

## Section I

Notices of Development of Proposed Rules  
and Negotiated Rulemaking

## DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Rate Filing Procedures	4-149.003
Form Filing Procedures	4-149.021
Forms Adopted	4-149.022

**PURPOSE AND EFFECT:** To update the standardized data letter that life and health insurers must submit with every rate and form filing made with the Department of Insurance. To eliminate the need for filing multiple copies when filing forms. To provide consistency between the rate filing rule and the form filing rule with regard to disapprovals based on incomplete filings.

**SUBJECT AREA TO BE ADDRESSED:** Life and health insurance rate and form filings.

**SPECIFIC AUTHORITY:** 624.308(1), 627.410(6)(b),(e) FS.

**LAW IMPLEMENTED:** 119.07(1)(b), 624.307, 625.121, 627.410, 627.476, 627.807 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. – 10:30 a.m., November 7, 2001

**PLACE:** Room 143, Larson Building, 200 E. Gaines St., Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Frank Dino, Actuary, Division of Insurer Services, Department of Insurance, 200 E. Gaines Street, Room 312D, Larson Building, Tallahassee, FL 32399-0328, (850)413-5014

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

4-149.003 Rate Filing Procedures.

(1)(a) Pooling. For purposes of submitting a rate filing under this part for individual policy forms and for group Medicare supplement and long-term care group policy forms, in order to encourage adequate risk sharing for all generations of policyholders, policy forms, whether open or closed, as defined in Rule 4-149.006(4)(d), F.A.C., providing for similar benefits, as defined in Rule 4-149.006(4)(q), F.A.C., shall be combined. Separate combinations may be used for policy forms defined in Rules 4-149.005(5) and 4-149.005(6), F.A.C.

(b) Credibility. In analyzing the experience of policy forms, the following sequence shall be used: if the Florida experience is comprised of fully credible data, as defined in Rule 4-149.006(4)(e), F.A.C., the Florida experience will be used; if not, then nationwide experience will be used as described in Rule 4-149.006(4)(e), F.A.C. Once policy forms have been combined, they remain so for all rating purposes. When forms have been so combined, a rate revision request shall not differentiate between the experience of the individual forms. Where significant inconsistencies between rate levels exist between forms providing similar benefits, some deviation in rate revision granted shall be allowed to reduce these inconsistencies.

(2) Filing Format for Individual Policies and Group Policies and Certificates.

(a)1. All filings shall be made in accordance with paragraph (b) below.

2. All material submitted shall be legible. A filing which is illegible or which contains illegible material will be disapproved without any further processing ~~and will be either returned to the insurer if the insurer has provided the Department with an envelope large enough to contain the material and with sufficient prepaid postage to ensure its acceptance by the U.S. Postal Service or destroyed.~~

3. For purposes of the rules in this Part and the time periods in Section 627.410, Florida Statutes, a filing is considered “filed” with the Department upon the receipt of the material required by paragraph (b). Further, for purposes of the rules in this Part, the term “filed” does not mean “approved.” The term “filed” refers to the date on which the filing is filed with the Department and is the date on which the approval process of Section 627.410, Florida Statutes, commences. “Filing” with the Department does not constitute approval of the rate filing.

(b) A health insurance rate filing shall consist of one copy of each of the following items ~~two copies of all of the items in subparagraphs 1. through 6. and one of the item in subparagraph 7. below, in addition to the requirements of subsection (1), above:~~

1. A brief letter explaining the type and nature of the filing. The letter shall indicate if the filing is for a new product, a rate revision, or a resubmission. If the filing is a resubmission, the letter shall indicate when the previous filing was submitted, the Florida filing number, and the date of the disapproval. ~~Letters requiring a reference to a Florida filing number will not be processed without the inclusion of the Florida filing number.~~

2. Form “1507, The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter”, rev. 7/01, completely filled out in accordance with Form DI4-1507A, “The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter

~~Instruction Sheet”, rev. 7/01, Form DI4-562A, “Standardized Data Letter/Florida Department of Insurance/Division of Insurer Services/Health Forms Filing,” rev. 4/91; and Form DI4-562B, “Standardized Data Letter/Florida Department of Insurance/Division of Insurer Services/Health Rates Filing,” rev. 7/91, which are hereby adopted and incorporated by reference, completely filled out, with the company’s bar code label in the upper right hand corner of the forms, including the certifications, both completed in accordance with the instructions contained in Form DI4-562, “Standardized Data Letter/Health Insurance/Instruction Sheet,” rev. 7/91, which is hereby adopted and incorporated by reference. Additional bar code labels may be obtained from the Bureau of Data Control, Insurance Research and Data Analysis, Larson Building, Tallahassee, FL 32399-0300. Requests must be made in writing and must include the company name, the company federal employer identification number, and payment of \$30 for each company.~~

~~3. Form DI4-561, “Health Insurance Filing Requirements Summary,” rev. 7/91, which is hereby adopted and incorporated by reference, completed for all filings, including form and rate filings.~~

~~3.4. The actuarial memorandum, completed as required by Rule 4-149.006, F.A.C., “Actuarial Memorandum and Definitions.”~~

~~4.5. Rate pages that which define all proposed rates, rating factors and methodologies for determining rates applicable in the state. For companies which have a complete rate manual on file with the department, only the pages that are being changed need to be filed, unless requested by the Department.~~

~~5.6. The material described in subsection (5), below, if applicable.~~

~~7. An envelope large enough to contain the material and with sufficient prepaid postage to ensure its acceptance by the U.S. Postal Service if the insurer wishes to have the material returned rather than destroyed as provided in paragraph (a), above.~~

~~(3) Filings, as that term is defined in subsections (1) and (2), above, shall be mailed to: Bureau of Life and Health Forms & Rates, Division of Insurer Services, Department of Insurance, Post Office Box 8040, Tallahassee, FL 32301-8040 32314-5320 or submitted electronically to lhfrbureau@doi.state.fl.us. All filings sent to the Department by Federal Express or any other form of special delivery shall be delivered to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328 32301.~~

~~(4) Every insurer submitting a rate filing shall be notified as to whether the filing has been deemed approved, has been affirmatively approved by the Department, or has been disapproved by the Department, including disapprovals for failure of the material to meet the definition of a “filing” or for~~

illegibility, within any statutory review period of the date of receipt of the filing. Every insurer submitting a rate filing which does not comply with the requirements of Rules 4-149.001 through 4-149.006, F.A.C., or for which the Department determines that additional information is necessary for a proper review, will be notified of the additional information necessary deficiencies in the filing within the statutory limit. Every insurer shall submit the required data by a date certain stated in the clarification deficiency letter, to allow the Department sufficient time to perform a proper review. Failure to correct the filing deficiencies by the date certain in the clarification deficiency letter will result in an affirmative disapproval of the filing by the Department.

(5) After April 18, 1994, an insurer ~~that which~~ agrees to administer or ~~that which~~ purchases the business under a policy form from another insurer shall provide calendar year experience since inception of the policy form (or the last 3 ~~three~~ years for a group policy form, with no separation of experience data by issue year required), in the detail presented in Rule 4-149.006(3)(b)23., F.A.C. If the insurer believes that the data is not reasonably available and cannot be reasonably reconstructed at reasonable expense, then the insurer shall consult with the Department in order to address the issue of the required lifetime loss ratio. If, after such consultation, the experience since inception (or the last 3 ~~three~~ years for a group policy form) is still required and is not provided, then any rate adjustment granted will be limited to the change in the Medical CPI for the most recent calendar year.

Specific Authority 624.308(1), 627.410(6)(b),(e) FS. Law Implemented 119.07(1)(b), 627.410 FS. History—New 7-1-85, Formerly 4-58.03, 4-58.003, Amended 8-23-93, 4-18-94, 8-22-95,\_\_\_\_\_.

4-149.021 Form Filing Procedures.

(1)(a)1. All filings shall be made in accordance with paragraph (b) below.

2. All material submitted shall be legible. A file which is illegible or which contains illegible material will be disapproved without any further processing returned unprocessed. No filing will be processed until it is complete. A complete filing consists of the material described in paragraph (b).

3. For purposes of the rules in this Part and the time periods in Section 627.410, Florida Statutes, a filing is considered “filed” with the Department upon the receipt of the material required by paragraph (b). For purposes of the rules in this Part, the term “filed” does not mean “approved.” The term “filed” refers to the date on which the filing is filed with the Department and is the date on which the approval process of Section 627.410, Florida Statutes, commences. “Filing” with the Department does not constitute approval of the form filing.

(b) A complete form filing shall consist of one copy of each of the following items:

1. A brief transmittal letter, ~~in triplicate~~, explaining the type and nature of the filing, including the subject, the purpose, and any unusual features relative to products being sold by other companies. The letter shall also indicate if the filing is new or is a resubmission. If the filing is a resubmission, the letter shall indicate when the previous filing was submitted, the Florida filing number and the date of the ~~approval or~~ disapproval. If the filing is either a group life or a group annuity form, the letter shall indicate the Florida statute number under which the form is to be issued.

2. ~~Form DI4-1507, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter", rev. 7/01, completely filled out in accordance with Form DI4-1507A, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet", rev. 7/01. Form DI4 560, "Standardized Data Letter/Florida Department of Insurance/Division of Insurer Services/Forms Filing (Life and Annuities)," rev. 4/91, completely filled out, including the certification in Part III; or Form DI4 562A, "Standardized Data Letter/Florida Department of Insurance/Division of Insurer Services/Health Forms Filing," rev. 4/91, completely filled out, including the certification in Part III, completed in accordance with the instructions contained in Form DI4 562, "Standardized Data Letter/Health Insurance/Instruction Sheet," rev. 7/91. When submitted, both Form DI4 560 and Form DI4 562A shall contain the company's bar code label in the upper right hand corner of the form. Additional bar code labels may be obtained from the Document Processing Section, Division of Administration, Larson Building, Tallahassee, FL 32399-0311. The request must be in writing and must contain the company name, the federal employer identification number, and payment for \$30 for each company.~~

3. ~~Form DI4 561, "Health Insurance Filing Requirements Summary," rev. 7/91, for all health form filings.~~

~~3.4.~~ The checklist appropriate for the type of form being filed and any information required by that checklist. All forms and checklists are listed and adopted in Rule 4-149.022, F.A.C.

5. ~~Form DI4 546, "Checklist Certification," rev. 4/91, signed by a company officer or a designated compliance person.~~

~~4.6.~~ Any certifications of ~~readability~~, rates, cost indices, or other items, if required by the appropriate checklist or by rule.

~~5.7.~~ ~~One copy~~ ~~Three copies~~ of the form(s) being filed. Each form must include the name of the company, and each form must have an identifying form number in the lower left hand corner of the first page of the form.

~~6.8.~~ Each filing shall contain an actuarial memorandum, certified and signed by a qualified actuary. The actuarial memorandum for life and annuity product filings shall demonstrate compliance with the Standard Valuation Law. In

addition, filings for life insurance products other than annuities shall demonstrate compliance with the Standard Nonforfeiture Law.

~~9. If the insurer wishes a copy of the form stamped with the Department's approval, the insurer shall include a self-addressed envelope, with sufficient postage affixed, as part of the form filing.~~

(2) Each filing shall contain forms for only one type of coverage, i.e., ordinary life, variable life, major medical, etc. However, a filing may contain more than one form if the forms are for the same type of coverage.

(3) Each filing shall contain forms for only one company.

(4) ~~Combination forms, products that contain both life and health coverages,~~ shall be submitted separately but simultaneously ~~to the address in subsection (5), below. Each submission shall and shall~~ be clearly marked to indicate that they are combination filings, one as life and one as health whether the filing is for life or for health.

(5) Complete filings shall be mailed to: Bureau of Life and Health Forms & Rates, Division of Insurer Services, Department of Insurance, Post Office Box 8040 5320, Tallahassee, FL 32301-8040 32314-5320 or submitted electronically to [lhfrbureau@doi.state.fl.us](mailto:lhfrbureau@doi.state.fl.us). All filings sent to the Department by Federal Express or any other form of special delivery shall be delivered to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-032800.

(6) Every insurer submitting a form filing shall be notified as to whether the filing has been affirmatively approved by the Department, or has been disapproved by the Department, including disapprovals for failure of the material to meet the definition of a "filing" or for illegibility, within any statutory review period of the date of receipt of the filing. Every insurer submitting a form filing for which the Department determines that additional information is necessary for a proper review will be notified of the additional information within the statutory limit. Every insurer shall submit the required data by a date certain stated in the clarification letter to allow the Department sufficient time to perform a proper review. Failure to correct the filing by the date certain in the clarification letter will result in an affirmative disapproval of the filing by the Department. Only complete filings in accordance with this rule will be processed. Any filing submitted without all of the required forms or information will be considered incomplete. All incomplete filings will be returned without processing.

(7) Definitions. As used in this rule:

(a) New Filing – A new filing is one that is being submitted for the first time. This includes submission of revisions to a previously approved form.

(b) Resubmission – A filing submission in response to a final disapproval from the Department is a resubmission. It is given a new filing number by the Department. This term does

not apply to ongoing correspondence under the same filing number before an affirmative approval or disapproval by the Department.

Specific Authority 624.308 FS. Law Implemented 624.307, 625.121, 627.410, 627.476, 627.807 FS. History—New 10-29-91, Amended 8-23-93, 4-18-94, 8-22-95, 5-15-96,\_\_\_\_\_.

4-149.022 Forms Adopted.

(1) The forms adopted in subsection (2), below, shall be used, as applicable, by insurers making form filings for life and accident insurance, annuities, and health insurance. All the forms in subsection (2), below, are hereby adopted and incorporated by reference. All forms may be obtained from the Document Processing Section, Division of Administration, Department of Insurance, Larson Building, Tallahassee, FL 32399-0311. Forms are also available and may be printed from the Department’s website: www.doi.state.fl.us. All forms may be reproduced at will.

(2)(a) Form DI4-1507, “The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter”, rev. 7/01.

(b) Form DI4-1507A, “The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet”, rev. 7/01.

(a) through (z) renumbered (c) through (bb) No change.

~~(aa) Form DI4-546, “Checklist Certification,” rev. 4/91.~~

(bb) through (ll) renumbered (cc) through (nn) No change.

~~(oo)(mm) Form DI4-560, “Standardized Data letter/Florida Department of Insurance/Division of Insurer Services/Forms Filing (Life and Annuities),” rev. 4/91.~~

~~(nn) Form DI4-561, “Health Insurance Filing Requirements Summary,” rev. 7/91.~~

~~(oo) Form DI4-562A, “Standardized Data Letter/Florida Department of Insurance/Division of Insurer Services/Health Forms Filing,” rev. 4/91.~~

~~(pp) Form DI4-562, “Standardized Data Letter/Health Insurance/Instruction Sheet,” rev. 7/91.~~

Specific Authority 624.308 FS. Law Implemented 627.410 FS. History—New 10-29-91, Amended 5-15-96,\_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

RULE TITLE: Forms Adopted  
 RULE NO.: 4-149.022

PURPOSE AND EFFECT: The purpose of the proposed rule development is to adopt revised forms that are part of the policy form filing process for life and health insurance companies. The revised forms are checklists of Florida laws and rules that set forth various provisions which insurers are required to include in insurance policies. The checklists aid insurers in complying with Florida laws and rules. The revisions reflect the adoption of new statutes and rules, as well as amendments to existing statutes or rules, which have

changed various policy provision requirements. Copies of the new forms are available and may be printed from the department’s web site: [www.doi.state.fl.us](http://www.doi.state.fl.us)

SUBJECT AREA TO BE ADDRESSED: The filling of life and health insurance policy forms with the Department.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 627.410 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: 10:30 a.m. – 12:00 p.m., November 7, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frank Dino, Actuary, Division of Insurer Services, Department of Insurance, 200 E. Gaines Street, Room 312D, Larson Building, Tallahassee, FL 32399-0328, (850)413-5014

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-149.022 Forms Adopted.

(1) The forms adopted in subsection (2), below, shall be used, as applicable, by insurers making form filings for life and accident insurance, annuities, and health insurance. All the forms in subsection (2), below, are hereby adopted and incorporated by reference. All forms may be obtained from the Document Processing Section, Division of Administration, Department of Insurance, Larson Building, Tallahassee, FL 32399-0311. Forms are additionally available and may be printed from the department’s web site: [www.doi.state.fl.us](http://www.doi.state.fl.us). All forms may be reproduced at will.

(2)(a) Form DI4-1507, “The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter”, rev. 7/01.

(b) Form DI4-1507A, “The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet”, rev. 7/01.

~~(a) Form DI4-519, “Filing Instructions for Group and Individual Health Insurance,” rev. 4/91.~~

~~(c)(b) Form DI4-520, “Florida Individual Health Application Checklist,” rev. 4/91.~~

~~(d)(e) Form DI4-521, “Florida Individual Health Contract Outline of Coverage Checklist,” rev. 4/91.~~

~~(d)~~ Form DI4-522, "Florida Individual Health Contracts Additional Items for Filings Checklist," rev. 4/91.

~~(d)(e)~~ Form DI4-523, "Florida Individual Health Contract Checklist," rev. 4/91.

~~(e)(f)~~ Form DI4-524, "Florida Out-of-State Group Health Checklist," rev. 4/91.

~~(f)(g)~~ Form DI4-525, "Florida Group Health Application Checklist for Employees, Labor Union and Association Groups," rev. 4/91.

~~(g)(h)~~ Form DI4-526, "Florida Group Health Checklist for Employees, Labor Unions and Association Groups," rev. 4/91.

~~(h)(i)~~ Form DI4-527, "Florida Health Application Checklist for Debtor Groups," rev. 4/91.

~~(i)(j)~~ Form DI4-528, "Florida Additional Information Checklist for Debtor Groups," rev. 4/91.

~~(j)(k)~~ Form DI4-529, "Florida Group Health Contract Checklist for Debtor Groups," rev. 4/91.

~~(k)~~ Form DI4-530, "Florida Group Health Application Checklist for Additional Groups/F.S. 627.656," rev. 4/91.

~~(m)~~ Form DI4-531, "Florida Group Health Checklist for Additional Groups, Employees and Dependents," rev. 4/91.

~~(n)~~ Form DI4-532, "Florida Franchise Health Contracts/F.S. 627.663/Additional Items for Filing Checklist," rev. 4/91.

~~(o)~~ Form DI4-533, "Optional Coverages/F.S. 627.656/Additional Groups Checklist," rev. 4/91.

~~(p)~~ Form DI4-534, "Florida Additional Groups Additional Information Checklist/F.S. 627.656 (F.S. 627.5565)," rev. 4/91.

~~(k)(q)~~ Form DI4-535, "Checklist for Blanket Health Contracts/F.S. 627.659," rev. 4/91.

~~(l)(r)~~ Form DI4-536, "Florida Franchise Health Application Checklist," rev. 4/91.

~~(m)(s)~~ Form DI4-537, "Florida Franchise Health Contract Outline of Coverage Checklist," rev. 4/91.

~~(n)(t)~~ Form DI4-538, "Florida Franchise Health Contract Checklist," rev. 4/91.

~~(o)(u)~~ Form DI4-539, "Florida Excess-Specific and Aggregate Checklist/Florida Statute 624.406," rev. 4/91.

~~(p)(v)~~ Form DI4-540, "Informational Memorandum Checklist/Florida Excess Specific and Aggregate/F.S. 624.406," rev. 4/91.

~~(q)(w)~~ Form DI4-541, "Florida Health Application Checklist for Long Term Care Groups," rev. 4/91.

