages and promotes the utilization of organizations owned or controlled by socially and economically disadvantaged, Minority Business Enterprises and Women's Business Enterprises.

TBEP reserves the right to reject any and all proposals.

CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM

REQUEST FOR MINI GRANT APPLICATIONS FISCAL YEAR 2002 WORKPLAN ACTIVITIES

The Charlotte Harbor National Estuary Program must receive mini-grant applications by 5:00 p.m. (Local Time), Friday, October 26, 2001. The Charlotte Harbor National Estuary Program reserves the right to reject any or all applications.

OBJECTIVE: The Charlotte Harbor National Estuary Program is considering mini-grant applications for fiscal year 2002. Greater consideration will be given to projects that have long-term applicability, serve as models for addressing environmental education and resource management issues, and help fulfill the program's three-year plan. Further, it is an objective of the program to inform and educate as many segments of the public as possible; therefore, education is an important component of all projects.

INVITATION TO APPLY: The program hereby solicits applications for mini-grant projects. Successful applications must advance the goals of the program. Any Florida resident, organization, business, government agency, school, college or university can submit an application. More than one application may be submitted for each entity but each application must be submitted separately and must follow the

instructions and requirements. The project must be located within the program's study area. Mini-grant funding will not exceed \$3,000.00 per project. Matching funds or in-kind match is recommended but not required for mini-grant projects.

REQUESTS FOR INFORMATION AND INSTRUCTION: All requests for information, instructions, and applications for submitting an application must be directed to Ms. Maran Hilgendorf, (941)995-1777, email: mhilgendorf@swfrpc.org.

HOW TO APPLY: The document "Requests for Mini-Grant Applications" may be obtained by contacting Ms. Maran Hilgendorf, Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, (941)995-1777. The document is also available on the program's website www.charlotteharbornep.com. Applications for mini-grants must be received by the Charlotte Harbor National Estuary Program by 5:00 p.m. (Local Time), Friday, October 26, 2001. Finalists will be notified in writing in February 2002.

REQUEST FOR RESEARCH AND RESTORATION PARTNERS – PROJECT PROPOSALS FISCAL YEAR 2002 WORKPLAN ACTIVITIES

"Research and Restoration Partners" project proposals must be received by the Charlotte Harbor National Estuary Program, 4980 Bayline Dr., 4th Floor, North Fort Myers, FL 33917, by 5:00 p.m. (Local Time), Friday, October 26, 2001. "Research and Restoration Partners" project proposals are required to demonstrate a minimum of 50% matching funds from the applicant. The Charlotte Harbor National Estuary Program reserves the right to reject any or all proposals.

OBJECTIVE: The Charlotte Harbor National Estuary Program is considering innovative research and restoration project proposals for fiscal year 2002 (October 1, 2001 – September 30, 2002). Projects that have long-term applicability, transferability, and serve as models for addressing NEP priority initiatives, such as hydrologic and habitat restoration, will receive priority consideration. The following are examples of projects that the program will consider:

- restoration of the hydrologic and natural habitat conditions of the study area by such methods as the backfilling of ditches, removal of spoil piles, exotic species removal, planting of native vegetation, mangrove restoration, etc.;
- an assessment of the effectiveness of current stormwater Best Management Practices (BMPs);
- support the usage of Best Management Practices with emphasis on volume-sensitive areas, such as Flatford Swamp; and
- restoration of Old Mined Lands (non-mandatory reclamation lands) in the Peace River watershed and/or re-establish, where practical, surface flows from sub-basins that do not currently contribute to their historic hydrologic connections.

Projects must advance program goals and address program priority problems as described in the proposal instructions. All restoration projects must develop and implement a post restoration management plan.

INVITATION TO PROPOSE: The program hereby solicits proposals for "Research and Restoration Partners" projects. Any organization or individual can submit a proposal. You or your organization may submit more than one preliminary proposal, but each proposal must be submitted separately and must follow the proposal instructions and requirements. The project must be located within the program's study area. The program strongly recommends applicants to attend a "Question-and-Answer" session on November 30, 2001.

These grants are for proposal requests for the management conference's guideline of \$20,000 per financially supporting partner. "Research and Restoration Partners" project proposals are required to demonstrate a minimum of 50% in-kind or cash match from the applicant.