~~(r)(x)~~ Form DI4-542, "Florida Long Term Care Checklist/Outline of Coverage," rev. 4/91.

~~(s)(y)~~ Form DI4-543, "Florida Long Term Care Contract Checklist," rev. 4/91.

(t) Form DI4-1353, "Florida Pre-Paid Limited Health Services Contract Checklist," 7/00.

(u) Form DI4-1354, "Florida Individual Medicare Supplement Health Application Checklist," 7/00.

(v) Form DI4-1355, "Florida Medicare Supplement Contract Checklist," 7/00.

(w) Form DI4-1356, "Florida HMO Contract Checklist (Includes Individual, Large, And Small Group)," 7/00.

(x) Form DI4-1357, "Florida Small Group Health Checklist For Indemnity Plans Other Than Standard And Basic," 7/00.

(y) Form DI4-1358, "Florida Pre-Paid Limited Health Services Group Application," 7/00.

(z) Form DI4-1359, "Florida Pre-Paid Limited Health Services Conversion Application," 7/00.

(aa) Form DI4-1360, "Florida Pre-Paid Limited Health Services Individual Application," 7/00.

(bb) Form DI4-1314, "Individual Fraternal Whole Life," 7/00.

(cc) Form DI4-1328, "Out-of-State Group Term Life," 7/00.

(dd) Form DI4-1329, "Out-of-State Group Whole Life," 7/00.

(ee) Form DI4-1330, "Out-of-State Group Universal Life," 7/00.

(ff) Form DI4-1342, "Group Enrollment Application Variable Annuity," 7/00.

(gg) Form DI4-1343, "Out-of-State Group Variable Life," 7/00.

(hh) Form DI4-1345, "Group Universal Life," 7/00.

(ii) Form DI4-1346, "Individual Life Application," 7/00.

(jj) Form DI4-1347, "Individual Fixed Annuity Application," 7/00.

(kk) Form DI4-1348, "Individual Variable Annuity Application," 7/00.

(ll) Form DI4-1349, "Group Enrollment Application (non variable annuity)," 7/00.

(mm) Form DI4-1350, "Master Group Application," 7/00.

(nn) Form DI4-1351, "Industrial Life Policy," 7/00.

(oo) Form DI4-1352, "Individual Non-Variable Annuity Policy," 7/00.

(pp) Form DI4-1363, "Group Non-Variable Annuity Policy," 7/00.

(qq) Form DI4-1364, "Individual Variable Annuity Policy," 7/00.

(rr) Form DI4-1365, "Group Variable Annuity Policy," 7/00.

(ss) Form DI4-1366, "Out-of State Group Annuity Policy," 7/00.

(tt) Form DI4-1367, "Endorsement, Amendments, Riders," 7/00.

(uu) Form DI4-1368, "Accelerated Death Benefit Rider," 7/00.

(vv) Form DI4-1369, "Credit Life and Disability," 7/00.

- (ww) Form DI4-1382, "Individual Fraternal Term Life," 7/00.
- (xx) Form DI4-1383, "Group Fraternal Term Life," 7/00.
- (yy) Form DI4-1384, "Individual Variable Life," 7/00.
- (zz) Form DI4-1485, "Group Fraternal Term Life," 7/00.
- (aaa) Form DI4-1486, "Group Fraternal Whole Life," 7/00.
- (bbb) Form DI4-1487, "Group Fraternal Universal Life," 7/00.
- (ccc) Form DI4-1488, "Group Term Life," 7/00.
- (ddd) Form DI4-1489, "Group Variable Life," 7/00.
- (eee) Form DI4-1490, "Group Whole Life," 7/00.
- (fff) Form DI4-1491, "Individual Fraternal Universal Life," 7/00.
- (ggg) Form DI4-1492, "Individual Fraternal Variable Life," 7/00.
- (hhh) Form DI4-1493, "Individual Term Life," 7/00.
- (iii) Form DI4-1494, "Individual Universal Life," 7/00.
- (jjj) Form DI4-1496, "Individual Whole Life," 7/00.
- ~~(z) Form DI4-545, "Filing Instructions for: Life, Annuities, Credit Life and Credit Disability, Variable Life and Variable Annuity Forms," rev. 4/91.~~
- ~~(bb) Form DI4-547, "Life and Annuity Individual Applications Checklist," rev. 4/91.~~
- ~~(cc) Form DI4-548, "Individual Ordinary Life Policies Checklist," rev. 4/91.~~
- ~~(dd) Form DI4-549, "In State Group Life Policies Checklist," rev. 4/91.~~
- ~~(ee) Form DI4-550, "Out of State Group Life Policies Checklist," rev. 4/91.~~
- ~~(ff) Form DI4-551, "Individual or Group Universal Life Policies and/or Variable Life Policies Checklist," rev. 4/91.~~
- ~~(gg) Form DI4-552, "Individual or Group Credit Life Policies Checklist," rev. 4/91.~~
- ~~(hh) Form DI4-553, "Individual or Group Credit Disability Policies Checklist," rev. 4/91.~~
- ~~(ii) Form DI4-554, "Industrial Life Policies Checklist," rev. 4/91.~~
- ~~(jj) Form DI4-555, "Fixed Annuity Checklist," rev. 4/91.~~
- ~~(kk) Form DI4-556, "Variable Annuity Checklist," rev. 4/91.~~
- ~~(ll) Form DI4-557, "Fixed or Variable Group Annuity Checklist," rev. 4/91.~~
- (mm) through (pp) No change.

Specific Authority 624.308 FS. Law Implemented 627.410 FS. History—New 10-29-91, Amended 5-15-96,\_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE CHAPTER TITLE: Florida Nursery Stock and Certification Fees

RULE CHAPTER NO.: 5B-2

RULE TITLE: Special Inspection and Certification Fees

RULE NO.: 5B-2.010

PURPOSE AND EFFECT: The purpose of this rule revision is to increase the fees charged for phytosanitary export certification and other special inspection and certification programs. The effect will be to increase the inspection charges by the following amounts: inspection and state of origin certificate, phytosanitary export certificate, and phytosanitary reexport certificate is being increased from \$35 to \$50 per inspection. Other special inspections are being increased from \$35 to \$50 per inspection. There will also be a change in the amount charged for each additional phytosanitary export, phytosanitary reexport, inspection and state of origin, and other applicable special inspection certificate written at the same location provided no inspection was made, from \$5 to \$15 per certificate. Phytosanitary export certificate noncommercial (homeowner plants or homeowner plant products) and temporary certificate of inspection is being increased from \$15 to \$25 per inspection. Cut flower and cut fern inspection is being increased from \$5 per acre per crop to \$10 per acre per crop and from a \$15 minimum to a \$25 minimum with no maximum. Import inspection for commercial shipments of plants and plant products from \$35 per hour, per inspector to \$50 per hour per inspector and from a \$35 minimum to a \$50 minimum. Growing season field inspection of bulbs, seed, vegetable, and tobacco transplants from \$5 per acre per crop to \$10 per acre per crop and from a \$15 minimum to a \$25 minimum with no maximum. Vegetable transplants, aquatic, and annual (bedding) plants (greenhouse, hotbeds, or other growing units) from \$15 to \$25 minimum for the first 10,000 square feet of growing unit space or less and from \$2 to \$5 per 1,000 square feet of additional growing space per inspection. Nematode certification from \$20 to \$30 per sample. Fumigation fees for loads exceeding 40 cubic feet from \$240 to \$260. Special diagnostic fees for entomology from \$40 to \$55 per sample. Plant Pathology disease specimens from \$40 to \$55 per sample. Lettuce mosaic samples from \$80 to \$90 per sample. Nematology samples from \$20 to \$25 per sample. Grades and Standards regrading inspections from a system where the charge was based on the number of plants regraded having a range from \$25 to a maximum of \$250 will be changed to a \$50 per hour, per inspector charge. Permits for importing regulated organisms will be changed from \$10 to \$12.50 per species not to exceed \$60 instead of \$50.

SUBJECT AREA TO BE ADDRESSED: The fees being charged for phytosanitary export certification and other special inspection and certification programs will be increasing by the

following amounts: inspection and state of origin certificate, phytosanitary export certificate, and phytosanitary reexport certificate is being increased from \$35 to \$50 per inspection. Other special inspections are being increased from \$35 to \$50 per inspection. There will also be a change in the amount charged for each additional phytosanitary export, phytosanitary reexport, inspection and state of origin, and other applicable special inspection certificate written at the same location provided no inspection was made, from \$5 to \$15 per certificate. Phytosanitary export certificate noncommercial (homeowner plants or homeowner plant products) and temporary certificate of inspection is being increased from \$15 to \$25 per inspection. Cut flower and cut fern inspection is being increased from \$5 per acre per crop to \$10 per acre, per crop and from a \$15 minimum to a \$25 minimum with no maximum. Import inspection for commercial shipments of plants and plant products from \$35 per hour per inspector to \$50 per hour per inspector and from a \$35 minimum to a \$50 minimum. Growing season field inspection of bulbs, seed, vegetable, and tobacco transplants from \$5 per acre per crop to \$10 per acre per crop and from a \$15 minimum to a \$25 minimum with no maximum. Vegetable transplants, aquatic, and annual (bedding) plants (greenhouse, hotbeds, or other growing units) from \$15 to \$25 minimum for the first 10,000 square feet of growing unit space or less and from \$2 to \$5 per 1,000 square feet of additional growing space per inspection. Nematode certification from \$20 to \$30 per sample. Fumigation fees for loads exceeding 40 cubic feet from \$240 to \$260. Special diagnostic fees for entomology from \$40 to \$55 per sample. Plant Pathology disease specimens from \$40 to \$55 per sample. Lettuce mosaic samples from \$80 to \$90 per sample. Nematology samples from \$20 to \$25 per sample. Grades and Standards regrading inspections from a system

where the charge was based on the number of plants regraded having a range from \$25 to a maximum of \$250 will be changed to a \$50 per hour, per inspector charge. Permits for importing regulated organisms will be changed from \$10 to \$12.50 per species not to exceed \$60 instead of \$50.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1),(3),(8) FS.

LAW IMPLEMENTED: 581.031(8),(14),(21),(23), 581.131, 581.141 FS.

IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

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

PLACE: Doyle Conner Building, 1911 Southwest 34th Street, Gainesville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Gaskalla, Director, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100, Telephone (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 5B-2.010 Special Inspection and Certification Fees.

Special inspection and certification services that may be provided by the division, when requested by farmers, growers or other interested parties may include special treatments, special pest identifications, special plant identifications, special investigations, and special regulatory activities not otherwise specifically provided for by Chapter 581, Florida Statutes (F.S.). Governmental agencies requesting special inspections or permits for research purposes shall be exempt from fees. The prescribed fees for these special inspections and certifications shall be as follows:

TYPE OF CERTIFICATION	CHARGE	FORM
Inspection and state of origin certificate, Phytosanitary export certificate, Phytosanitary reexport certificate. <sup>2</sup>	Mileage <sup>1</sup> and <del>\$50</del> <u>\$35</u> minimum per inspection, <del>or, Mileage and \$25 minimum per certificate issued based on other support documents (fruit and vegetable manifest, etc.)</del> .	DACS-08014 <sup>3</sup> , Phytosanitary Export Certificate, revised 10/99. DACS-08050 <sup>3</sup> , Inspection and State of Origin Certificate, revised 7/99. DACS-08166 <sup>3</sup> , Attachment For State Phytosanitary Export Certificate, revised 6/99.
Other special inspections. <sup>2</sup>	Mileage <sup>1</sup> and <del>\$50</del> <u>\$35</u> minimum per inspection, <del>or, Mileage and \$25 minimum per certificate issued based on other support documents (fruit and vegetable manifest, etc.)</del> .	DACS-08211 <sup>3</sup> , Blueberry Certificate, revised 8/99. DACS-08212 <sup>3</sup> , Apple Maggot Certificate, revised 8/99. DACS-08046 <sup>3</sup> , Mamey Stamp, revised 5/99. DACS-08213 <sup>3</sup> , Caribfly Fumigation Certificate, revised 10/99. DACS-08240 <sup>3</sup> , Cold Treatment-California Caribbean Fruit Fly Quarantine, revised 12/99. DACS-08221 <sup>3</sup> , California Hydrilla Quarantine, revised 12/99. DACS-08260 <sup>3</sup> , Noxious Weed Certification, revised 9/99.
Phytosanitary export certificate noncommercial (homeowner plants or homeowner plant products), and temporary certificate of inspection.	Mileage <sup>1</sup> and <del>\$25</del> <u>\$15</u> minimum per inspection.	DACS-08214 <sup>3</sup> , Phytosanitary Export Certificate, revised 10/99. DACS-08010 <sup>3</sup> , Temporary Certificate of Inspection, revised 7/99.
Cut flower, cut fern.	<del>\$10</del> <u>\$5</u> per acre per crop inspection plus mileage, <del>\$25</del> <u>\$15</u> minimum, <del>\$460 maximum</del> .	DACS-08289 <sup>3</sup> , Certificate for Cut Foliage, Flowers & Aquatic Plants, revised 8/99.
Import inspection for commercial shipments of plants or plant products.	Mileage <sup>1</sup> and <del>\$50</del> <u>\$35</u> per hour per inspector from time of arrival to departure, <del>\$50</del> <u>\$35</u> minimum.	DACS-08001 <sup>3</sup> , Nursery, Stockdealer & Special Inspection Report, revised 12/99.
Growing season field inspection of bulbs, seed, vegetable and tobacco transplants.	<del>\$10</del> <u>\$5</u> per acre per crop inspection plus mileage, <del>\$25</del> <u>\$15</u> minimum, <del>\$460 maximum</del> .	DACS-08159 <sup>3</sup> , Growing Season Inspection Report, revised 11/99. DACS-08237 <sup>3</sup> , Vegetable Inspection Report, revised 10/99.
Witnessing budwood or graftwood cutting.	Mileage <sup>1</sup> and \$5 per 1000 budeyes cut, \$10 minimum, \$25 maximum.	DACS-08172 <sup>3</sup> , Source Tree Bud Cutting Report, revised 10/99. DACS-08111, Certification to Witness Registered Budwood, revised 7/99.
Vegetable transplants, aquatic and annual (bedding) plants (greenhouse, hotbeds, or other growing units).	Mileage <sup>1</sup> and <del>\$25</del> <u>\$15</u> minimum for first 10,000 square feet of growing unit space or less and <del>\$5</del> <u>\$2</u> per 1,000 square feet of additional growing space per inspection.	DACS-08237 <sup>3</sup> , Vegetable Inspection Report, revised 10/99. DACS-08289 <sup>3</sup> , Certificate for Cut Foliage, Flowers & Aquatic Plants, revised 8/99. DACS-08290 <sup>3</sup> , Tomato/Tobacco Plant Certificate, revised 8/99.



Nematode certification.	Mileage <sup>1</sup> and <del>\$30</del> \$20 per sample.	DACS-08038 <sup>3</sup> , Citrus Nursery Stock Inspection Tag, revised 7/99. DACS-08048 <sup>3</sup> , Burrowing Nematode Certificate, revised 2/00. DACS-08049 <sup>3</sup> , Nematode Certificate of Inspection for Shipping Nursery Stock to California, revised 7/99. DACS-08130 <sup>3</sup> , Reniform Nematode Certificate, revised 2/00. DACS-08254 <sup>3</sup> , Nematode Certificate of Inspection For Shipping Nursery Stock to California From Stockdealers, revised 2/00. DACS-08270 <sup>3</sup> , Consolidation Declaration For Florida, revised 12/99.
Fumigation services.	\$150 per fumigation of loads 40 cu. ft. or less, <del>\$300</del> \$240 per fumigation of loads exceeding 40 cu. ft.	DACS-08207 <sup>3</sup> , Request for Fumigation, revised 1/99. DACS-08099 <sup>3</sup> , Certificate of Treatment, revised 1/00.
Irradiation treatment.	\$200 minimum, \$500 per hour.	
Special diagnostic fees		
Entomology	<del>\$55</del> \$40 per sample	DACS-08074 <sup>3</sup> , Entomology Specimen Identification, revised 11/99.
Plant Pathology Disease specimens	<del>\$55</del> \$40 per sample	DACS-08079 <sup>3</sup> , Plant Pathology Specimen Report, revised 1/00.
Lettuce mosaic samples	<del>\$90</del> \$80 per sample ( <del>\$180</del> \$160 if found positive).	
Nematology Roots and soil	<del>\$25</del> \$20 per sample	DACS-08077 <sup>3</sup> , Nematology Specimen Report, revised 9/99.
Caribbean fruit fly protocol participation	\$3.50 per acre per month	DACS-08161 <sup>3</sup> , Application for Participation, revised 12/99. DACS-08233 <sup>3</sup> , Caribfly Certification Program-Establishment of McPhail Traps, revised 12/99.

Grades and Standards Grades and Standards	DACS-08228 <sup>3</sup> , Grades & Standards – Regrading
<u>Mileage<sup>1</sup> and \$50 per hour per inspector from time of arrival to departure, \$50 minimum.</u>	Inspection Report, revised 10/99
1— 50 plants	Mileage <sup>1</sup> and \$25
51— 100 plants	Mileage <sup>1</sup> and \$50
101— 200 plants	Mileage <sup>1</sup> and \$75
201— 300 plants	Mileage <sup>1</sup> and \$100
301— 400 plants	Mileage <sup>1</sup> and \$125
401— 500 plants	Mileage <sup>1</sup> and \$150
501— 1000 plants	Mileage <sup>1</sup> and \$200
Over 1000 plants	Mileage <sup>1</sup> and \$250

Permits for importing regulated organisms.	<del>\$12.50</del> \$40 per species not to exceed \$50 per permit.	DACS-08208 <sup>3</sup> , Application and Permit to Move Regulated Organisms, revised 01/00.
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<sup>1</sup> Mileage shall be based on the prevailing state mileage rate.

<sup>2</sup> There shall be a ~~\$15~~ \$5 charge for each additional phytosanitary export, phytosanitary reexport, inspection and state of origin, and other applicable special inspection certificate written at the same location provided no inspection was made.

<sup>3</sup> All DACS forms referenced above are supplied by the division and are incorporated herein by reference. Copies of any of these forms may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

Specific Authority 570.07(23), 581.031(1),(3) FS. Law Implemented 581.031(8),(14),(23) FS. History—New 6-15-81, Amended 10-28-85, Formerly 5B-2.10, Amended 7-27-86, 5-6-87, 11-19-89, 5-17-92, 11-29-95, 4-9-96, 10-8-96, 6-12-00,\_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Citrus Budwood Protection Program	5B-60

RULE TITLES:	RULE NOS.:
Citrus Budwood Protection Procedure Manual,	
Citrus Budwood Testing Manual, and	
Graft-Transmissible Diseases of Citrus:	
Handbook for Detection and Diagnosis	5B-60.004

Increase Trees	5B-60.010
Source Tree Registration Certificate	5B-60.012

**PURPOSE AND EFFECT:** The purpose of this rule revision is to change the tested increase block use from nine to 12 months and to change the rule to add the form “Statement of Charges For Annual Source Tree Registration” (DACS-08064), that was previously left out of the rule. The current nine-month time frame for tested increase blocks is difficult for the data tracking system to deal with from a record keeping standpoint. There is no evidence that citrus tristeza virus (CTV) is moving into increase blocks and three additional months will make very little difference. The standard CTV test in field scion trees is valid for a period of 12 months, so it is logical for testing in field nurseries to be the same life expectancy. The nurserymen would benefit from an additional three months of budwood harvest time.