REQUESTS FOR INFORMATION AND INSTRUCTION: All requests for information, instructions, and applications for submitting an application must be directed to Ms. Catherine Corbett (941)995-1777, email: ccorbett@swfrpc.org.

HOW TO APPLY: The document "Requests for Research and Restoration Partners Proposals" may be obtained by contacting Ms. Catherine Corbett, Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, (941)995-1777 or email: ccorbett@swfrpc.org. The Charlotte Harbor National Estuary Program will receive project proposals for "Research and Restoration Partners" grants until 5:00 p.m. (Local Time), Friday, October 26, 2001. Those submitting proposals are strongly recommended to attend a "Question-and-Answer" session on November 30, 2001.

Section XII Miscellaneous

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Section 3C-105.100, Florida

Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., September 21, 2001):

APPLICATION FOR CONVERSION OF A NATIONAL BANK TO A STATE BANK

Applicant and Location: First National Bank of the Florida Keys, 12640 Overseas Highway, Marathon, Monroe County, Florida 33050

With Title: First State Bank of the Florida Keys (temporary name, subject to change).

Correspondent: William Meyers, Executive Vice President, Gulf Coast National Bank, 3838 Tamiami Trail North, Naples, Florida 34103

Received: August 15, 2001

APPLICATION TO MERGE

Constituent Institutions: First National Bank of the Florida Keys, Marathon, Florida, and Gulf Coast National Bank, Naples, Florida

Resulting Institution: First State Bank of the Florida Keys (temporary name, subject to change).

Received: August 15, 2001

APPLICATION AND PLAN FOR THE PURCHASE OF CERTAIN ASSETS

AND ASSUMPTION OF CERTAIN LIABILITIES

Acquiring Entity: Southern Security Bank, 3475 Sheridan Street, Hollywood, Broward County, Florida 33021

Selling Entity: PanAmerican Bank, 2770 S. W. 27th Avenue, Miami, Florida 33133

Received: August 14, 2001

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Tropical Financial Credit Union, 8000 N. W. 7th Street, Miami, Florida

Expansion Includes: Persons who live or work in Broward County, Florida; persons who live or work in Sarasota County, Florida; persons who live or work in the City of Boca Raton, Palm Beach County, Florida.

Received: August 17, 2001

Name and Address of Applicant: City County Credit Union of Fort Lauderdale, 1982 North State Road 7, Margate, Florida 33063.

Expansion Includes: Stirling Cooke Insurance Services, Inc.

Received: August 16, 2001

Name and Address of Applicant: Power 1 Credit Union, 6450 West 21st Court, Hialeah, Florida 33016

Expansion Includes: Individuals and their immediate families that work, live or worship in Boca Raton, Delray Beach, Boynton Beach, Wellington, Royal Palm Beach, North Palm Beach, Palm Beach Gardens, Juno Beach and Jupiter, Florida. In addition, the proposed area also includes unincorporated Palm Beach County residents bordering these cities and enclosed within the following geographical boundaries: West

Boundary: Everglades; East Boundary: Highway 441; South Boundary: Palm Beach County Line; North Boundary: Martin County Line.

Received: August 17, 2001

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No. DCA01-OR-131

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF
ISLANDS
ORDINANCE NO. 01-10

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On July 13, 2001, the Department received for review Islamorada, Village of Islands Ordinance No. 01-10 which was adopted by the Village Council ("Ord. 01-10"). Ord. 01-10 amends four sections of the currently applicable land development regulations that govern shoreline and shoreline-related parameters of development.
2. Ord. 01-10 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).
4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 01-10 are land development regulations.
6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).
7. Ordinance 01-10 promotes and furthers Principle (a), "To strengthen local government capabilities for managing land use and development so that local government is able to

achieve these objectives without the continuation of the area of critical state concern designation;" Principle (b), "To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife and their habitat;" Principle (e), "To limit the adverse impacts of development on the quality of water throughout the Florida Keys;" and Principle (f), "To enhance natural scenic resources, promote aesthetic benefits of the natural environment and ensure that development is compatible with the unique historic character of the Florida Keys."

8. Ordinance 01-10 is not inconsistent with the remaining Principles. Ord. 01-10 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 01-10 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CARI ROTH, ACTING DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A

WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 16th day of August, 2001.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Frank Kulisky, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
Carol Simpkins, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
John Herin, Esq.