**SUBJECT AREA TO BE ADDRESSED:** The time frame of nine months for increase trees tested negatively between the 22nd and the 24th month for severe strains of CTV will be changed to a time frame of 12 months. Also, a billing form, "Statement of Charges For Annual Source Tree Registration" (DACS-80864) will be added and the section subsequently renumbered. This change necessitates updating of the Citrus Budwood Protection Manual, the Citrus Budwood Testing Manual, and the Graft-Transmissible Diseases of Citrus: Handbook for Detection and Diagnosis and, therefore, changing of the rule to reflect the new revision dates of those manuals.

**SPECIFIC AUTHORITY:** 570.07(23), 581.031(1),(3),(8) FS.

**LAW IMPLEMENTED:** 570.07(2),(13), 570.0705, 581.031(1),(14), (17),(23) FS.

**IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

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

**PLACE:** Shaw Building, 3027 Lake Alfred Road, Winter Haven, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Michael Kesinger, Chief, Bureau of Citrus Budwood Registration, Division of Plant Industry, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438, telephone (863)298-7735

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

5B-60.004 Citrus Budwood Protection Procedure Manual, Citrus Budwood Testing Manual, and Graft-Transmissible Diseases of Citrus: Handbook for Detection and Diagnosis.

The regulations, definitions, and standards in Citrus Budwood Protection Procedure Manual, Revised 3/01/01 ~~4/21/00~~, Citrus Budwood Testing Manual, Revised 3/08/01 ~~September 16, 1999~~, and C. N. Rostacher, Graft-transmissible Diseases of Citrus: Handbook for detection and diagnosis. (Food and Agricultural Organization of the United Nations, Rome, 1991) are hereby adopted as regulations and rules under the Division of Plant Industry, pursuant to Chapter 581, F.S. Copies may be obtained by contacting the Secretary of State's Office, Tallahassee, Florida. Copies are available for examination at the Florida Department of Agriculture and Consumer Services, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881, and the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Plant Pathology Section, 1911 S.W. 34th Street, Gainesville, Florida 32608-1201.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(23), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00,\_\_\_\_\_.

#### 5B-60.010 Increase Trees.

Increase trees shall be registered on a Certificate of Source Tree Registration (DACS-08072) as specified in 5B-60.012 provided they have been propagated as follows:

(1) through (7) No change.

(8) Trees propagated as increase trees under this rule chapter must only serve as registered sources of budwood with no testing required for a period of up to 24 months from budding. Increase trees can be used for twelve ~~nine~~ more months if tested negatively between the 22nd and 24th month for severe strains of citrus tristeza virus. Test samples must be as follows:

(a) through (d) No change.

(9) through (11) No change

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00,\_\_\_\_\_.

#### 5B-60.012 Source Tree Registration Certificate.

(1) through (3) No change.

(4) Billing. Annual source tree registration fees shall be billed annually on the Statement of Charges For Annual Source Tree Registration (DACS-08064). Form DACS-08064, Revised 3/01, is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

~~(5)(4)~~ Cancellation. Source Tree Registration Certificates (DACS-08072) may be canceled or suspended upon:

(a) through (h) No change.

~~(6)(5)~~ Registration fees will not be refunded if the Certificate of Source Tree Registration (DACS-08072) is canceled.

~~(7)(6)~~ Reinstatement. The Certificate of Source Tree Registration (DACS-08072) canceled or suspended as provided above may be reinstated when:

(a) through (d) No change.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00,\_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Entomology – Pest Control Regulations	5E-14
RULE TITLES:	RULE NOS.:
Definitions	5E-14.102
Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms	5E-14.105
Fumigation Requirements – General Fumigation	5E-14.108
Responsibilities and Duties – Records, Reports, Advertising, Applications	5E-14.142
Identification Card – Training Verification Application, Issuance, Renewal	5E-14.1421

**PURPOSE AND EFFECT:** The purpose and effect of the rule development is to amend Rule 5E-14 to address Statute changes, to obtain improved consumer protection provisions by modifying pest control contracts and the Wood Destroying Organism reporting form. This rule amendment also adds a new Section 5E-14.1421: Identification Card – Training Verification, to further protect consumers by insuring that operator’s competence through training is verifiable.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed is the modification of pest control contracts, the Wood Destroying Organism form, and addition of a section to address verification of training for pest control identification card holders.

**SPECIFIC AUTHORITY:** 482.051, 482.071, 482.111, 482.141, 482.155, 482.156, 482.091 FS.

**LAW IMPLEMENTED:** 482.051, 482.071, 482.111, 482.141, 482.151, 482.155, 482.156 FS.

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

**TIME AND DATE:** 10:00 a.m., November 26, 2001

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

**TIME AND DATE:** 10:00 a.m., November 27, 2001

**PLACE:** Hurston South Tower, Conference Room “A” and “B”, 400 West Robinson Street, Orlando, Florida 32810

**TIME AND DATE:** 10:00 a.m., November 28, 2001

**PLACE:** Broward County Cooperative Extension Office, 3245 College Avenue, Davie, Florida 33314

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Steven J. Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

5E-14.102 Definitions.

(1) through (7) No change.

(8) “Spot treatment” – Treatment restricted to specific area(s) of a structure to control or prevent pests, not including complete termiticide barrier treatments that treat an entire structure including all construction elements existing in, on or under the structure at the time of treatment, whole structure fumigation, or other treatment methods that encompass an entire structure.

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

5E-14.105 Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

(1) through (3) No change.

(4) In contracts covering spot treatments for wood-destroying organism(s), the requirements of Subsections 5E-14.105(1) and (2) shall apply. In addition to these, a statement shall be made on the front page of the contract, in conspicuous type, that the treatment is a treatment of only specific areas and is not to be considered a treatment of the entire structure. The property owner or authorized agent must initial this statement. The specific areas in, on or under the structure to be treated shall be listed on the front page of the written contract.

(8) Retreatment(s) performed in accordance with the terms of a wood-destroying organisms contract warranty or guarantee shall be performed within a set period of time that is disclosed within the contract, not exceeding (90) days unless authorized by the consumer in writing, following confirmation by the licensee of evidence of infestation of the covered pest organism.

(9) In contracts issued for treatment for control or prevention of wood-destroying organisms, the treatment method used for retreatment(s) as required by contract terms must be disclosed within the contract terms if it differs from the initial treatment method.

(10) In contracts issued for treatment for control or prevention of wood-destroying organisms, any provision that requires the use of third-party arbitration services for the resolution of disputes about the contract shall be printed in conspicuous type, and any provision that requires a payment by the customer for the initiation or use of arbitration shall be bolded and underlined and must be initialed by the customer or authorized agent of the customer.

Specific Authority 482.051 FS. Law Implemented 482.021(15), 482.051(1), 482.161, 482.191, 482.241 FS. History–New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn – See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93,\_\_\_\_\_.

5E-14.108 Fumigation Requirements – General Fumigation.

(1) through (3) No change.

(4) The Department may issue an immediate stop-use or stop-work order, DACS 13659 incorporated by reference, for fumigation performed in violation of fumigant label requirements or Department rules, or in a manner that presents an immediate serious danger to the health, safety or welfare of the public, including, but not limited to, failure to use required personal protective equipment, failure to use required warning agent, failure to post required warning signs, failure to secure a structure’s usual entrances as required, or using a fumigant in a manner that will likely result in hazardous exposure to humans, animals, or the environment. Fumigant use or work cannot be resumed until corrections are made, verified and the release section of the stop order is completed by Department personnel.

Specific Authority 482.051(6) FS. Law Implemented 482.021(6),(20), 482.051(1), 482.152 FS. History–New 1-1-77, Amended 6-22-83, Formerly 10D-55.108, Amended 7-5-95,\_\_\_\_\_.

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

(1) No change.

(2) Reports:

(a) through (b) No change.

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

Pursuant to Chapter 482.226(1),(2),(4) and (5), F.S., each licensee having a certified operator certified in the category of termite or other wood-destroying organism control and who makes and reports the findings of a wood-destroying organism inspection in writing shall provide the party requesting the inspection with the inspection findings on the Wood-Destroying Organisms Inspection Report form prescribed by the Department and furnished by the licensee, DACS 13645, 09-01 Form 1145 11 92, which is incorporated by reference. The licensee shall not place any disclaimers or additional language on the Wood-Destroying Organisms Inspection Report. The licensee shall inspect for all wood-destroying organisms as defined in Chapter 482.021(28)(27), F.S., in accordance with the following inspection standards:

1. The inspection will include all areas accessible by normal means but does not cover those areas that are enclosed or inaccessible, areas concealed by wall coverings, floor coverings, furniture, equipment, stored articles, insulation or any portion of the structure in which inspection would necessitate removing or defacing any part of the structure.

2. The inspection will be visual but may include probing and sounding of structural members as deemed necessary by the inspector, based upon a preliminary finding of visual evidence of infestation or damage.

(3) through (8) No change.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.061, 482.091, 482.111(5),(9), 482.161(1)(g),(h), 482.211, 482.226(1),(6) FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-2-98,\_\_\_\_\_.

5E-14.1421 Identification Card – Training Verification Application, Issuance, Renewal.

(1) The licensee shall maintain written training records on all identification cardholders and make those records available during routine inspection or upon request of the Department. Licensees must maintain the training record for at least a two year period.

(2) The Department will accept any one of the following as verifiable training:

(a) Written record of attendance, on a form prescribed by the Department and furnished by the licensee or trainer (DACs 13662), with a complete copy of all training materials used during the training session that covers at least one of the topics required by 482.091(10), F.S.; or

(b) Passing of the University of Florida, IFAS Core examination; or

(c) Attendance at a Department approved certified operator continuing education course provided the course content covers at least one of the training topics as required by 482.091(10), F.S.

Specific Authority 482.051, 482.091(10) FS. Law Implemented 482.021(9), 482.051(1), 482.091(1),(2),(3),(4) FS. History–New \_\_\_\_\_.

**FLORIDA PAROLE COMMISSION**

RULE TITLE: Conditional Release Definitions  
RULE NO.: 23-23.006

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to define the terms “Felony Commitment” and “Prior Felony Commitment” found in Section 947.1405(2)(a), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Correction of deficiencies in the rule by providing definitions of statutory terms.

SPECIFIC AUTHORITY: 947.07, 947.1405(9) FS.

LAW IMPLEMENTED: 947.1405(2)(a) 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: William L. Camper, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

23-23.006 Conditional Release Definitions.

(1) through (10) No change.

(11)(a) Felony Commitment – means the incarceration portion of a prison sentence for a felony offense resulting from a Uniform Commitment to Custody of the Department of Corrections or the incarceration portion of a prison sentence for a felony offense served in any other state or federal correctional institution. Prior Felony Commitment— means an offense or offenses which resulted in an adjudication of guilt of a felony and a sentence of incarceration. Both the consummation of the criminal offense(s) and the subsequent conviction(s) and incarceration(s) must obtain at some date earlier in time than the offense(s) resulting in commitment to incarceration for the present offense of conviction.

(b) Prior Felony Commitment – means any felony commitment served prior to a subsequent felony commitment even though both may have resulted from the same criminal offense.

(12) through (19) No change.

Specific Authority 947.07, 947.1405(9) FS. Law Implemented 947.1405(2)(a) FS. History–New 10-20-91, Amended 1-6-94,\_\_\_\_\_.

DEPARTMENT OF CORRECTIONS

RULE TITLES:

Food Services – Definitions

RULE NOS.:

33-204.002

Food Services – Standards of Operation

33-204.003

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify issues related to institutional food services operations and to provide for the use of contract food services providers.

SUBJECT AREA TO BE ADDRESSED: Food Services.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS., Child Nutrition Act of 1966, 42 USC s. 1773, Richard B. Russell National School Lunch Act, 42 USC s. 1751 et seq.

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:

33-204.002 Food Services – Definitions.

For the purposes of this chapter:

(1) “Master menu” means the menu which is designed to be served at all facilities to provide uniformity in items served to each inmate. The master menu shall be planned under the direction of the department’s master menu committee. It should be certified nutritionally adequate as determined by a licensed registered dietitian employed by the department. The master menu shall provide all Recommended Dietary Allowances or Dietary Reference Intakes as established by the Food and Nutrition Board of the National Academy of Sciences. The Recommended Dietary Allowances and Dietary Reference Intakes are incorporated by reference in Rule 33-204.003, F.A.C.

(2) through (3) No change.

(4) “Master Menu Committee” consists of the central office’s Bureau of Food Services staff as designated by the bureau chief, the public health nutrition program manager, the field food service coordinators managers, the central office food service managers, and the field public health nutrition consultants. The chief of food services has the authority to invite other staff.

(5) “Centers” refers to work release centers, probation and restitution centers and drug treatment centers.

(6) through (7) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS., Child Nutrition Act of 1966, 42 USC s. 1773, Richard B. Russell National School Lunch Act, 42 USC s. 1751 et seq. History–New 1-18-89, Amended 7-21-97, Formerly 33-30.002, Amended 8-9-00, 11-16-00, 10-2-01,\_\_\_\_\_.

33-204.003 Food Services – Standards of Operation.

(1) General. Inmates in general population shall receive three meals per day, of which at least two shall be hot meals. The meals shall be provided at regular meal times during each 24-hour period, with a period of no more than 14 hours between the end of the evening meal and the beginning of the morning meal, weather and security permitting. The warden, ~~or~~ work release center major or the lieutenant in charge of a probation and restitution center or drug treatment center shall be allowed to authorize an altered meal schedule of two meals for approved holidays listed in the master menu manual, but both must be hot meals. Holiday substitutions that deviate from the master menu must be approved in advance by the chief of food services ~~or the central office food service managers~~. An alternate meal schedule for therapeutic diets shall provide regular meal times during each 24-hour period with no more than 14 hours between the end of the evening and the beginning of the morning meal.

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

(c) Meals for inmates and staff shall be prepared and served in accordance with the master menu in effect. No specially prepared meals shall be served except those approved therapeutic diets that are prescribed by the attending physician, clinical associate or dentist.

(d) The master menu shall be adhered to except that specific menus and menu items are subject to change by the person in charge of food service at each facility due to production problems, product availability, cost, or security issues. Failure to order a product does not constitute a lack of availability. Substitutions will not be planned to utilize leftovers. When menu substitutions are required, the substitutions will be from the same food group as the original menu item. Menu substitutions will be initially reviewed and approved by the contractor's district manager a field food service manager. If menu substitutions are determined to deviate from the list of approved substitutions, they will be referred by the field food service coordinator manager to the chief of the Bureau of Food Services central office public health nutrition program manager for evaluation and final approval. The master menu manual provides a list of appropriate substitutions within food groups. All inmates shall receive the same food items as specified on the master menu. Adequate amounts of food must be prepared to serve all inmates according to the master menu.

(e) All vegetables shall be prepared without meat, animal meat fat, meat-based broth or margarine or butter so as to be suitable for religious and strict vegetarian diets.

(4) Sanitation.

(a) through (b) No change.

(c) The individual responsible for food service at the institution or facility shall be responsible for the following:

1. Writing instructions for the operation and cleaning of the physical plant, equipment and utensils. A current copy of these instructions shall be forwarded to the regional food service coordinator manager for review to check for compliance with the State Sanitary Code, Department of Health Rule 64E-11.005, F.A.C.

2. No change.

3. Daily inspection of the food service areas, including the recording of the temperatures of coolers, freezers, dishwashers, and hot tap water on the contractor's designated document Master Menu Production Log, Form DC2-404. Form DC2-404 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is August 9, 2000.

(d) No change.

(5) Maintenance of Equipment. ~~The person responsible for food service at each institution or facility shall, with the participation of the person in charge of the maintenance department, shall~~ prepare a schedule for periodic, preventative maintenance of the physical plant and equipment. The

preventative maintenance program shall include inspection, lubrication, replacement of parts as necessary, and any other maintenance to extend equipment life as suggested by manufacturer's instructions. The person in charge of responsible for food service shall monitor the program to ensure that preventative maintenance is performed. He or she will ~~also~~ ensure that equipment is utilized properly, abuse of equipment is minimized, and that sanitation standards are maintained. It will be the responsibility of the person in charge of maintenance to ensure that the preventative maintenance program operates effectively. He or she will maintain a file on each piece of major equipment denoting when and what was done and at what cost.

(6) Security. ~~The person in charge of food service and~~ chief of security shall ~~jointly~~ write and post a plan and schedule for supervision of inmates during meals. The chief of security shall be responsible for enforcement of the written plan for control.

(7) through (9) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS., Child Nutrition Act of 1966, 42 USC § 1773, Richard B. Russell National School Lunch Act, 42 USC § 1751 et seq. History--New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Offender Grievance Procedures  
 RULE NO.: 33-302.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct titles of staff responsible for administration of the offender grievance process.

SUBJECT AREA TO BE ADDRESSED: Offender Grievances.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.101 Offender Grievance Procedures.

(1) No change.

(2) The following procedures outline the steps to be taken by an offender under field supervision, including an offender in pretrial intervention who has a complaint concerning actions on supervision. Steps for filing complaints are:

(a) through (c) No change.

(d) In the event the issue is not resolved with the circuit administrator, the offender may forward her or his grievance, along with the circuit administrator's response to the regional director of regional community corrections for review. The director of regional community corrections shall provide a written response, which attempts to resolve the issue, within 20 calendar days of receipt of the grievance.

(e) In the event the issue is not resolved with the regional director of regional community corrections, the offender may forward her or his grievance, along with the director of regional community correction's response, to the Bureau of Inmate Grievance Appeals in the Central Office.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 5-28-86, Amended 10-1-89, 9-30-91, 2-15-98, Formerly 33-24.005, Amended 3-4-01, 7-30-01.

**DEPARTMENT OF CORRECTIONS**

RULE TITLES: CONDITIONAL MEDICAL RELEASE  
RULE NOS.: 33-401.201  
INMATE DEATHS 33-401.301

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to correct titles of health services staff associated with the conditional medical release recommendation process and to clarify the process for reporting inmate deaths.

SUBJECT AREA TO BE ADDRESSED: Conditional Medical Release; Inmate Deaths.

SPECIFIC AUTHORITY: 20.315, 944.09, 947.149 FS.

LAW IMPLEMENTED: 20.315, 245.06, 245.08, 382, 406, 936, 947.149 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:

33-401.201 Conditional Medical Release.

(1) No change.

(2) The chief health officer of an institution housing an inmate whose health has deteriorated to a point where consideration for conditional medical release may be appropriate shall provide a conditional medical release recommendation to the ~~Director of Assistant Secretary for~~ Health Services. Based upon this his review, the Director of Assistant Secretary for Health Services shall:

(a) through (c) No change.

(3) When requested by the Florida Parole Commission, the ~~Office Bureau~~ of Health Services shall provide additional medical evidence or additional medical examinations for inmates being considered for conditional medical release.

(4) through (5) No change.

Specific Authority 20.315, 947.149 FS. Law Implemented 20.315, 947.149 FS. History--New 12-11-88, Amended 3-23-93, 1-16-96, Formerly 33-19.008, Amended \_\_\_\_\_.

33-401.301 Inmate Deaths.

(1) Notice of Death. Upon the death of an inmate while in the custody of the department:

(a) The institution shall immediately notify:

1. through 3. No change.

4. The appropriate prison inspector via management information note/electronic message. The prison inspector shall be provided with a brief statement of currently known facts about the death. ~~The prison inspector shall forward such statement along with notice of the death to the Bureau of Health Services and the Bureau of Offender Records, and, if the death occurred in the absence of an attending physician or from causes other than natural causes, to the secretary, the chief inspector and the regional director;~~ and

5. No change.

(b) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 245.06, 245.08, 382, 406, 936 FS. History--New 10-8-76, Amended 9-24-81, Formerly 33-3.09, Amended 6-2-88, 2-18-90, 2-12-97, Formerly 33-3.009, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: COMMUNICABLE DISEASE EXPOSURE AND TESTING  
RULE NO.: 33-401.501

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement the provisions of s. 945.35, F.S.

SUBJECT AREA TO BE ADDRESSED: Communicable diseases.

SPECIFIC AUTHORITY: 945.35 FS.

LAW IMPLEMENTED: 945.35 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:

33-401.501 Communicable Disease Exposure and Testing.

(1) In the event of possible exposure to a communicable disease by a correctional officer, employee, inmate, or any unincarcerated person lawfully present in a correctional facility, the person exposed is authorized by s. 944.35, F.S., to request the testing of himself or herself and the inmate who caused the exposure.

(a) If the request is made by a correctional officer or other employee, testing of the individual and access to counseling, health care, and support services shall be provided through the workers compensation program. The inmate who is the source of the exposure shall be tested as provided in subsection (2) below.

(b) If the request is made by an unincarcerated person lawfully present in the correctional facility, he or she shall be referred to his or her health care provider or local health department for testing and access to counseling, health care and support services. The inmate who is the source of the exposure shall be tested as provided in subsection (2) below.

(c) If the request is made by an inmate, the inmate shall be referred to health services staff at the facility for testing in accordance with subsection (2) below.

(2) When a request has been made for testing, health services staff shall first determine whether there is reason to believe that risk of exposure has occurred. If not, the requestor shall be so advised. If so, health services staff shall order such testing of the source inmate as is clinically appropriate for the type of exposure involved.

(3) Upon receipt of the test results of the source inmate, health services staff shall provide the results to the requestor and the source inmate. These results are confidential and shall only be communicated to the person requesting the test and the inmate tested. Confidentiality of HIV test results shall be maintained in accordance with s. 381.004, F.S.

(4) The source inmate shall be provided with counseling, health care and support services in conjunction with communication of the test results.

Specific Authority 944.35 FS. Law Implemented 944.35, 381.004 FS. History—New \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**  
**South Florida Water Management District**  
 RULE TITLE:  
 Variances from Specified Review Criteria for  
 Environmental Resource Permits

RULE NO.:  
 40E-0.113

PURPOSE AND EFFECT: The SFWMD is amending the existing variances rule to be consistent with the statutory timeframes imposed upon agencies to grant or deny petitions for variances or waivers.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides specificity as to timeframes set forth in Section 120.542(8), F.S., (the “90 day timeclock”).

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373,414(17) FS.

LAW IMPLEMENTED: 403.210 FS.

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

TIME AND DATE: 1:30 p.m., November 6, 2001

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-0.113 Variances from Specified Review Criteria for Environmental Resource Permits.

(1) through (4) No change.

(5) The District shall grant or deny a petition for variance or waiver within 90 days after receipt of the original petition, the last item of timely requested additional material, or the petitioner’s written request to finish processing the petition.

~~(6)~~(5) The District shall prepare a notice of proposed agency action regarding the petition for a variance. The District shall publish this notice one time in the Florida Administrative Weekly, and one time in a newspaper of general circulation, as defined in Section 50.031, F.S., in the county in which the property for which the variance is sought is located.

~~(7)~~(6) Renewals of variances shall be applied for in the same manner as the initial variance.

Specific Authority 373.044, 373.113, 373.171, 373.414(17) FS. Law Implemented 403.201 FS. History—New 9-2-98, Amended 6-12-00,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Forms and Instructions  
 RULE NO.: 40E-1.659

PURPOSE AND EFFECT: The SFWMD is amending the existing forms and instructions rule to add and incorporate by reference a “Performance Bond to Demonstrate Financial Assurances” and an “Irrevocable Letter of Credit to Demonstrate Financial Assurance.” The rule is also being amended to update the SFWMD’s regional service center addresses.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments provide two new forms to be utilized by the regulated community and updates SFWMD regional service center addresses.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.113 FS.

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

TIME AND DATE: 1:30 p.m., November 6, 2001

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form  
 No. Date Title

0050A	7-89	Application to the South Florida Water Management District Utilization of District Works and Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	8-90	Well Construction Permit Application
0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0299	1-90	Water Use Permit No.
0444	8-95	Application for a Standard General Permit for Incidental Site Activities
0445	7-87	Notice of Intent to Short-term Dewater
0483	8-95	Request for Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit Transfer
0645	8-95	Water Use Permit Application
0659	3-94	Notice of Intent to Use Water in Conjunction with Oil Well Drilling in Lee, Collier and Hendry Counties
0779	5-92	Guidance for Preparing an Application for a “Works of the District” Permit in the Everglades/Application for a Works of the District Permit
0830	4-94	Special Use Application and License
0881	8-95	Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification
0889	8-95	Transfer of Permit to the Operating Entity
0938	8-95	Mitigation Construction Commencement Notice
0941	8-95	Environmental Resource Standard/Noticed General Permit No.
0942	8-95	Surface Water Management General Permit No.
0960	8-95	Environmental Resource/Surface Water Management Permit Construction Commencement Notice

- 0961 8-95 Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction
- 0970 8-95 Applicant Transmittal Form for Requested Additional Information
- 0971 8-95 Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit
- 0972 8-95 Petition for a Formal Wetland and Surface Water Determination
- 0973 8-95 Above Ground Impoundment Inspection/Certification Report
- 0974 8-95 Notice of Intent to Construct a Minor Silvicultural System
- 0980 8-95 Notice of Intent to Use a Noticed General Environmental Resource Permit
- XXXX X-XX Performance Bond to Demonstrate Financial Assurance
- XXXX X-XX Irrevocable Letter of Credit to Demonstrate Financial Assurance

(2) The forms and instructions listed in subsection (1) are available without cost from the following District Service Centers upon request:

(a) Florida Keys Service Center, 80431 Old Hwy., Islamorada, FL 33036 ~~Big Pine Key Service Center, Marshall Building, Unit 9, Route 5 Box 183 H, Big Pine Key, FL 33043;~~

(b) Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901 ~~Ft. Myers Service Center, Key West Professional Center, 1342 Colonial Blvd., Suite 81, Ft. Myers, FL 33907;~~

(c) Okeechobee Service Center, 205 North Parrott Ave., Suite 201, P. O. Box 2033, Okeechobee, FL 34973-2033 ~~Okeechobee Service Center, 305 East North Park Street, Suite A, Okeechobee, FL 349973-2033;~~

(d) Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809 ~~Orlando Service Center, Lake Eleanor Center, 1756 Orlando Central Parkway, Orlando, FL 32809;~~

(e) Miami/Dade Regional Service Center, 172A W. Flagler Street, Miami, FL 33130 ~~Miami Service Center, Kendar Building, 1550 Mandruga Avenue, Suite 412, Coral Gables, FL 33146;~~

(f) Big Cypress Basin, 6089 Janes Lane, Naples, FL 34109 ~~Naples Service Center, 6167 Janes Lane, Naples, FL 33942;~~ and

(g) No change.

Specific Authority ~~420.53, 373.044, 373.113 FS.~~ Law Implemented ~~420.53, 373.113 FS.~~ History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Permit Thresholds  
 RULE NO.: 40E-4.0415

PURPOSE AND EFFECT: The SFWMD is amending the existing environmental resource permit thresholds rule to specify that ditches and wholly owned ponds constructed in uplands and any isolated wetlands with a surface area of less than 0.5 acres will not be included in the calculation of acreage of “impacts to wetlands and other surface waters” for purposes of determining whether a project exceeds the one acre impact threshold for Standard General Permits. Additionally, the SFWMD is creating a new section in the environmental resource permit thresholds rule (40E-4.0415(b)(3)) to allow phases of a project that have a valid environmental resource/surface water management conceptual permit to be permitted at the staff level provided that the specific phase is constructed and operated consistently with the original conceptual approval.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments will amend the existing permit thresholds that are a determinative factor in size threshold calculations and eliminate the need for subsequent phased projects to be approved by the Governing Board provided that the original Conceptual Approval permit was issued by the Governing Board and the phased project is consistent with the Conceptual Permit.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.406(5) FS.

LAW IMPLEMENTED: 373.118(1), 373.413(1) FS.

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

TIME AND DATE: 1:30 p.m., November 6, 2001

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, at (561)682-6206 at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.0415 Permit Thresholds.

(1) No change.

(a) No change.

(b) Construction or alteration of the system, including dredging or filling, is proposed in, on, or over a total of one acre or more of wetlands or other surface waters; however, calculation of the one acre area shall not include: ~~or~~

1. Ditches and wholly owned ponds that were constructed in uplands;

2. Any isolated wetlands with a surface area of less than 0.5 acres.

(c) No change.

(2) No change.

(3) Notwithstanding the provisions of subsection (1);:

(a) The Governing Board may designate specific geographic areas within which individual or standard general environmental resource permits shall be required for the construction, alteration, operation, maintenance, removal or abandonment of surface water management systems which fall below any thresholds or activities set forth in this rule.

(b) Phases within a conceptually approved project shall be processed as standard general permits 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.

Specific Authority 373.044, 373.113, 373.406(5) FS. Law Implemented 373.118(1), 373.413(1) FS. History–New 9-3-81, Formerly 16K-4.021(1)(a),(2), 16K-4.022(1)(a),(b), Amended 12-1-82, 7-26-87, 11-15-92, 4-20-94, 10-3-95, 5-28-00,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE:

RULE NO.:

Publications, Rules and Interagency Agreements

Incorporated by Reference

40E-4.091

PURPOSE AND EFFECT: The proposed rule is to amend the specific criteria of Section 4.2.2.2 “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001” (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., concerning the exemption from mitigation for ponds constructed in uplands. For the mitigation exemption to apply, the ponds must be “wholly owned” and “completely” constructed in uplands and less than one acre in size.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments to section 4.2.2.2, ERP BOR clarify that ponds must be wholly owned, completely constructed in uplands, and be less than one acre in order for the exemption from mitigation requirements to apply.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

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

TIME AND DATE: 1:30 p.m., November 6, 2001

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) “Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – \_\_\_\_\_ ~~January 2001~~”.

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01,\_\_\_\_\_.

(The following represents proposed amendments to Section 4.2.2.2 of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001” incorporated by reference in Rule 40E-4.091(1)(a), F.A.C.)

4.2.2.2 Fish, Wildlife, Listed Species and their Habitats  
 Alterations in wholly owned livestock watering ponds that were completely constructed in uplands and which are less than one acre in area and alterations in drainage ditches that were constructed in uplands will not be required to comply with the provisions of subsections 4.2.2 – 4.2.2.3, 4.2.3 – 4.2.3.7, 4.2.5 – 4.3.8 unless those ponds or ditches provide significant habitat for threatened or endangered species. This means that, except in cases where those ponds or ditches provide significant habitat for threatened or endangered species, the only environmental criteria that will apply to those ponds or ditches are those included in subsections 4.2.4 – 4.2.4.5 and 4.2.2.4. This provision shall only apply to those ponds and ditches which were constructed before a permit was required under Part IV, Chapter 373, F.S., or were constructed pursuant to a permit under Part IV, Chapter 373, F.S. This provision does not apply to ditches constructed to divert natural stream flow.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Publications, Rules and Interagency Agreements  
 RULE NO.: 40E-4.091

Incorporated by Reference  
 PURPOSE AND EFFECT: The proposed rule is to amend the specific criteria of Section 4.2.8 “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001” (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., to reflect legislative revisions to the cumulative impact statute. Specifically, amendments to section 4.2.8, ERP BOR, specify that if an applicant mitigates within the same drainage basin as the impacts, and the mitigation fully offsets the impacts, then the project will have no unacceptable cumulative impacts.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment to section 4.2.8, ERP BOR reflects the legislative revisions to the cumulative impact statute.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

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

TIME AND DATE: 1:30 p.m., November 6, 2001

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) “Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001”.

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, \_\_\_\_\_.

(The following represents proposed amendments to Section 4.2.8 of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001” incorporated by reference in Rule 40E-4.091(1)(a), F.A.C.)

4.2.8 Cumulative Impacts

Pursuant to paragraph 4.1.1(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 4.1.1(c) and by evaluating the impacts to functions identified in subsection

4.2.2. 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, the District will consider the regulated activity to have no unacceptable cumulative impacts upon wetlands and other surface water, and consequently the condition for issuance in paragraph xxx, will be satisfied. The drainage basins within the District are identified on Figure 4.2.8-1.

When adverse impacts to water quality or adverse impacts to the functions of wetlands and other surface water, as referenced in the paragraph above, are not fully offset within the same drainage basin as the impacts, then aAn 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) through (b) No change.

~~Only~~ Those activities listed in paragraphs (a) and (b) which have similar types of adverse impacts 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.)

Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 4.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within the same drainage basin.

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.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Publications, Rules and Interagency Agreements  
 RULE NO.: 40E-4.091  
 Incorporated by Reference

PURPOSE AND EFFECT: The proposed rule is to amend the specific criteria of Section 4.2.8.1 “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001” (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., to reflect legislative revisions to the cumulative impact statute. Specifically, amendments to section 4.2.8.1, ERP BOR, specify that if an applicant mitigates within the same drainage basin as the impacts, and the mitigation fully offsets the impacts, then the project will have no unacceptable cumulative impacts.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment to section 4.2.8.1, ERP BOR reflects the legislative revisions to the cumulative impact statute.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

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

TIME AND DATE: 1:30 p.m., November 6, 2001

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) “Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – ~~January 2001~~ January 2001”.

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, \_\_\_\_\_.

(The following represents proposed amendments to Section 4.2.8.1 of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001”)

4.2.8.1 Cumulative Impacts

Cumulative impacts are considered unacceptable when the proposed system, considered in conjunction with the past, present, and future activities as described in 4.2.8, as set forth in subsection 4.1.1(c), would result in a violation of state water quality standards or significant adverse impacts to functions of wetlands or other surface waters, identified in subsection 4.2.2, within the same drainage basin when considering the basin as a whole. However, whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 4.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within the same drainage basin.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Publications, Rules and Interagency Agreements  
 RULE NO.: 40E-4.091

Incorporated by Reference

PURPOSE AND EFFECT: The proposed rule is to amend the specific criteria of Section 4.2.8.2 “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001” (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., to reflect legislative revisions to the cumulative impact statute. Specifically, amendments to section 4.2.8.2, ERP BOR, specify that if an applicant mitigates within the same drainage basin as the impacts, and the mitigation fully offsets the impacts, then the project will have no unacceptable cumulative impacts.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment to section 4.2.8.2, ERP BOR reflects the legislative revisions to the cumulative impact statute.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

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

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TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) “Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – ~~January 2001~~”.

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, \_\_\_\_\_.

(The following represents proposed amendments to Section 4.2.8.2 of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001”)

4.2.8.2 Applicants may propose measures such as preservation to prevent cumulative impacts. Such preservation shall comply with the land preservation provisions in subsection 4.3.8. If unacceptable cumulative impacts are expected to occur, the applicant may propose mitigation measures as provided for in sections 4.3 through 4.3.8. Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 4.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within the same drainage basin.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Publications, Rules and Interagency Agreements  
 RULE NO.: 40E-4.091

Incorporated by Reference

PURPOSE AND EFFECT: The proposed newly created Section 4.2.8.3 “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001” (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C.,

reflects legislative revisions to the cumulative impact statute. Specifically, the proposed creation of new section 4.2.8.3, ERP BOR, specifies that if an applicant mitigates within the same drainage basin as the impacts, and the mitigation fully offsets the impacts, then the project will have no unacceptable cumulative impacts.

**SUBJECT AREA TO BE ADDRESSED:** The proposed creation of new section 4.2.8.3, ERP BOR reflects the legislative revisions to the cumulative impact statute.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.171, 373.413, 373.441 FS.

**LAW IMPLEMENTED:** 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

**RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 1:30 p.m., November 6, 2001

**PLACE:** South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

**TIME AND DATE:** 10:30 a.m., November 9, 2001

**PLACE:** South Florida Water Management District's Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) "Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – \_\_\_\_\_ January 2001".

(b) through (j) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, \_\_\_\_\_.

(The following represents the proposed creation of new Section 4.2.8.3 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001")

4.2.8.3 Mitigation Within the Same Drainage Basin as the Proposed Project Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 4.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within the same drainage basin.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

**RULE TITLE:** Permit Thresholds **RULE NO.:** 40E-40.041

**PURPOSE AND EFFECT:** The SFWMD is amending the existing permit thresholds for environmental resource standard general permits rule to specify that ditches and wholly owned ponds constructed in uplands and any isolated wetlands with a surface area of less than 0.5 acres will not be included in the calculation of acreage of "impacts to wetlands and other surface waters" for purposes of determining whether a project exceeds the one acre impact threshold for Standard General Permits. Additionally, the SFWMD is creating a new section in the existing permit thresholds for environmental resource standard general permits rule (40E-40.041(b)(3)) to allow phases of a project that have a valid environmental resource/surface water management conceptual permit to be permitted at the staff level provided that the specific phase is constructed and operated consistently with the original conceptual approval.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendments will amend the existing permit thresholds for environmental resource standard general permits that are a determinative factor in size threshold calculations and eliminate the need for subsequent phased projects to be approved by the Governing Board provided that the original Conceptual Approval permit was issued by the Governing Board and the phased project is consistent with the Conceptual Permit.

**SPECIFIC AUTHORITY:** 373.044, 373.113 FS.

**LAW IMPLEMENTED:** 373.406(5), 373.413(1), 373.416 FS.

**RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 1:30 p.m., November 6, 2001

**PLACE:** South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406



TIME AND DATE: 10:30 a.m., November 9, 2001  
 PLACE: South Florida Water Management District's Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, at (561)682-6206 at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-40.041 Permit Thresholds.

(1) No change.

(2) Threshold conditions are as follows:

(a) the construction or alteration of a surface water management system, including dredging and filling, is proposed in, on, or over a total of one acre or more of wetlands or other surface waters; however, calculation of the one acre area shall not include: ø

1. Ditches and wholly owned ponds that were constructed in uplands;

2. Any isolated wetlands with a surface area of less than 0.5 acres.

(b) No change.

(c) No change.

(3) Notwithstanding the provisions of subsection (2), phases within a conceptually approved project shall be processed as standard general permits 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);

3. The approved conceptual plan includes the approximate size, location, and discharge points of the proposed stormwater management system.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.406(5), 373.413(1), 373.416 FS. History--New 4-20-94, Amended 10-3-95, 5-28-00, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: RULE NO.:

General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing FDOT Rights-of-Way or Easements 40E-400.447

PURPOSE AND EFFECT: The SFWMD is amending the existing noticed general permit for work within FDOT rights-of-way to allow for the stabilization and repair of certain ditch stabilization projects. The stabilization of eroded sections of ditches currently requires a standard general or individual permit if materials such as riprap, concrete, or geotechnical textiles are utilized. Mitigation is not normally required for this type of activity. Permitting of these types of projects will be more appropriately regulated under a noticed general permit.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments will amend the existing noticed general permit to governmental entities for the construction of minor activities in existing rights-of-way or easements to include ditch stabilization projects in 40E-400.447, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

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

TIME AND DATE: 1:30 p.m., November 6, 2001

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District's Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-400.447 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing FDOT Rights-of-Way or Easements.