Weiss, Serota, Helfman, Pastoriza & Guedes, P. A.
2665 South Bayshore Drive
Miami, FL 33133

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA, Tallahassee
Rebecca Jetton, DCA, Florida Keys Field Office
Richard A. Lotspeich, Assistant General Counsel, DCA, Tallahassee

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Amended Notice Regarding Establishment of Dealership

On June 29, 2001, Pg. 3071, F.A.W., the Department of Highway Safety and Motor Vehicles published a notice concerning the establishment of Future Franchises, Inc. d/b/a Firkins Mitsubishi. The notice reflected that the dealership would be established at 2600 First Street, Bradenton (Manatee County), Florida 34208. The notice concerning this proposed dealership received from Mitsubishi Motor Sales of America, Inc., also indicated that, in addition to the foregoing proposed address, "the dealership will relocate from its original location to another location at 2800 First Street in Bradenton, Manatee County, Florida 32408, a distance of approximately one-tenth mile south."

To the extent this additional information affords any dealer the right to protest, protests will be accepted not later than 30 days from the date of publication of this notice. Written petitions or complaints must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Charles, Regional Business Management Manager, Mitsubishi Motor Sales of America, Inc., 6488 Currin Drive, Orlando, Florida 32835.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Classic Motorcycles & Sidecars, Inc., intends to allow the establishment of Royal Enfield Motorcycles of Ft. Lauderdale, as a dealership for the sale of Ural motorcycles and sidecars, at 984 West Prospect Road, Ft. Lauderdale (Broward County), Florida 33309 on or after December 1, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Royal Enfield Motorcycles of Ft. Lauderdale are dealer operator(s) and principal investor(s): William J. Cappuccio, 1950 S. W. 56th Avenue, Plantation, FL 33317.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bobbette Lynott, Vice President, Classic Motorcycles & Sidecars, Inc., 8146 304th Avenue, S. E., P. O. Box 969, Preston, WA 98050.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Florida Agency For Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for Federally Qualified Health Centers (FQHC's) and Rural Health Clinics (RHC's) participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for FQHC's/RHC's, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Title XIX Federally Qualified Health Center Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

FINAL RATES: Effective January 1, 2001, the final rates for Medicaid FQHC's and RHC's reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

In the first phase of the new Medicaid Prospective Payment System (PPS), January 1, 2001 – September 30, 2001, Florida will pay current FQHC's/RHC's the average of their Medicaid per diem rates in effect for the state fiscal years 1999 and 2000 (calculating the payment amount on a per visit basis). Beginning October 1, 2001, each FQHC's/RHC's Medicaid per diem rate will be increased by the percentage increase in the Medicare Economic Index (MEI) for primary care services. This increase shall be made annually on October 1. A FQHC/RHC may apply for an adjustment to its current Medicaid per diem rate if the FQHC/RHC experiences a change in their scope of service(s), which on a per visit basis is greater than 3% of the current per diem rate. Newly qualified FQHC's/RHC's after fiscal year 2000 will have initial payments established either by reference to payments to other clinics in the same or adjacent areas, or in the absence of such other clinics, through cost reporting methods. After the initial year, payment shall be set using the MEI methods used for other clinics.

METHODOLOGIES: The methodology underlying the establishment of the final rates for FQHC's/RHC's will be rates resulting from the current methodology used to calculate reimbursement rates, except that it will include the following changes:

Effective January 1, 2001, the final rates for Medicaid FQHC's and RHC's reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

In the first phase of the new Medicaid Prospective Payment System (PPS), January 1, 2001 – September 30, 2001, Florida will pay current FQHC's/RHC's the average of their Medicaid per diem rates in effect for the state fiscal years 1999 and 2000 (calculating the payment amount on a per visit basis). Beginning October 1, 2001, each FQHC's/RHC's Medicaid per diem rate will be increased by the percentage increase in the Medicare Economic Index (MEI) for primary care services. This increase shall be made annually on October 1. A FQHC/RHC may apply for an adjustment to its current Medicaid per diem rate if the FQHC/RHC experiences a change in their scope of service(s), which on a per visit basis is

greater than 3% of the current per diem rate. Newly qualified FQHC's/RHC's after fiscal year 2000 will have initial payments established either by reference to payments to other clinics in the same or adjacent areas, or in the absence of such other clinics, through cost reporting methods. After the initial year, payment shall be set using the MEI methods used for other clinics.