(1)(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 water quality 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.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER TITLE: Clinical Laboratory Standards      RULE CHAPTER NO.: 59A-7

RULE TITLES: Laboratory Licensure – Qualifications,      RULE NOS.: 59A-7.021

Licensure, Operation and Application      59A-7.036

Fees      59A-7.036

PURPOSE AND EFFECT: Chapter 59A-7, Florida Administrative Code, is being amended to address matters pertaining to the assessment, collection, and refund of clinical laboratory licensure fees.

SUBJECT AREA TO BE ADDRESSED: The assessment, collection and refund of clinical laboratory licensure fees.

SPECIFIC AUTHORITY: 483.051, 483.172 FS.

LAW IMPLEMENTED: 483.172 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Patricia L. James, Health Services and Facilities Consultant Supervisor, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-3109

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-7.021 Laboratory Licensure – Qualifications, Licensure, Operation and Application.

(1) No change.

(2) A check for the correct amount of the fee must accompany the application, or that application will be held in abeyance until the fee is received. Failure to submit a sufficient fee amount shall result in the return of the licensure application to the applicant.

(3) through (7) No change.

(8) A license shall be valid for the period specified on the current license.

(a) In no event shall a license be issued for more than a 24 month period. In the event that specialties and subspecialties are added to an existing license, the expiration of the additional specialties/subspecialties shall be the date of the current license. The licensure period will begin October, 1993, the effective date of Chapter 483, Part I, F.S., and shall be renewable on a biennial basis thereafter.

(b) Continued operation of a clinical laboratory that has not submitted a completed application or the required fee after the date of expiration of its license or after the date of sale in the event of a change of ownership shall be a criminal offence under s. 483.23, F.S., and shall result in administrative action up to and including an administrative fine charged to the laboratory in the amount of \$100.00 per day, each day constituting a separate violation as authorized under s. 483.221, F.S.

(9) through (13) No change.

Specific Authority 483.051 FS. Law Implemented 483.051, 483.091, 483.101, 483.106, 483.111, 483.172, 483.181, 483.191, 483.221, 483.23 FS. History—New 11-20-94, Amended 7-4-95, 12-27-95, \_\_\_\_\_.

59A-7.036 Fees.

(1) Each The license fee shall be assessed as stipulated in s. section 483.172, F.S., and the rules promulgated thereunder. These fees are separate from any applicable federal Clinical Laboratory Improvement Amendment (CLIA) certification fees.

(2) General.

(a) Fees are due at the time of application.

(b) Payments shall be made payable to the Agency for Health Care Administration.

(c) Payment shall be by check, money order or other method acceptable to the agency.

(d) If the information submitted to the agency regarding the specialties/subspecialties and volume of testing performed is determined by the agency to be incorrect, the agency shall require the submission of the applicable additional fee in compliance with s. 483.172, F.S. The agency is also authorized to take administrative action in accordance with s. 483.201(1), F.S.

(e) The calculation of the annual volume of testing shall be determined in the following manner:

1. Each test performed shall be counted individually.

2. Test profiles composed of multiple tests on the same patient sample, each individual measured analyte shall be counted as one test.

3. Calculated test results, quality control samples, proficiency, and calibration/calibration verification testing shall not be counted as tests.

4. Tests defined as waived pursuant to s. 483.041(10), F.S., shall not be counted as tests.

5. Tests referred to another laboratory shall not be counted as tests.

6. For microbiology each sample shall be counted as one test, regardless of the number of organisms isolated or identified. Each organism for which an antibiotic sensitivity testing is performed shall be counted as one test.

7. For histopathology, each block shall be counted as one test, regardless of the number of slides prepared. Each special stain is counted as one test.

8. For cytology, each cytology slide shall be counted as one test.

9. For histocompatibility, each HLA typing, antibody screen, and crossmatch shall be counted as one test each.

10. For allergen testing, each allergen shall be counted as one test.

11. For urinalysis, each non-waived macroscopic examination shall be counted as one test and each urinalysis microscopic examination shall be counted as one test each.

12. For immunohematology, each ABO grouping, Rh typing, antibody detection, antibody identification, and cross match shall be counted as one test each.

13. For cytogenetics, each separate specimen type tested is counted as one test for each different specimen type.

14. Out-of-state laboratories shall be allowed to count only those tests performed on specimens received from clinical laboratories licensed in Florida. Counting of such tests shall be in compliance with Rule 59A-7.036(2)(f)1. through 13.

(f) Determination of Specialties and Subspecialties.

1. For the purposes of this part, the term "categories of procedures" as found in s. 483.172, F.S., means the specialties and subspecialties as found in Rule 59A-7.020(16)(a)-(i), F.A.C., and shall be used to determine the applicable licensure fee in accordance with s. 483.172, F.S.

2. For the purposes of fee assessment, multiple subspecialties under a single specialty shall be considered one specialty.

(g) It is the licensee's responsibility to ensure that the volume of testing and the number of specialties/subspecialties in which testing is performed is correctly submitted to the agency.

(h) Once a license has been issued to the licensee no refund shall be due if the licensee relinquishes the license or the license is revoked before the expiration date of the license.

(3) Fees for Initial Licensure.

(a) Certificate of Exemption.

1. The biennial fee for a Certificate of Exemption is \$100.

2. This fee and licensure certificate are applicable only for those entities performing tests defined as waived pursuant to s. 483.041(10), F.S. If licensure for non-waived testing is requested after the issue of a Certificate of Exemption, the entire applicable non-waived licensure fee is due. No refund of the previously issued Certificate of Exemption fee shall be due.

(b) The initial fee for laboratories accredited under the provisions of Rule 59A-7.033, F.A.C., is \$100 biennially. If a facility requests accreditation status at initial licensure, the \$100 biennial licensure fee is applicable only if the applicant provides acceptable proof to the agency that the laboratory has been granted accreditation before the application process is completed. If such proof is not provided, the laboratory will not be considered accredited, and the applicable non-accredited licensure fee shall be assessed.

(c) The initial fee for laboratories that are accredited in some but not all specialties/subspecialties in which the laboratory will be licensed shall be determined by estimating the number of tests performed annually in the non-accredited specialties/subspecialties and the number of non-accredited specialties/subspecialties in which the laboratory will be performing testing as declared by the applicant on AHCA Form 3004, REV. MAR 95, AHCA Form 3170-2004, Mar 95 and as specified in s. 483.172 and Rule 59A-7.036(2)(c), F.A.C.

(d) The initial fee for non-accredited licensure for laboratories performing tests beyond the scope of a Certificate of Exemption shall be determined by the estimated number of tests performed annually and the number of specialties/subspecialties in which the laboratory will be performing testing as declared by the applicant on AHCA Form 3004, REV. MAR 95, AHCA Form 3170-2004, Mar 95 and as specified in s. 483.172 and Rule 59A-7.036(2)(c), F.A.C.

(4) Fees for Renewal Licensure.

(a) Certificate of Exemption.

1. The biennial fee for a Certificate of Exemption renewal is \$100.

2. If licensure for non-waived testing is requested during the renewal period for a Certificate of Exemption, the non-waived licensure fee applicable in accordance with s. 483.172, F.S., shall be due.

(b) The fee for renewal of licensure for a laboratory accredited under the provisions of Rule 59A-7.033, F.A.C., is \$100 biennially. If one or more specialties/specialities are added to the license after the current license has been issued an additional fee shall be due if the accreditation organization does not perform the addition of specialty inspection. This additional fee shall be based on the volume of testing and number of specialties/subspecialties added in accordance with s. 483.172, F.S., as applicable.

(c) Fees for renewal of a non-accredited laboratory license performing tests beyond the scope of a Certificate of Exemption.

1. The renewal licensure fee for a laboratory for which there are no changes in volume, and specialties/subspecialties during the previous licensure period, shall be assessed based on the provisions of s. 483.172, F.S.

2. If the laboratory indicates that the volume of testing and/or specialties/subspecialties being performed has increased to the extent that it changes the fee category, the renewal fee shall be based on the new fee category, as applicable in s. 483.172, F.S.

3. If the laboratory indicates that it wants to add or delete one or more specialties/subspecialties, the renewal fee shall be based on the fee category as applicable in s. 483.172, F.S.

4. If the laboratory indicates that only waived testing is being performed, the renewal fee shall be the \$100 Certificate of Exemption fee.

5. If the laboratory indicates that it obtained accreditation status, the \$100 biennial licensure fee is applicable only if the applicant provides the agency with verification that it has been granted accreditation before the expiration date of the current license. If this verification cannot be provided, the laboratory cannot be considered accredited, and the applicable non-accredited licensure fee will be assessed. No refund of the non-accredited licensure fee shall be due if the laboratory subsequently obtains accreditation status after the license has expired.

(5) Addition or deletion of specialties/subspecialties, or change in accreditation status after an initial or renewal license has been issued.

(a) If the laboratory indicates that it has ceased testing in one or more particular specialty/subspecialty, or has limited testing to tests defined as waived under s. 483.041(11), F.S., no fee or refund shall be due.

(b) If the laboratory voluntarily withdraws its accreditation status, no additional fee will be due unless the laboratory applies for a Certificate of Exemption to perform waived testing, or wishes to add a specialty/subspecialty. If the accreditation organization rescinds the laboratory's accreditation, the laboratory shall be assessed a licensure fee based on the provisions of s. 483.172, F.S. No refund of the previously paid accreditation fee will be given.

(6) If the laboratory applies for the addition of one or more specialties/subspecialties to an existing license, an additional fee will be due if the addition of such specialties/subspecialties results in a change in the applicable fee category. This additional fee shall be due at the time of application for the addition of the specialties/subspecialties.

(a) The additional fee shall be calculated by subtracting any new applicable licensure fee pursuant to s. 483.172, F.S., from the licensure fee already paid for the existing license.

(b) If the request for such an addition to the licensure specialties/subspecialties occurs within 90 days of the expiration date of the current license the renewal fee will be adjusted as applicable to include the additional specialties/subspecialties requested.

(c) If a facility requests accreditation status after a current license has been issued no refund shall be due.

(7) If a facility is not accredited in all specialties in which it is licensed, the fee shall be calculated using the applicable fee for the non-accredited specialties/subspecialties, plus a single accreditation fee of \$100 for all those specialties/subspecialties that are accredited.

(8)(2) Refunds.

(a) Laboratory licensure application fees are non-refundable except as provided in Rule 59A-7.036(8)(2)(b).

(b) Refunds are authorized pursuant to provisions of s. section 215.26, F.S., and shall be approved only if a payment is made when no fee is due. in the following instances:

1. Overpayment of a fee;
2. A payment where no fee is due; and
3. Any payment made into the State Treasury in error.

(c) Applications for refund shall be on Form DBF-AA4, REV. 7/1/87, incorporated by reference, which shall be provided by the agency and shall be filed with the Comptroller within 3 years from the date of payment into the State treasury or else such right shall be barred.

(d) Refund claims shall not be otherwise barred under the laws of this state.

Specific Authority 483.051 FS. Law Implemented 483.051, 483.172 FS. History--New 11-20-94, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: RULE NO.:

Attendance at Board Meetings, 61G15-18.0071  
Unexcused Absences

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Attendance at board meetings, unexcused absences.

SPECIFIC AUTHORITY: 455.207(3) FS.

LAW IMPLEMENTED: 455.207(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 NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: Foreign Degrees  
 RULE NO.: 61G15-20.007  
 PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Foreign degrees.  
 SPECIFIC AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: Certification for Examination and Licensure  
 RULE NO.: 64B2-11.0015  
 PURPOSE AND EFFECT: The Board proposes to add test site conduct requirements to the existing rule.  
 SUBJECT AREA TO BE ADDRESSED: Certification for Examination and Licensure.  
 SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 460.406, 456.013(1),(2) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ANNOUNCED.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-11.0015 Certification for Examination and Licensure.

Upon certifying applicants for the licensure examination, the Board shall also certify applicants for licensure, contingent and effective upon successful completion of required examinations and no discovery of disqualifying factors prior to licensure. With regard to examinations administered by the Department, the conduct at the test site shall be that specified in Rule 64B-1.004, F.A.C.

Specific Authority 460.405 FS. Law Implemented 460.406, 456.013(1),(2)-456.017(1)(d) FS. History-New 7-15-91, Formerly 21D-11.0015, 61F2-11.0015, 59N-11.0015, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation  
 RULE NO.: 64B2-13.0045  
 PURPOSE AND EFFECT: The Board proposes to update the existing rule.  
 SUBJECT AREA TO BE ADDRESSED: Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation.  
 SPECIFIC AUTHORITY: 456.033(6), 460.408(3) FS.

LAW IMPLEMENTED: 456.033 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-13.0045 Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation.

(1) No license shall be granted and no license shall be renewed or reactivated by ~~July 1, 1989~~, unless the applicant or licensee submits confirmation to the Board, on a form approved by the Board, that he or she has successfully completed a Board-approved course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS).

~~(2) All licensees shall by December 31, 1989, submit confirmation to the Board, on a form approved by the Board, that they have successfully completed a Board approved course on HIV/AIDS.~~

(2)(3) To receive Board approval, courses on HIV/AIDS shall consist of at least 3 hours of classroom instruction.

~~(3)(4)~~ For the purpose of compliance with this rule, a licensee may submit confirmation of having taken a course which complies with Rule 64B2-13.004(3), F.A.C., ~~and is subsequently approved by the Board, if the course was completed after July 1, 1988 for continuing education credit for 1989 renewal period.~~

~~(4)(5)~~ HIV/AIDS hours Hours completed to satisfy the requirement of this rule may be used by the licensee for purposes of satisfying the 40 hour requirement of Rule 64B2-13.004(1), F.A.C.

(5) Each applicant for licensure shall attend and certify attending a Board-approved two hour course relating to the prevention of medical errors. Each licensee shall attend and certify attending a Board-approved two hours continuing education course relating to the prevention of medical errors. For licensees, the two hour course shall count toward the total number of continuing education hours required for license renewal.

Specific Authority 456.033(6), 460.408(3), 456.013 FS. Law Implemented 456.033, 456.013(7) FS. History--New 5-2-89, Amended 1-28-90, Formerly 21D-13.0045, Amended 10-26-93, Formerly 61F2-13.0045, 59N-13.0045, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Manner of Application  
RULE NO.: 64B3-6.001

PURPOSE AND EFFECT: The Board proposes to update the social security disclosure language, the application form, and the examination information.

SUBJECT AREA TO BE ADDRESSED: Manner of Application.

SPECIFIC AUTHORITY: 456.013, 483.805(4) FS.  
LAW IMPLEMENTED: 456.013, 483.815, 483.823 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., October 19, 2001

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Blvd., Jacksonville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-6.001 Manner of Application.

(1) through (4) No change.

~~(5) Under the Federal Privacy Act, disclosure of a social security number is voluntary. They are requested~~ With regard to persons who have been issued a social security number by

the Federal Government, disclosure of a social security number is mandatory pursuant to Sections 456.004(9), 409.2577 and 409.2598, Florida Statutes, and are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to assure compliance with child support obligations.

(6) No change.

Specific Authority 456.013, 483.805(4) FS. Law Implemented 456.013, 483.815, 483.823 FS. History--New 12-29-93, Formerly 61F3-6.001, Amended 5-29-95, 8-1-95, Formerly 59O-6.001, Amended 8-27-97, 9-20-98, 1-5-00, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Formulary  
RULE NO.: 64B8-30.008

PURPOSE AND EFFECT: The Board proposes a substantial rewording of the formulary rule intended to convert the current physician assistant formulary to a negative formulary in response to recent legislation as set forth in Section 458.347(4)(f)1.

SUBJECT AREA TO BE ADDRESSED: Physician assistant formulary.

SPECIFIC AUTHORITY: 458.309, 458.347(4)(f)1. FS.

LAW IMPLEMENTED: 458.347(4)(e),(f) 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/MQA, 4052 Bald Cypress Way, Bin #03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64B8-30.008 follows. See Florida Administrative Code for present text.)

64B8-30.008 Formulary.

(1) PHYSICIAN ASSISTANTS APPROVED TO PRESCRIBE MEDICINAL DRUGS UNDER THE PROVISIONS OF SECTIONS 458.347(4)(e) OR 459.022 (4)(e), FLORIDA STATUTES, ARE NOT AUTHORIZED TO PRESCRIBE THE FOLLOWING MEDICINAL DRUGS, IN PURE FORM OR COMBINATION:

(a) Controlled substances, as defined in Chapter 893, F.S.

(b) Antipsychotics.

(c) General, spinal or epidural anesthetics.

(d) Radiographic contrast materials.

(e) Any parenteral preparation except insulin and epinephrine. Parenteral includes: intravenous, subcutaneous, intramuscular, and any route other than the alimentary canal; however, it does not include topical or mucosal application.

Nothing in this formulary prohibits a physician assistant from administering a parenteral drug under the direction or supervision of the supervising physician.

(2) A supervising physician may delegate to a prescribing physician assistant only such authorized medicinal drugs as are used in the supervising physician's practice.

(3) Subject to the requirements of this subsection, Section 458.347 and 459.022, F.S., and the rules enacted thereunder, drugs not appearing on this formulary may be delegated by a supervising physician to a prescribing physician assistant to prescribe.

(4) Nothing herein prohibits a supervising physician from delegating to a physician assistant the authority to order medicinal drugs for a hospitalized patient of the supervising physician, nor does anything herein prohibit a supervising physician from delegating to a physician assistant the administration of a medicinal drug under the direction and supervision of the physician.

Specific Authority 458.309, 458.347(4)(f)1,3- FS. Law Implemented 458.347(4)(e),(f) FS. History-New 3-12-94, Formerly 61F6-17.0038, Amended 11-30-94, 2-22-95, 1-24-96, 11-13-96, 3-26-97, Formerly 59R-30.008, Amended 11-26-97, 1-11-99, 12-28-99, 6-20-00, 11-13-00,

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Procedure for Approval of Attendance at Continuing Education Courses

RULE NO.: 64B8-52.003

PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Procedure for Approval of Attendance at Continuing.

SPECIFIC AUTHORITY: 478.43(1),(4), 478.50(2),(4)(a),(b) FS.

LAW IMPLEMENTED: 456.013, 456.033, 478.43(4), 478.50(2),(4)(a),(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kaye Howerton, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Equipment and Devices; Protocols for Laser and Light-Based Devices

RULE NO.: 64B8-56.002

PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Equipment and Devices; Protocols for Laser and Light-Based Devices.

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 458.33(1)(v), 458.348(3), 478.42(5), 478.43(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kaye Howerton, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE TITLES: Disciplinary Proceedings; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

RULE NOS.: 64B9-8.005

PURPOSE AND EFFECT: The Board proposes to review these rules to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary proceedings and disciplinary guidelines; range of penalties; aggravating and mitigating circumstances.

SPECIFIC AUTHORITY: 456.072, 456.079, 464.006 FS.

LAW IMPLEMENTED: 456.072, 456.079, 464.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Optical Establishment Inspections  
 RULE NO.: 64B12-8.023  
 PURPOSE AND EFFECT: The Board proposes a new rule that establishes inspection criteria for optical establishments.  
 SUBJECT AREA TO BE ADDRESSED: Optical establishment inspections.  
 SPECIFIC AUTHORITY: 484.015 FS.  
 LAW IMPLEMENTED: 484.015 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Delinquent License  
 RULE NO.: 64B12-12.009  
 PURPOSE AND EFFECT: The Board proposes a new rule concerning delinquent license and the requirements for reactivation of a delinquent license.  
 SUBJECT AREA TO BE ADDRESSED: New rule concerning delinquent license for the Board of Opticianry.  
 SPECIFIC AUTHORITY: 456.036, 484.008 FS.  
 LAW IMPLEMENTED: 456.036, 484.008 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sue Foster, Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-12.009 Delinquent License.

(1) The failure of any licensee to elect active or inactive status before the license expires shall cause the license to become delinquent.

(2) The delinquent licensee must affirmatively apply for active or inactive status during the biennium in which the license becomes delinquent. The failure by the delinquent licensee to cause the license to become active or inactive before the expiration of the biennium in which the license became delinquent shall render the license null and void without further action by the board or the Department.

(3) The delinquent licensee who applies for active or inactive license status shall:

(a) Submit to the Board a written request for either active status or inactive status.

(b) If active is requested, demonstrate compliance with the continuing education requirements set forth in Rule 64B12-15.001, F.A.C..

(c) Pay to the Board the delinquent fee as set forth in Rule 64B12-11.0095, F.A.C..

(d) Pay to the Board either the active status or inactive status renewal fee, and

(e) If applicable, pay to the Board the change of status fee as set forth in Rule 64B12-11.0105, F.A.C.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Standards for Continuing Professional Education  
 RULE NO.: 64B12-15.003  
 PURPOSE AND EFFECT: The Board proposes a revision of the rule to include the requirement for continuing education for prevention of medical errors and continuing education of contact lens.  
 SUBJECT AREA TO BE ADDRESSED: Requirements for continuing education for renewal of license.  
 SPECIFIC AUTHORITY: 456.013(7), 484.005, 484.008(3) FS.  
 LAW IMPLEMENTED: 456.013(7), 484.008(3) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sue Foster, Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:



64B12-15-003 Standards for Continuing Professional Education.

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

(c) One (1) hour must be instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS); ~~and~~

(d) One (1) hour must be in contact lens theory and practice;

(e) Effective August 1, 2002, a two (2) hour continuing education course relating to the prevention of medical errors. The course must be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety; and

~~(f)(d) Two (2) hours~~ ~~Four (4) hours~~ shall be electives consisting of courses in one or more of the subjects of categories (a) through (c) above or subjects relating to management of a practice from a business perspective including sales and marketing, business and finance, and personnel management, stress management, risk management, fire prevention or disaster planning.

- (4) through (7) No change.

Specific Authority 456.013(7), 484.005, 484.008(3) FS. Law Implemented 456.013(7), 484.008(3) FS. History–New 10-12-80, Formerly 21P-15.03, Amended 3-5-87, 8-10-87, 1-6-88, 6-11-92, Formerly 21P-15.003, Amended 4-17-94, Formerly 61G13-15.003, Amended 3-14-95, Formerly 59U-15.003, Amended 4-20-99, 12-31-00,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Hours Requirement  
 RULE NO.: 64B13-5.001  
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address continuing education hours for the biennium ending in February, 2003.  
 SUBJECT AREA TO BE ADDRESSED: Continuing education requirements.

SPECIFIC AUTHORITY: 463.005(1), 463.007(3),(4) FS.  
 LAW IMPLEMENTED: 463.007 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 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-5.001 Hours Requirement.

(1) As a condition to the renewal of a biennial license, each licensed practitioner shall be required to maintain professional competency by completing 30 clock hours of continuing education in subjects relating to optometry that have been approved by the Board. Licensed practitioners shall not be required to complete the continuing education requirements during the biennium in which they receive initial licensure. Credit will be allowed on the basis of an hour for hour. To receive one hour credit, a licensed practitioner must attend not less than 50 minutes. There will be no fractional hour credits. For certified optometrists, at least 6 of those 30 hours must be of “transcript quality”. For purpose of this rule, the phrase “transcript quality” refers to coursework in ocular and systemic pharmacology and the diagnosis, treatment and management of ocular and systemic conditions and diseases. Transcript quality CE must be sponsored by a school or college of optometry or equivalent educational entity as approved by the Board and which requires a test and passing grade. Attendance at a continuing education program must be certified by the lecturer or someone in charge of the program. An instructor of a course may credit the hours taught towards completion of the required continuing education; provided, however, that an instructor may only credit a course once, regardless of the number of times the course is taught. In addition, the instructor of a course may not credit the hours taught towards completion of the “transcript quality” portion of the continuing education requirement. For the biennium ending at the end of February 2003, each licensed practitioner may count hours of continuing education obtained between January of 2001 and the end of February 2001, so long as the licensed practitioner did not count those hours for the March 1, 1999 – February 28, 2001, biennium. However, effective March 1, 2003, continuing education hours must be obtained during the biennium preceding licensure.

- (2) through (7) No change.

Specific Authority 463.005(1), 463.007(3),(4) FS. Law Implemented 463.007 FS. History–New 11-13-79, Amended 5-28-80, 9-16-80, 1-13-81, 2-14-82, Formerly 21Q-5.01, Amended 12-16-86, 12-11-88, 4-19-89, 12-20-89, 9-22-92, 10-28-92, Formerly 21Q-5.001, Amended 8-31-93, Formerly 61F8-5.001, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.001, Amended 3-21-00, 10-2-01,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Formulary  
 RULE NO.: 64B15-6.0038  
 PURPOSE AND EFFECT: The Board proposes a substantial rewording of the formulary rule intended to convert the current physician assistant formulary to a negative formulary as set forth in subsection 459.022(4)(e), F.S.

SUBJECT AREA TO BE ADDRESSED: Physician assistant formulary.

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

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

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A 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: Karen Eaton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64B15-6.0038 follows. See Florida Administrative Code for present text.)

64B15-6.0038 Formulary.

(1) PHYSICIAN ASSISTANTS APPROVED TO PRESCRIBE MEDICINAL DRUGS UNDER THE PROVISIONS OF SECTIONS 458.347(4)(e) OR 459.022(4)(e), FLORIDA STATUTES, ARE NOT AUTHORIZED TO PRESCRIBE THE FOLLOWING MEDICINAL DRUGS, IN PURE FORM OR COMBINATION:

(a) Controlled substances, as defined in Chapter 893, F.S.

(b) Antipsychotics.

(c) General, spinal or epidural anesthetics.

(d) Radiographic contrast materials.

(e) Any parenteral preparation except insulin and epinephrine. Parenteral includes: intravenous, subcutaneous, intramuscular, and any route other than the alimentary canal; however, it does not include topical or mucosal application. Nothing in this formulary prohibits a physician assistant from administering a parenteral drug under the direction or supervision of the supervising physician.

(2) A supervising physician may delegate to a prescribing physician assistant only such authorized medicinal drugs as are used in the supervising physician's practice.

(3) Subject to the requirements of this subsection, Section 458.347 and 459.022, F.S., and the rules enacted thereunder, drugs not appearing on this formulary may be delegated by a supervising physician to a prescribing physician assistant to prescribe.

(4) Nothing herein prohibits a supervising physician from delegating to a physician assistant the authority to order medicinal drugs for a hospitalized patient of the supervising physician, nor does anything herein prohibit a supervising physician from delegating to a physician assistant the administration of a medicinal drug under the direction and supervision of the physician.

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: RULE NO.:

Licensure Without Examination 64B17-3.003

PURPOSE AND EFFECT: The Board proposes to clarify the existing rule with regard to minimum standards.

SUBJECT AREA TO BE ADDRESSED: Licensure Without Examination.

SPECIFIC AUTHORITY: 486.025, 486.081 FS.

LAW IMPLEMENTED: 486.081 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 TO BE ANNOUNCED.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-3.003 Licensure Without Examination.

An applicant demonstrating that he meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy without examination by presenting evidence satisfactory to the Board that he has passed an examination before a similar, lawful, authorized examining board in physical therapy in another state, the District of Columbia, a territory or a foreign country if their standards for licensure are as high as those maintained in Florida. The standard for determining whether the standards of another state, the District of Columbia, a territory, or a foreign country are as high as the standards in Florida shall be whether the written examination taken for licensure in such other jurisdiction by applicants meeting Florida's minimum educational qualifications was an examination prepared under the auspices of the Profession Examination Services.

Specific Authority 486.025, 486.081 FS. Law Implemented 486.081 FS. History--New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61F11-3.004, 59Y-3.004, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: RULE NO.:

Procedures for Approval of Attendance at Continuing Education Courses 64B32-6.004

PURPOSE AND EFFECT: The Board proposes to add error course.

SUBJECT AREA TO BE ADDRESSED: Procedures for Approval of Attendance at Continuing Education Courses.

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) through (4) No change.

(5) Each licensee should attend and certify attending a Board approved two hour continuing education course relating to the prevention of medical errors. The two-hour course shall count toward the total number of continuing education hours required for each license renewal.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History—New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01,

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

RULE CHAPTER TITLE: Biomedical Waste  
 RULE CHAPTER NO.: 64E-16

PURPOSE AND EFFECT: The purpose of this rule development is to incorporate forms for the implementation of section 381.0098, F.S. Incorporation of these forms will facilitate permitting of regulated facilities.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed is the incorporation of forms required for permitting.

SPECIFIC AUTHORITY: 381.0098(3) FS.

LAW IMPLEMENTED: 381.0098(4),(5),(6),(7) FS.

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

TIME AND DATE: 1:00 p.m., Friday, November 2, 2001

PLACE: Conference Room 240P, Building 4042, Capital Circle Office Complex, 4042 Bald Cypress Way, Tallahassee, Florida

The forms to be included in the proposed rule can be obtained without cost by contacting: Edward J. Golding, at the address above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edward J. Golding, Environmental Specialist III, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710, (850)245-4277

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

RULE CHAPTER TITLE: Body Piercing  
 RULE CHAPTER NO.: 64E-19

PURPOSE AND EFFECT: The purpose of this rule development is to incorporate standards and procedures to fulfill the intent of Section 381.0075, F.S. The incorporated language will correct inaccurate references to a federal agency.

SUBJECT AREA TO BE ADDRESSED: The subjects to be addressed are use of both liquid chemical sterilants and pre-surgical scrubs.

SPECIFIC AUTHORITY: 381.0075(10) FS.

LAW IMPLEMENTED: 381.0075(10),(11) FS.

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

TIME AND DATE: 10:00 a.m., Friday, November 2, 2001

PLACE: Conference Room 240P, Building 4042, Capital Circle Office Complex, 4042 Bald Cypress Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Edward J. Golding, Environmental Specialist III, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL, 32399-1710, (850)245-4277

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF STATE**

**John and Mable Ringling Museum of Art**

RULE CHAPTER TITLE: Organization  
 RULE CHAPTER NO.: 1K-1

RULE TITLE: Members Council  
 RULE NO.: 1K-1.013

PURPOSE AND EFFECT: The rules to be repealed relate to the John and Mable Ringling Museum of Art. In 2000, the Legislature transferred oversight of the museum to Florida State University. Accordingly, the rules no longer serve a

purpose for the Department of State and the Department seeks to repeal them. Furthermore, statutory authority no longer exists for these rules.

SUMMARY: The Department of State proposes repeal of rules governing various aspects of the John and Mable Ringling Museum of Art.

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: 265.26(4) FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

LAW IMPLEMENTED: 265.26 FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

IF REQUESTED IN WRITING 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: Heidi Hughes, Assistant General Counsel, Florida Department of State, The Capitol, LL-10, Tallahassee, FL 32399, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULE IS:

1K-1.013 Members Council.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS. History--New 9-22-86, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Heidi Hughes, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dave Mann, Assistant Secretary, Florida Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2001

**DEPARTMENT OF STATE**

**John and Mable Ringling Museum of Art**

RULE CHAPTER TITLE: Collections RULE CHAPTER NO.: 1K-2

RULE TITLES: Acquisitions RULE NOS.: 1K-2.001

Accessioning 1K-2.002

Deaccessioning 1K-2.003

Loans of Objects of Art 1K-2.010

PURPOSE AND EFFECT: The rules to be repealed relate to the John and Mable Ringling Museum of Art. In 2000, the Legislature transferred oversight of the museum to Florida State University. Accordingly, the rules no longer serve a purpose for the Department of State and the Department seeks to repeal them. Furthermore, statutory authority no longer exists for these rules.

SUMMARY: The Department of State proposes repeal of rules governing various aspects of the John and Mable Ringling Museum of Art.

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: 265.26(4) FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

LAW IMPLEMENTED: 265.26 FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Heidi Hughes, Assistant General Counsel, Florida Department of State, The Capitol, LL-10, Tallahassee, FL 32399, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULES IS:

1K-2.001 Acquisitions.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS. History--New 10-4-79, Amended 7-27-89, Repealed \_\_\_\_\_.

1K-2.002 Accessioning.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS. History--New 10-4-79, Amended 9-27-83, Repealed \_\_\_\_\_.

1K-2.003 Deaccessioning.

Specific Authority 265.26(10) FS. Law Implemented 265.26 FS. History--New 10-4-79, Amended 9-5-82, 9-8-87, 7-27-89, Repealed \_\_\_\_\_.

1K-2.010 Loans of Objects of Art.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS History--New 10-4-79, Amended 10-15-81, 9-5-82, 9-2-87, 12-24-95, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Heidi Hughes, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dave Mann, Assistant Secretary, Florida Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2001

**DEPARTMENT OF STATE**

**John and Mable Ringling Museum of Art**

RULE CHAPTER TITLE: Facilities – Use  
 RULE CHAPTER NO.: 1K-6

RULE TITLE: Purpose  
 RULE NO.: 1K-6.009

**PURPOSE AND EFFECT:** The rule to be repealed relate to the John and Mable Ringling Museum of Art. In 2000, the Legislature transferred oversight of the museum to Florida State University. Accordingly, the rules no longer serve a purpose for the Department of State and the Department seeks to repeal them. Furthermore, statutory authority no longer exists for these rules.

**SUMMARY:** The Department of State proposes repeal of rules governing various aspects of the John and Mable Ringling Museum of Art.

**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:** 265.26(4) FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

**LAW IMPLEMENTED:** 265.26 FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Heidi Hughes, Assistant General Counsel, Florida Department of State, The Capitol, LL-10, Tallahassee, FL 32399, (850)245-6536

**THE FULL TEXT OF THE PROPOSED RULE IS:**

1K-6.009 Purpose.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS History–New 7-13-86, Amended 12-24-95, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Heidi Hughes, Assistant General Counsel

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Dave Mann, Assistant Secretary, Florida Department of State

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 3, 2001

**DEPARTMENT OF STATE**

**John and Mable Ringling Museum of Art**

RULE CHAPTER TITLE: Photography  
 RULE CHAPTER NO.: 1K-7

RULE TITLES: Photography by a Commercial Organization 1K-7.002  
 Photography by General Public 1K-7.003  
 Reproduction Rights 1K-7.004

**PURPOSE AND EFFECT:** The rules to be repealed relate to the John and Mable Ringling Museum of Art. In 2000, the Legislature transferred oversight of the museum to Florida State University. Accordingly, the rules no longer serve a purpose for the Department of State and the Department seeks to repeal them. Furthermore, statutory authority no longer exists for these rules.

**SUMMARY:** The Department of State proposes repeal of rules governing various aspects of the John and Mable Ringling Museum of Art.

**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:** 265.26(4) FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

**LAW IMPLEMENTED:** 265.26 FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Heidi Hughes, Assistant General Counsel, Florida Department of State, The Capitol, LL-10, Tallahassee, FL 32399, (850)245-6536

**THE FULL TEXT OF THE PROPOSED RULES IS:**

1K-7.002 Photography by a Commercial Organization.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS History–New 10-4-79, Repealed.

1K-7.003 Photography by General Public.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS. History–New 10-4-79, Amended 1-9-91, Repealed.

1K-7.004 Reproduction Rights.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS History–New 10-4-79, Amended 6-25-87, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Heidi Hughes, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dave Mann, Assistant Secretary, Florida Department of State  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2001

**DEPARTMENT OF INSURANCE**

RULE TITLE: Annual and Quarterly Reporting Requirements  
RULE NO.: 4-137.001

PURPOSE AND EFFECT: To amend Florida Administrative Code to reflect the incorporation of the most recent version of the National Association of Insurance Commissioners Manuals for the completion of annual reports.

SUMMARY: Uniform requirements for the filing of annual and quarterly reports by insurers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC 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(1) FS.

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

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

TIME AND DATE: 10:00 a.m., November 13, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0327, phone (850)413-5038

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

4-137.001 Annual and Quarterly Reporting Requirements.

(1) through (3) No change.

(4) Manuals Adopted.

(a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Annual Statement Instructions, Property and Casualty, 2001 ~~2000~~;

2. The NAIC's Annual Statement Instructions/Life, Accident and Health, 2001 ~~2000~~;

3. The NAIC's Accounting Practices and Procedures Manual, as of March 2001 effective ~~January 1, 2001~~.

(b) No change.

Specific Authority 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, 4-4-99, 11-30-99, 2-11-01, 4-5-01, \_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

RULE TITLE: NAIC Financial Examiners Handbook Adopted  
RULE NO.: 4-138.001

PURPOSE AND EFFECT: To adopt and incorporate by reference the 2001 National Association of Insurance Commissioners (NAIC) Financial Examiners Condition Handbook

SUMMARY: Uniform requirements for the financial examination of insurers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC 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(1) FS.

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

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

TIME AND DATE: 10:00 a.m., November 13, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0327, phone (850)413-5038

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

4-138.001 NAIC Financial Examiners Handbook Adopted.

(1) The National Association of Insurance Commissioners Financial Condition Examiners Handbook Volume I (2001) (~~2000~~) is hereby adopted and incorporated by reference, ~~with the exception of Part 8, Appendix A.~~

(2) through (3) No change.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.316(1)(c) FS. History--New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Saint Augustine Decline	5B-36
RULE TITLES:	RULE NOS.:
Definition of Terms	5B-36.001
Purpose	5B-36.002
Declaration of Saint Augustine Decline	
Disease as a Plant Pest and Quarantine	5B-36.0024
Infested and Regulated Areas	5B-36.0028
Interstate Movement	5B-36.005

PURPOSE AND EFFECT: The department is proposing to repeal Saint Augustine Decline, Rule Chapter 5B-36. Certifying that Saint Augustine grass, centipede grass or other host plants from infested states are free of Saint Augustine decline disease will no longer be required prior to shipping these turf grass varieties into Florida.

SUMMARY: Rule Chapter 5B-36 in its entirety will be repealed. Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas, which are infested with Saint Augustine decline disease will not have to obtain a master permit or issue a certificate for turf grass attesting to freedom from Saint Augustine decline disease as a condition of shipping interstate into Florida.

SPECIFIC AUTHORITY: 570.07(13),(23) FS.

LAW IMPLEMENTED: 581.031(4),(5),(6),(7),(15),(20), 581.083 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., November 21, 2001

PLACE: Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Richard Gaskalla, Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULES IS:

**5B-36.001 Definition of Terms.**

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031 FS. History--New 12-24-71, Repromulgated 12-31-74, Formerly 5B-36.01, Amended 5-13-93, Repealed.

**5B-36.002 Purpose.**

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5), 581.083 FS. History--New 12-24-71, Repromulgated 12-31-74, Formerly 5B-36.02, Amended 5-13-93, Repealed.

**5B-36.0024 Declaration of Saint Augustine Decline Disease as a Plant Pest and Quarantine.**

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(6) FS. History--New 5-13-93, Amended 6-4-95, Repealed.

**5B-36.0028 Infested and Regulated Areas.**

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(6),(7), 581.101 FS. History--New 5-13-93, Repealed.