JUSTIFICATION: The justification for the proposed rate change is section 702 of the Medicare, Medicaid, SCHIP Benefits Improvement and Protection Act (BIPA) of 2000.

The Agency is proposing the above rates and changes in methodology, effective January 1, 2001. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the final rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: John Owens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

Copies of the proposed reimbursement plan incorporating the above changes may be obtained by contacting John Owens, Medicaid Cost Reimbursement Section, at the address above.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing home facilities participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing home facilities, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: Effective January 1, 2002, the proposed rates for Medicaid nursing home reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

1. There will be direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The Agency will adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.
2. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.
3. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid nursing facilities will be rates resulting from the current methodology used to calculate reimbursement rates, except that it will include the following changes:

1. There will be direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The Agency will adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.
2. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.
3. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

JUSTIFICATION: The justification for the proposed rate change is provided in Section 49 of Senate Bill 1202 of the 2001-2002 Legislative Session.

The Agency is proposing the above rates and changes in methodology, effective January 1, 2002. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: John Owens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

Copies of the proposed reimbursement plan incorporating the above changes may be obtained (when available) by contacting John Owens, Medicaid Cost Reimbursement Section, at the address above.

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency for Health Care Administration issued the following decisions on Certificate of Need applications for expedited review:

County: Duval	Service District: 4
CON #: 9471	Decision: A
	Date: 8/22/2001
Facility/Project: Baptist Medical Center	
Applicant: Southern Baptist Hospital of Florida, Inc.	
Project Description: Convert 38 mental health beds comprised of 24 adult psychiatric, eight child/adolescent psychiatric and six adult substance abuse beds to 38 acute care beds.	
AHCA Purchase Order Number S5900I00310.	

CERTIFICATE OF NEED

EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to subsection 408.036(3), Florida Statutes:

County: Palm Beach	Decision: A	District: 9
ID #: 0100005		Issue Date: 8/15/2001
Facility/Project: PHC-Belle Glade, Inc.		

Applicant: Glades General Hospital
 Project Description: Establish an adult inpatient diagnostic cardiac catheterization service
 Proposed Project Cost: \$0 Equipment Cost:
 County: Charlotte District: 8
 ID #: 0100006 Decision: A Issue Date: 7/25/2001
 Facility/Project: Fawcett Memorial Hospital
 Applicant: Fawcett Memorial Hospital, Inc.
 Project Description: Delicense three acute care beds
 Proposed Project Cost: \$2,200,000 Equipment Cost:
 County: Orange Decision: A District: 7
 ID #: 0100007 Issue Date: 8/10/2001
 Facility/Project: Orlando Regional Healthcare System, Inc.
 Applicant: Orlando Regional Medical Center
 Project Description: Convert 29 skilled nursing unit beds to 29 acute care beds
 Proposed Project Cost: \$127,700 Equipment Cost:
 County: Hillsborough District: 6
 ID #: 0100010 Decision: A Issue Date: 8/10/2001
 Facility/Project: Galencare, Inc.
 Applicant: Brandon Regional Hospital
 Project Description: Add 22 acute care beds to 218 existing acute care beds
 Proposed Project Cost: \$0 Equipment Cost:
 County: Collier District: 8
 ID #: 0100012 Decision: A Issue Date: 8/17/2001
 Facility/Project: Cleveland Clinic FL Hospital-Naples (non-profit corp.)
 Applicant: Cleveland Clinic Florida Hospital-Naples
 Project Description: Establish an adult inpatient diagnostic cardiac catheterization program
 Proposed Project Cost: \$0 Equipment Cost:
 County: Manatee District: 6
 ID #: 0100015 Decision: A Issue Date: 8/20/2001
 Facility/Project: Manatee Memorial Hospital

Applicant: Manatee Memorial Hospital, L.P.
 Project Description: Delicense 11 adult substance abuse beds pursuant to conditions assigned to the approval of CON #9170
 Proposed Project Cost: \$100,000 Equipment Cost:
 AHCA Purchase Order Number S5900I00310.