**5B-36.005 Interstate Movement.**

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5),(15),(20) FS. History--New 12-24-71, Repromulgated 12-31-74, Formerly 5B-36.05, Amended 5-13-93, 6-12-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner's Office Staff, Florida Department of Agriculture and Consumer Services, PL 10, The Capitol, Tallahassee, FL 32399-0810

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2001

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Citrus Canker	5B-58
RULE TITLE:	RULE NO.:
Citrus Canker Eradication	5B-58.001

PURPOSE AND EFFECT: The purpose and effect is to establish procedures for implementation of the citrus canker eradication program to prevent devastation of Florida's more than \$8 billion citrus industry and dooryard citrus.

SUMMARY: The proposed rules require removal of all citrus trees infected with citrus canker and all citrus trees located within 1,900 feet of such infected trees. The proposed rules also establish the required content of Immediate Final Orders and delivery of such Final Orders in pursuit of the citrus canker eradication program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: (a) The Department estimates that approximately 80,000 individuals and entities will be affected by the proposed rule amendments. This estimate assumes the proposed rule amendments become effective in a timely manner and the Department is able to begin removal and destruction of all citrus trees within 1,900 feet of citrus trees which are visibly infected with citrus canker. The proposed amendments specify actions to be taken by the Department in the Department's Citrus Canker Eradication Program ("CCEP"). The proposed amendments do not require that individuals and entities take actions to comply with the proposed rule amendments. The types of individuals affected by the proposed rule amendments include residential and other property owners who own citrus trees, and citrus grove owners and their employees and contractors.

(b) The Department estimates that the costs that it will incur in implementing and enforcing the proposed rule amendments will be approximately \$58.5 million during the first year of implementation. During subsequent years, costs to the Department for implementation and enforcement of the proposed rule amendments are estimated to not exceed \$10 million, and are expected to decrease over time. The Department estimates that local government entities will not incur any unreimbursed expenses for implementation and enforcement of the proposed rule amendments. The Department also estimates that the proposed rule amendments will not affect state or local revenues, except as otherwise stated herein.

(c) As noted above, the proposed rule amendments do not require individuals, entities, or local governments to take actions to comply with the proposed rule amendments. Instead, the proposed rule amendments specify actions to be taken by the Department in the Department's CCEP. Therefore, the Department estimates that individuals, entities and local governments should bear no transactional costs (as defined in Section 120.541(2)(e), Florida Statutes) to comply with the proposed rule amendments.

(d)1. The Department provides the following analysis of the impact of the proposed rule amendments on small businesses, as defined by Section 288.703, Florida Statutes: a) Citrus groves which constitute small businesses: All citrus trees within such groves which are within 1,900 feet of a citrus tree which is visibly infected with citrus canker will be removed as a result of the proposed rule amendments. The impact on citrus grove owners whose citrus trees are removed pursuant to the CCEP should be mitigated by payments which such grove owners may receive from the federal government. Specifically, such citrus grove owners are expected to receive approximately \$55 per tree removed. b) Small business owners who are dependent upon the citrus industry: Such small businesses, which include, but are not limited to vendors who provide goods and/or services to the citrus industry, will be positively impacted by the proposed rule amendments since implementation of the proposed rule amendments will result in effective eradication of citrus canker, thereby preventing devastation to Florida's fresh citrus industry and consequently to the citrus industry as a whole. 2. The Department provides the following analysis of the impact of the proposed rule amendments on small cities and small counties as defined in Section 120.52, Florida Statutes: Small cities and small counties should not be impacted by the proposed rule amendments in their capacities as small cities and small counties. Any anticipated expenses they may incur are expected to be reimbursed. To the extent small cities and small counties own citrus trees which are located within 1,900 feet of a citrus tree which is visibly infected with citrus canker, the effect on such small cities and small counties will be the removal and destruction of such trees.

(e) The Department thus far has received no good faith written proposals for alternatives to the proposed rule amendments submitted under Section 120.541(1)(a), Florida Statutes. However, alternatives to removing all citrus trees within 1,900 feet of an infected tree have been proposed by some individuals. These proposals include removing only citrus trees exhibiting visual symptoms of citrus canker, use of topical applications purportedly capable of stopping the spread of citrus canker, creating host-free buffer zones adjacent to citrus groves, and discontinuation of the CCEP. The costs associated with such proposals exceed the costs associated with implementation of the proposed rule since such proposals would ultimately fail to prevent citrus canker from spreading throughout the State, resulting in a negative impact to the citrus industry costing more than \$340 million annually, negative impacts on small businesses which are dependent on Florida's fresh citrus industry and on the citrus industry as a whole, and substantial damage to residential citrus trees not otherwise removed under the CCEP. No supporting scientific evidence has been provided to the Department to support these proposals, nor has the Department through scientific literature searches identified valid evidence to support these proposals. In fact, the preponderance of scientific evidence supports the need to effectively eradicate citrus canker, and specific research conducted in Florida has shown that in order to achieve effective eradication both the citrus tree with visual symptoms of citrus canker and all citrus trees within 1,900 feet of the infected tree must be removed.

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: 570.07(21),(23), 581.031(1),(4),(5), 581.091(1), 581.0101(1), 581.184 FS.

LAW IMPLEMENTED: 570.07(2),(13),(21), 581.031(6),(7), (9),(15),(17), 581.013, 581.0101, 581.131, 581.141, 581.184, 581.211 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: 1:00 p.m. – 5:00 p.m., November 14, 2001  
PLACE: Broward Regional Service Center, 1400 West Commercial Blvd., Fort Lauderdale, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100, telephone number (352)372-3505

THE FULL TEXT OF THE PROPOSED RULE IS:



5B-58.001 Citrus Canker Eradication.

(1) Definitions. For the purpose of this rule, the definitions in Sections 581.011, Florida Statutes, and the following definitions shall apply:

(a) through (d) No change.

~~(e) Risk Canker Risk Assessment Group. A group of scientists and regulatory officials with knowledge of citrus canker disease and its eradication appointed by the director to make biologically sound recommendations for the control and eradication of citrus canker from the state. Risk assessments are science-based recommendations on control and eradication strategies and other issues upon request for assistance from the Citrus Canker Eradication Program.~~

(f) through (g) renumbered (e) through (f) No change.

~~(h) Exposed. Determined by the Department to likely harbor citrus canker bacteria because of proximity to infected plants, or probable contact with personnel, or regulated articles, or other articles that may have been contaminated with bacteria that causes citrus canker, but not expressing visible symptoms.~~

(i) through (k) renumbered (g) through (i) No change.

(2) through (3) No change.

(4) Quarantine area. An area around a site where an infestation of citrus canker is known to occur will be quarantined. The geographical boundaries of the quarantine shall be established by risk assessment procedures and will be published in a major newspaper of general distribution in each area affected and through other appropriate media. Risk assessment procedures will consider the aggressiveness of the pathogen in the field, the level of disease inoculum, the location and spatial distribution of ~~the infected and exposed~~ plants, the variety and type of citrus plants, the risk of spread to areas growing citrus commercially, maintenance practices, and other relevant information. An area shall be released from quarantine provided no detections of citrus canker have occurred during a minimum two-year period of intensive survey and a declaration that citrus canker has been eradicated from the area.

(5) Removal Control Procedures.

(a) Removal of citrus trees. For the purposes of eradicating, controlling, and preventing the dissemination of citrus canker in this state, the Department shall remove and destroy all citrus trees which are infected or are located within 1,900 feet of an infected citrus tree. ~~Risk Assessment. The department shall perform risk assessment procedures to determine the steps necessary to eradicate, control, and prevent the dissemination of citrus canker. The Director shall evaluate the risk assessment requests in consultation with the Citrus Canker Risk Assessment Group Leader to determine the need to engage the services of the Citrus Canker Risk Assessment Group to conduct a full risk assessment. All citrus trees which are infected or infested shall be removed. The decision to remove exposed trees will take into consideration the~~

~~recommendations of the Citrus Canker Risk Assessment Group. In developing the recommendations, the Citrus Canker Risk Assessment Group will take the following variables into consideration: property type, cultivar, cultivar susceptibility, tree size and age, size of block, tree spacing, horticultural condition, tree distribution, tree density, weather events, wind breaks, movement factors, disease strain, exposure, infection age, infection distribution, disease incidence, Asian citrus leafminer damage, survey access, security of property, sanitation, management practices, closeness of other host properties, and closeness of other infected properties.~~

(b) Immediate Final Orders. The Department shall issue an Immediate Final Order stating the quarantine and control removal methods to be implemented on the infected or exposed citrus located on the property. It may be delivered in person, by certified mail or similar common carrier, or posted on the attached to a conspicuous place on that property. Immediate final orders are not required for control removal action in commercial citrus groves provided the owner agrees voluntarily to the control removal action and enters into an agreement not to sue ~~with~~ the Department. The Immediate Final Orders to be used by the Department in furtherance of the destruction of citrus trees under this rule, Form No. 01262, and Form No. 01263, are hereby incorporated by reference. Simultaneously with the delivery of an Immediate Final Order pursuant to this Section, the Department shall also provide the following information to the property owner:

1. The physical location of the infected tree which has necessitated destruction of the property owner's tree;

2. The diagnostic report which resulted in the determination that the infected tree is infected with the citrus canker; and

3. The distance between the infected citrus tree and the property owner's citrus trees.

(6) through (16) No change.

Specific Authority 570.07(21),(23), 581.031(1),(4),(5), 581.091(1), 581.0101(1), 581.184 FS. Law Implemented 570.07(2),(13),(21), 581.031(6),(7),(9),(15),(17), 581.083, 581.0101, 581.131, 581.141, 581.184, 581.211 FS. History--New 1-17-96, Amended 4-9-96, 5-14-97, 8-19-97, 11-19-97, 11-16-99, 7-17-00, 2-22-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Connie Riherd

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2001

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLES:  
Registration

RULE NOS.:  
12A-19.010

Tax Due at Time of Sale; Tax Returns and Regulations 12A-19.020  
 Communications Services Tax Direct Pay Permits 12A-19.030  
 Residential Exemption from the Communications Services Tax 12A-19.041  
 Governmental Exemption from the Communications Services Tax 12A-19.042  
 Religious and Educational Organizations Exemption from the Communications Services Tax 12A-19.043  
 Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections 12A-19.050  
 Sales for the Purpose of Resale 12A-19.060

PURPOSE AND EFFECT: The purpose of the proposed creation of Rule Chapter 12A-19, F.A.C., Communications Services Tax, is to implement ss. 202.11, 202.12, 202.125, 202.13, 202.15, 202.16, 202.17, 202.19, 202.20, 202.21, 202.22, 202.27, 202.28, 202.30, 202.34, and 202.35, F.S., and to provide guidelines for communications services providers and tax administrators regarding registration, tax returns, direct pay permits, exemptions, sales for the purpose of resale, and notification requirements for local governments.

SUMMARY: The purposes of the proposed creation of Rule 12A-19.010, F.A.C., Registration, are to: (1) provide guidelines for persons required to register with the Department for the communications services tax, including those required to register for purposes of obtaining a Communications Services Tax Direct Pay Permit; (2) require all applications, except for specified providers that will not be collecting local communications services taxes, to be accompanied by form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction, which is incorporated by reference; (3) provide guidelines to dealers whose activities require registration, including substitute communications system users and persons applying for a direct pay permit; (4) provide guidelines to those whose activities do not require registration; and (5) provide guidelines on how to obtain forms from the Department.

The purposes of the proposed creation of Rule 12A-19.020, F.A.C., Tax Due at Time of Sale; Tax Returns and Regulations, are to: (1) provide guidelines regarding the collection and remittance of the communications services tax; (2) provide guidelines regarding the application of the collection allowances; (3) provide guidelines on how to obtain forms from the Department; (4) provide guidelines for the application of penalties and interest when persons fail to make a return, pay taxes due, or remit taxes; and (5) incorporate by reference the return used by the Department in the administration of the communications services tax.

The purposes of the proposed creation of Rule 12A-19.030, F.A.C., Communications Services Tax Direct Pay Permits, are to: (1) provide guidelines to taxpayers regarding who may apply for a Communications Services Tax Direct Pay Permit using form DR-700030, Application for Communications Services Tax Direct Pay Permit, which is incorporated by reference; (2) define the term “person” for purposes of this rule; (3) provide guidelines regarding the information that will be included on the permit, including the effective and expiration dates; (4) provide how a replacement Communications Services Tax Direct Pay Permit may be obtained; (5) provide guidelines to permit holders for remitting the communications service tax and for the use of direct pay permits; and (6) provide guidelines on recordkeeping requirements.

The purpose of the proposed creation of Rule 12A-19.041, F.A.C., Residential Exemption from the Communications Services Tax, is to provide the methods, procedures, recordkeeping requirements, and guidelines for sales to residential households.

The purpose of the proposed creation of Rule 12A-19.042, F.A.C., Governmental Exemption from the Communications Services Tax, is to provide the methods, procedures, recordkeeping requirements, and guidelines for sales to the federal government, state government, and political subdivisions of the state or federal government.

The purposes of the proposed creation of Rule 12A-19.043, F.A.C., Religious and Educational Organizations Exemption from the Communications Services Tax, are to: (1) provide the methods, procedures, recordkeeping requirements, and guidelines for sales to religious or educational organizations; (2) provide definitions for the terms “religious organization” and “educational organization”; and (3) provide a suggested certificate format to be used by religious or educational organizations to purchase communications services tax exempt.

The purposes of the proposed creation of Rule 12A-19.050, F.A.C., Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections, are to: (1) provide guidelines to local governments regarding the methods and procedures for changing local communications services tax rates; (2) provide procedures for notifying the Department of changes in a local government’s permit fee election; and (3) incorporate by reference the form used by the Department to implement the notification requirements imposed by s. 202.21, F.S.

The purposes of the proposed creation of Rule 12A-19.060, F.A.C., Sales for the Purpose of Resale, are to: (1) provide guidelines for when communications services may be purchased tax exempt for the purpose of resale; (2) provide definitions for the terms “dealer,” “active registered dealer,” and “purchaser”; (3) provide guidelines for determining when a sale for the purpose of resale occurs; (4) provide how a

replacement Communications Services Tax Annual Resale Certificate may be obtained; (5) provide guidelines to selling dealers and purchasing dealers regarding the recordkeeping requirements; and (6) provide when resale certificates will be accepted during an audit or protest of an audit.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** Since the proposed rules only implement statutory provisions, no new regulatory costs are being created. Therefore, 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:** 202.15, 202.16(2), 202.21, 202.26(3)(a),(c),(d),(e),(h),(i), 202.27(6), 202.28(1)(b)2. FS.

**LAW IMPLEMENTED:** 92.525(2), 202.11(3),(4),(7),(9), (11),(12),(13),(14),(16), 202.12(1),(3), 202.125, 202.13(2), 202.15, 202.16, 202.17(1),(3)(a),(4),(6), 202.19(1),(8),(10), 202.20(2)(a), 202.21, 202.22(6), 202.26(2), 202.27(6), 202.28(1),(2), 202.30, 202.33(2), 202.34(3),(4)(c), 202.35(1),(4), 213.37, 337.401(3)(c),(j) FS.

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

**TIME AND DATE:** 10:00 a.m., November 13, 2001

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

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

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1, 1(800)367-8331.

**THE FULL TEXT OF THE PROPOSED RULES IS:**

12A-19.010 Registration.

(1)(a) Scope of rule. This rule governs the procedures and requirements for the registration of persons providing communications services, users of substitute communications systems, and persons requesting a communications services tax direct pay permit.

(b) With the exception of the activities described in paragraph (e), a person that engages in the business of providing communications services must obtain a Communications Services Tax Certificate of Registration (form DR-700014).

(c)1. To obtain a Communications Services Tax Certificate of Registration, a person must file an Application to Collect and/or Report Tax in Florida (form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department.

2. Except as provided herein, a person registering with the Department for the communications services tax must notify the Department of the method(s) that will be employed to determine the local taxing jurisdiction in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (hereby incorporated by reference). The following persons are not required to file form DR-700020 with respect to the activities listed:

a. Direct-to-home satellite providers;

b. Substitute communications system operators;

c. Resellers of prepaid calling arrangements;

d. Direct pay permit applicants with no obligation to collect and remit local communications services taxes;

e. Pay telephone operators; and

f. Persons who will make no sales of communications services except to purchasers who purchase for resale in compliance with the provisions of Rule 12A-19.060, F.A.C.

(d) Persons who must register for the communications services tax include persons who provide the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance, for a consideration, except as provided in paragraph (e).

(e) Persons who only engage in the following activities are not required to register for the communications services tax:

1. Information services;

a. An information service is the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, using, or making available information via communications services.

b. Examples of an information service are electronic publishing, web-hosting service, and end-user 900 number service.

2. The installation or maintenance of wiring or equipment on a customer's premises;

3. The sale or rental of tangible personal property;

4. The sale of advertising services, such as directory advertising;

5. Bad check services;

6. Late payment services;

7. Billing and collection services;

8. Internet access services, electronic mail services, electronic bulletin board services, or similar on-line computer services;

9. Communications services paid for by inserting coins into coin-operated communications devices available to the public;

10. The sale or recharge of prepaid calling arrangements;

11. The provision of air-to-ground communications services, defined as a radio service provided to purchasers while on board an aircraft; and

12. The provision of professional or advertising services that include charges for the service of sending or receiving a document, commonly referred to as a facsimile, regardless of whether the charge is separately stated.

(f) Persons who engage in the business of the sale of communications services paid for by inserting coins into coin-operated communications devices available to the public and/or the purchase of communications services for resale as prepaid calling arrangements may register for the communications services tax, even though registration is not required. Such persons may elect to register in order to purchase communications services for resale in compliance with Rule 12A-19.060, F.A.C.

(2) Persons who purchase, install, rent, or lease a substitute communications system must obtain a Communications Services Tax Certificate of Registration (form DR-700014). To obtain a certificate, an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department at the address indicated on the form.

(a) A substitute communications system means any telephone system, or other system capable of providing communications services, that a person purchases, installs, rents, or leases for his or her own use to provide himself or herself with services used as a substitute for any switched service or dedicated facility by which a dealer of communications services provides a communication path.

(b) A substitute communications system does not include the use by any dealer of his or her own communications system to conduct a business of providing communications services or any communications system operated by a county, a municipality, the state, or any political subdivision of the state.

(c) An example of a substitute communications system would occur when a person uses satellite equipment to communicate with other locations without incurring any charges from a communications services provider.

(3) In order to self-accrue the communications services tax, persons must obtain a Communications Services Tax Certificate of Registration (form DR-700014). To obtain a

Communications Services Tax Certificate of Registration, an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department. See Rule 12A-19.030, F.A.C., Communications Services Tax Direct Pay Permits.

(4) Applications to Collect and/or Report Tax in Florida (form DR-1) are available, without cost, by: 1) writing the Florida Department of Revenue, Distribution Center, 168-A Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated FAX on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading the form from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

Specific Authority 202.26(3)(e),(h) FS. Law Implemented 202.11(3),(7),(9),(13),(14),(16), 202.12(1)(b), 202.15, 202.17(1),(3)(a),(4), 202.22(6)(a), 202.27(6) FS. History--New

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

(1)(a)1. Except as provided in Rule Chapter 12-24, F.A.C., and this rule, all taxes required to be collected in any calendar month by Chapter 202, F.S., are due to the Department on the first day of the month subsequent to the sale of communications services.

2. For recurring charges for communications services, tax is due at the moment that consideration is received for services to be rendered in the future.

3. To avoid penalty and interest for late filing, the payment and return must be received by the Department or be postmarked on or before the 20th day of the month subsequent to the sale of communications services.

4. For purposes of this rule, when the 20th day falls on Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day that is not a Saturday, Sunday, or legal holiday.