CERTIFICATE OF NEED

REVISED ACCEPTED LETTERS OF INTENT

In addition to the letters of intent published as accepted in the August 24, 2001, F.A.W. for the September 12, 2001, application filing date for the hospital batching cycle, the Agency For Health Care Administration received and accepted the following letter of intent for the September 12, 2001, application filing date for hospital batching cycle:

County: Pinellas District: 5
 Date Filed: August 13, 2001 LOI#: H010863
 Facility/Project: Kindred Hospital – Bay Area
 Applicant: Kindred Hospitals East, L.L.C.
 Project Description: Add up to 30 long-term hospital beds to existing 60-bed long-term hospital

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 17, 2001, the date the application is scheduled to be deemed complete. Tentative dates for hearings will be published on September 28, 2001.

AHCA Purchase Order Number S5900I003910

DEPARTMENT OF HEALTH

On August 15, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Christopher Daniel Baggett, LPN, license number PN 863201. Baggett's last known address is 2362 College Street, Jacksonville, Florida 32204. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the

public health, safety and welfare pursuant subsections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 14, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of La'Kiesha Jenkins, CNA, certificate number CNA CX 0599261790634. Jenkins' last known address is 1025 East 12th Street, Apt. 12, Jacksonville, Florida 32206. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant subsections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

NAVIGATION DISTRICTS

The Board of Commissioners of the Florida Inland Navigation District announces an attorney – client private session will be held at 11:30 a.m., Friday, September 7, 2001 to discuss litigation strategy and possible settlement negotiations in the condemnation case between the District and Joseph Moretti, Jr. concerning Site IR-14. This session will be held at the Jupiter Beach Resort, 5 N. A-1-A, Jupiter, Palm Beach County, Florida. Attendees at this session will include Commissioners Tom Jones, Charles Padera, Charles Faulkner, Gracye Barck, Ted Moorhead, Ken Hoffman, Jo Ann Allen-Kofoed, Gail Byrd, Ji-Ang Song, Susan Engle and Cathleen Vogel. Also attending will be Executive Director, David Roach and attorneys Thomas Sheehan and Bill Doney.

Please contact the District Office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN August 13, 2001
 and August 17, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE
Division of State Fire Marshal

4A-42.002	8/17/01	9/6/01	27/12	
4A-42.003	8/17/01	9/6/01	27/12	
4A-42.005	8/17/01	9/6/01	27/12	27/27
4A-43.001	8/17/01	9/6/01	27/12	
4A-43.003	8/17/01	9/6/01	27/12	27/27
4A-43.009	8/17/01	9/6/01	27/12	27/27
4A-43.0095	8/17/01	9/6/01	27/12	
4A-43.011	8/17/01	9/6/01	27/12	
4A-43.014	8/17/01	9/6/01	27/12	
4A-43.015	8/17/01	9/6/01	27/12	27/27
4A-43.017	8/17/01	9/6/01	27/12	
4A-43.018	8/17/01	9/6/01	27/12	
4A-52.003	8/17/01	9/6/01	27/12	27/27
4A-52.004	8/17/01	9/6/01	27/12	27/27

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

5F-2.001	8/14/01	9/3/01	27/26	
5F-2.014	8/14/01	9/3/01	27/26	
5F-3.001	8/14/01	9/3/01	27/27	
5F-5.001	8/14/01	9/3/01	27/27	
5F-7.005	8/14/01	9/3/01	27/27	
5F-11.013	8/16/01	9/5/01	27/20	27/27

Division of Food Safety

5K-5.014	8/16/01	9/5/01	27/27	
5K-6.010	8/16/01	9/5/01	27/27	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF TRANSPORTATION

14-15.0081	8/15/01	9/4/01	27/21	
14-15.010	8/15/01	8/15/01	27/29	

DEPARTMENT OF CORRECTIONS

33-601.602	8/13/01	9/2/01	27/21	27/27
33-601.606	8/13/01	9/2/01	27/21	27/27

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

38F-6.012	8/17/01	9/6/01	27/27	
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WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

40C-3.035	8/17/01	9/6/01	27/27	
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South Florida Water Management District

40E-4.051	8/13/01	9/2/01	27/26	27/27
40E-400.470	8/17/01	9/6/01	27/16	27/30

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

61G6-9.005	8/15/01	9/4/01	27/3	27/29
61G6-9.006	8/15/01	9/4/01	27/5	27/29

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

64B-2.001	8/13/01	9/2/01	27/25	27/29
64B-2.002	8/13/01	9/2/01	27/25	27/29
64B-2.003	8/13/01	9/2/01	27/25	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-4.206	8/15/01	9/4/01	27/20	
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