5. For purposes of this rule, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) Tax due under s. 202.12(1)(b), F.S., on the actual cost of operating a substitute communications system is due on March 1 for the preceding calendar year. The payment

accompanied with a return must either reach the Department or be postmarked on or before the 20th day of March for a dealer to avoid penalty and interest for late filing.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to s. 202.27(2), F.S., the tax is due on the first day of the month following the authorized reporting period and becomes delinquent on the 21st day of that month.

(2) As compensation for the prescribed record keeping, and accounting for and timely remittance of taxes, persons collecting taxes imposed by and administered under Chapter 202, F.S., are allowed a collection allowance when the return is timely filed with the Department and the amount of tax due is remitted with the return, except as provided in Rule 12-24.009, F.A.C.

(a) The collection allowance rate depends upon the method used by a communications services tax dealer to assign service addresses to local taxing jurisdictions.

1. A dealer of communications services may deduct .75 percent of the amount of tax due as a collection allowance when the dealer:

a. Employs the electronic database provided by the Department under s. 202.22(2), F.S.;

b. Employs a database that has been certified by the Department under s. 202.22(3), F.S.; or,

c. Employs enhanced zip codes to assign each street address, address range, post office box, or post office box range to a specific local taxing jurisdiction under s. 202.22(1)(c), F.S.

2. When a dealer of communications services employs a method of assigning service addresses other than those provided in subparagraph 1., the deduction allowed to the dealer is .25 percent of the amount of the tax due to the Department.

(b) Except as provided herein, all communications services tax dealers must notify the Department of the method or methods the dealer will employ to determine local taxing jurisdictions in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (incorporated by reference in Rule 12A-19.010, F.A.C.).

If a communications services tax dealer fails to notify the Department that the dealer will use a method described in subparagraph (a)1., the dealer will be assigned a collection allowance of .25 percent. The following persons are not responsible for collecting and remitting local communications services taxes and are not required to file form DR-700020:

1. Direct-to-home satellite providers;

2. Substitute communications system operators;

3. Resellers of prepaid calling arrangements;

4. Direct pay permit applicants with no obligation to collect and remit local communications services taxes;

5. Pay telephone operators; and

6. Persons who will make no sales of communications services except to purchasers who purchase for resale in compliance with the provisions of Rule 12A-19.060, F.A.C.

(c) A communications services tax dealer that assigns customer service addresses using both methods that are eligible for the .75 percent collection allowance and methods that are eligible for only the .25 percent collection allowance should indicate on form DR-700020 all of the methods that the dealer will employ. In order to claim the .75 percent collection allowance on collections for service addresses assigned pursuant to a method or methods eligible for that collection allowance rate, a dealer will be required to file separate returns for collections eligible for each of the two collection allowances.

(3)(a) Form DR-700016, Communications Services Tax Return (hereby incorporated by reference), accompanied by the applicable payment, is due on the first day of the month subsequent to the sale of communications services. A return is required to be filed with the Department even when no tax is due with the return.

(b) Form DR-700016, Communications Services Tax Return, must also be used to report and remit tax due on the use of substitute communications systems. Form DR-700016, accompanied by the applicable payment, is due on the first day of March following the use of a substitute communications system during the preceding calendar year. Such return and applicable payment shall be late on the 21st day of March following the end of the calendar year for which the return and applicable payment are due.

(4) Users of a substitute communications system who file a timely tax return are not allowed to deduct a collection allowance as compensation for the prescribed record keeping, accounting for, and timely remittance of taxes imposed by and administered under Chapter 202, F.S.

(5) The failure of any dealer to secure a tax return for communications services tax does not relieve the dealer from the requirement to file a return or to remit tax due to the Department. The Department is not authorized to extend the time for any dealer under Chapter 202, F.S., to file any return or to pay any tax due.

(6) A return for communications services tax filed with the Department that does not include the required schedules as indicated on the return is considered an "incomplete return" and subject to penalties as provided in s. 202.28(1), F.S.

(7) Communications services tax returns are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally

obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

(8)(a) Persons who are required to make a return or to pay taxes imposed by and administered under Chapter 202, F.S., and fail to do so will be subject to penalties, as provided in s. 202.28, F.S.

(b) Persons who fail to remit collected taxes with intent to unlawfully deprive or defraud the state or local government of its moneys or the use or benefit thereof are subject to penalties imposed under s. 202.33, F.S.

(9) Interest shall accrue on any delinquent tax at the rate established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily). Interest accrues on the amount of tax due from the date of delinquency until the date on which the tax is paid.

Specific Authority 202.15, 202.26 (3)(a) FS. Law Implemented 202.12(1), 202.15, 202.16, 202.19(1), 202.22(6), 202.27, 202.28(1),(2), 202.30(3), 202.33(2), 202.35(1) FS. History—New \_\_\_\_\_.

#### 12A-19.030 Communications Services Tax Direct Pay Permits.

(1) Persons who purchase communications services may apply for a communications services tax direct pay permit from the Department to assume the obligation of self-accruing and remitting to the state the tax due on their purchases of communications services when:

(a) The majority of the communications services purchased for use by a person are for communications that originate outside of Florida and terminate within Florida; or

(b) The taxable status of sales of communications services will be known only upon use.

(2) For purposes of this rule, the term "person" means a single legal entity and does not mean a group or combination of affiliated entities or entities controlled by one person or group of persons.

(3)(a) To request a Communications Services Tax Direct Pay Permit, a person must file form DR-700030, Application for Self-Accrual Authority/Direct Pay Permit Communications Services Tax (hereby incorporated by reference), with the Department, in the manner provided on the form.

(b) Each permit holder must hold a valid dealer's Communications Services Tax Certificate of Registration (form DR-700014) issued by the Department. Persons that are not registered with the Department for the communications services tax must file an Application to Collect and/or Report Tax in Florida (form DR-1) with the Department. If form DR-700030, Application for Self-Accrual Authority/Direct Pay Permit Communications Services Tax accompanies form DR-1, then form DR-700020, Notification of Method

Employed to Determine Taxing Jurisdiction (incorporated by reference in Rule 12A-19.010, F.A.C.), is only required to be filed if an applicant will be responsible for collecting and remitting local communications services taxes on sales of communications services.

(c) These forms are available, without cost, by: 1) writing the Florida Department of Revenue, Distribution Center, 168-A Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated FAX on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading the form from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

(4)(a) The effective date of a Communications Services Tax Direct Pay Permit is the postmark date of the application or, when delivered by means other than the United States Postal Service, the date the application is received by the Department.

(b) The Department will specify on each communications services tax direct pay permit the specific taxes for which the dealer is authorized to self-accrue and remit tax directly to the Department. When a direct pay permit authorizes self-accrual of any local communications services taxes, each service address that a direct pay permit applies to will be identified.

(c)1. A communications services tax direct pay permit expires five (5) years from the effective date. The expiration date shall be the end of the month preceding five years from the effective date, if the effective date is on or before the 15th of the month. The expiration date shall be the end of the month that is five years from the effective date, if the effective date is after the 15th of the month. The Department will provide a renewal notice to a permit holder 60 days prior to the expiration date of a permit. Persons that fail to receive a renewal notice or that need more information regarding the notice may contact the Department at Central Registration, Florida Department of Revenue, P. O. Box 6480, Tallahassee, Florida 32314-6480.

2. Upon expiration of the purchasing customer's communications services tax direct pay permit, a dealer is required to collect and remit the applicable communications services tax from that customer.

(5) COMMUNICATIONS SERVICES TAX DIRECT PAY PERMIT FOR INTERSTATE COMMUNICATIONS SERVICES.

(a) Persons issued a direct pay permit under the provisions of this subsection will receive form DR-700031, Communications Services Tax Direct Pay Permit.

(b) Permit holders are required to pay each calendar year to the Department an amount not to exceed the following:

1. \$100,000 in communications services taxes, imposed under ss. 202.12 and 203.01(1)(a)2., F.S., on all charges for interstate communications services that originate outside Florida and terminate inside Florida that are billed to a single entity; or

2. \$100,000 in communications services taxes, imposed under ss. 202.12 and 203.01(1)(a)2., F.S., on all charges for interstate communications services that originate outside Florida and terminate inside Florida that are billed to a single entity and \$25,000 in local communications services tax, imposed under s. 202.19(1), F.S., on charges for interstate communications services that originate outside Florida and terminate inside Florida that are billed to each individual service address identified on a permit in any municipality or county imposing a local communications services tax.

(c) The filing of the returns for the taxes identified on a direct pay permit must be made on a monthly basis, and the tax may be remitted in one of the following manners:

1. The tax due may be prorated throughout the calendar year;

2. The tax due, based on a permit holder's purchases, may be paid to the Department as the applicable tax is accrued; or

3. The total amount of the tax due may be paid in full as a single payment with the first return of each calendar year, followed by returns indicating that no tax is due in subsequent months.

(d) A return must be filed by a direct pay permit holder even if no tax is due.

(e) A permit holder must pay its tax obligation to the Department using electronic funds transfer as required by s. 202.30(1), F.S., and Rule Chapter 12-24, F.A.C., and must submit its return using electronic data interchange as required by s. 202.30(2), F.S., and Rule Chapter 12-24, F.A.C.

(f) In the calendar year of issuance, any amounts of communications services taxes paid by a permit holder to its provider(s) after the effective date of a direct pay permit will be credited against the total amount of communications services tax due to the Department for that calendar year. In remitting the remaining amounts required to be paid to the Department, the amount paid directly to communications services provider(s) after the effective date of a permit may be deducted from the total amount due to the Department. In the event that a permit holder has paid to its provider(s) after the effective date of a direct pay permit an amount that results in total payments in excess of the amount of tax required by a permit, a permit holder must obtain the applicable refund or credit from its provider(s).

(g) Communications services taxes and local communications services taxes are due and must be paid to the selling dealer or directly to the Department on all charges for intrastate communications services and charges for interstate communications services that originate inside Florida and terminate outside Florida.

(6) COMMUNICATIONS SERVICES TAX DIRECT PAY PERMIT FOR TAX DUE UPON DETERMINATION OF USE.

(a) Persons that are issued a direct pay permit under the provisions of this subsection will receive form DR-700031, Communications Services Tax Direct Pay Permit.

(b) Permit holders are required to file tax returns on a monthly basis and pay to the Department the amount of the state communications services taxes, imposed under ss. 202.12 and 203.01(1)(a)2., F.S., and the amount of local communications services taxes, imposed under s. 202.19, F.S., due upon the determination of the use of such communications services.

(7) In the event that an original communications services tax direct pay permit is lost or destroyed, a permit holder may request a replacement by visiting any local Department of Revenue Service Center to personally obtain a copy or by contacting the Department at 1(800)352-3671 (in Florida only) or (850)488-6800. Persons with hearing or speech impairments may call the Department's TDD, at 1(800)367-8331. Written requests should be addressed to Central Registration, Florida Department of Revenue, P. O. Box 6480, Tallahassee, Florida 32314-6480.

(8)(a) Persons that are registered with the Department for the communications services tax do not receive a collection allowance unless communications services taxes are actually collected and remitted to the Department. See paragraph (3)(b) concerning the requirement to file form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction.

(b) Communications Services Tax Annual Resale Certificates may only be used in the manner provided by Rule 12A-19.060, F.A.C., Sales for the Purpose of Resale.

(9) RECORDKEEPING REQUIREMENTS.

(a) Any holder of a communications services tax direct pay permit is required to keep and preserve all information and documentation necessary to substantiate that the holder was qualified to receive a communications services tax direct pay permit and that the holder has paid all tax due on its purchases of communications services until such time as the taxes imposed by and administered under Chapter 202, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(b) A dealer of communications services is not required to collect communications services taxes identified on the communications services tax direct pay permit for services sold to a permit holder. A dealer shall retain a copy of a permit

in its records until such time as the taxes imposed by and administered under Chapter 202, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(c) Electronic storage of all required records through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection. Cross-Reference: Rules 12A-19.010 and 12A-19.060, F.A.C.

Specific Authority 202.26(3)(e)(i), 202.27(6) FS. Law Implemented 202.12(3), 202.16(4), 202.19(8), 202.27(6)(b), 202.30, 202.34(3) FS. History—New \_\_\_\_\_.

12A-19.041 Residential Exemption from the Communications Services Tax.

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

(b) This rule governs the documentation and recordkeeping requirements regarding the exemption for residential households from the communications services taxes.

(2) TAX THAT IS EXEMPT. Sales of communications services to a residential household are not subject to the state portion of the Florida communications services tax, imposed by s. 202.12(1)(a), F.S.

(3) TAXES THAT ARE NOT EXEMPT. Sales of communications services to a residential household are subject to the gross receipts tax portion of the Florida communications services tax, imposed by s. 203.01(1)(a)2., F.S., and the local communications services tax, imposed by s. 202.19, F.S.

(4) SERVICES THAT ARE NOT EXEMPT. This exemption does not apply to:

(a) Sales of any cable service, as defined in s. 202.11(2), F.S.;

(b) Sales of any direct-to-home satellite service, as defined in s. 202.11(6), F.S.; and

(c) Sales of mobile communications services, as defined in s. 202.11(8), F.S.

(5) FACILITIES THAT ARE NOT EXEMPT. This exemption does not apply to sales to the service address of any structure or any unit within a structure licensed as a public lodging establishment, as defined by s. 509.013(4)(a), F.S., with the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(a) The purchaser is required to notify the communications services provider when the services are used in a licensed public lodging establishment. If the purchaser fails to provide such notification, the Department will look to the purchaser, rather than the provider, for any applicable tax, penalty, or interest due when the services were purchased for use in a public lodging establishment.

(b) Persons that are entitled to an exemption from sales tax on the purchase of electric power or energy, gas, or fuel for use in a residential household, as provided in Rules 12A-1.053 and 12A-1.059, F.A.C., are not entitled to the exemption from communications services tax when that residential household is licensed as a public lodging establishment.

(c) A “public lodging establishment,” as defined in s. 509.013, F.S., means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings that is:

1. Advertised or held out to the public as a place that is regularly rented to guests; or,

2. Rented more than three times in a calendar year, with each separate rental period having a duration less than 1 calendar month or less than 30 days.

(d) Public lodging establishments include the following, if they are rented by an owner or operator to guests whose occupancy is intended to be temporary:

1. Hotels, motels, transient apartments, nontransient apartments, transient rooming houses, and other transient establishments;

2. Any unit or group of units in a condominium, cooperative, time-share plan, or other resort condominium; or,

3. Any single family dwelling, duplex, triplex, quadraplex, townhouse, beach cottage, mobile home, or other resort dwelling.

(6) DOCUMENTATION REQUIREMENTS. A communications services provider, unless notified by the purchaser that the residential exemption does not apply, is not required to collect and remit tax on sales of communications services when:

(a) The service is sold at a rate based on a “residential schedule,” under the tariffs filed by a service provider with the Public Service Commission; or

(b) A service provider has on file a writing or document evidencing a representation of a customer that the communications services are being purchased for residential household use. The writing or document may be a customer application or a certificate that identifies the customer as purchasing the communications services for residential purposes. A “customer application” includes a record of information obtained electronically or orally from the customer in the ordinary course of business. A provider must have acted in good faith in accepting the representation of a customer.

(7) RECORDKEEPING REQUIREMENTS.

(a) When a dealer has complied with the documentation requirements of this rule and the Department determines that tax, penalty, and interest are due, the Department will look to the customer for payment of the tax, penalty, and interest due. The Department will look to a dealer for payment of any applicable tax, penalty, and interest due when a dealer’s books and records demonstrate a failure to comply with the documentation requirements of this rule.



(b) Electronic storage of all required records through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.26(3)(c) FS. Law Implemented 202.125(1), 202.13(2), 202.16(4), 202.19(10), 202.34(3), 202.35(4) FS. History—New

12A-19.042 Governmental Exemption from the Communications Services Tax.

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

(b) This rule governs the documentation and recordkeeping requirements regarding the exemption for sales to the federal government, state government, and political subdivisions of the state or federal government from the communications services taxes.

(2) SALES TO THE FEDERAL GOVERNMENT. The sale of communications services to the Federal Government, its agencies or instrumentalities, or any entity that is exempt from state taxes under federal law is exempt from the Florida communications services tax and the local communications services tax.

(3) SALES TO THE STATE AND POLITICAL SUBDIVISIONS. The sale of communications services to a state or any county, municipality, or political subdivision of a state is exempt from the Florida communications services tax and the local communications services tax.

(4) DOCUMENTATION REQUIREMENTS.

(a) A dealer is not obligated to collect and remit the Florida communications services tax and the local communications services tax on such sales when either of the following two alternative documentation requirements has been met and the payments are made directly by the governmental entity.

1. A dealer has on file a writing or document evidencing a representation of the dealer's customer that the communications services are being purchased by an entity described in subsection (2) or (3). The writing or document may be a customer application, a certificate, or a series of billing statements to the customer that identifies the customer as such an entity and that provides the customer a means to change its classification if the communications services are no longer purchased for use by the entity. A "customer application" includes a record of information obtained electronically or orally from the customer in the ordinary course of business at the time of establishing the account.

2. A dealer has on file a copy of the customer's Florida Consumer's Certificate of Exemption (form DR-14) identifying the customer as "federal," "state," "county," or "municipality."

(b) A dealer must have acted in good faith in accepting the representation of the customer.

(c) When a dealer accepts a payment made using an authorized Purchasing or Procurement Card ("P-Card") that indicates on its face that it is a Florida state or local government purchasing card for official business only, a dealer should not charge any communications services taxes.

1. To substantiate the exempt nature of the sale in its books and records, a dealer is only required to either:

a. Obtain a copy of the face of the Purchasing or Procurement Card, or

b. Obtain the tax exempt number, account number, and cardholder name from the face of the card.

2. Payments made using a Purchasing or Procurement Card are direct payments by the authorizing governmental entity. A dealer is not required to obtain a copy of the governmental entity's Consumer's Certificate of Exemption.

3. A dealer is not obligated to determine what items the Purchasing or Procurement card may or may not be used to purchase. It is the cardholder's responsibility to use the card only for allowable purchases.

(5) RECORDKEEPING REQUIREMENTS.

(a) When a dealer has complied with the documentation requirements of this rule and the Department determines that tax, penalty, and interest are due, the Department will look to the customer for payment of the tax, penalty, and interest due. The Department will look to a dealer for payment of any applicable tax, penalty, and interest due when a dealer's books and records demonstrate a failure to comply with the documentation requirements of this rule.

(b) Electronic storage of all required records through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.26(3)(c) FS. Law Implemented 202.125(2), (3), 202.13(2), 202.16(4), 202.34(3) FS. History—New

12A-19.043 Religious and Educational Organizations Exemption from the Communications Services Tax.

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

(b) This rule governs the documentation and recordkeeping requirements regarding the exemption for sales to religious or educational organizations from the communications services taxes.

(2) SALES TO RELIGIOUS ORGANIZATIONS.

(a) The sale of communications services to a religious organization, as defined by this rule, is exempt from the Florida communications services tax and the local communications services tax.

(b) As used in this rule, the term "religious organization" only refers to organizations that are exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.

(c) For purposes of this rule, "religious organizations" include:

- 1. Churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on;
- 2. Nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees;
- 3. Nonprofit state, nonprofit district, or other nonprofit governing or administrative offices the function of which is to assist or regulate the customary activities of religious institutions;
- 4. Any nonprofit corporation that owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public;
- 5. Any nonprofit corporation the primary activity of which is making and distributing audio recordings of religious scriptures and teachings to blind or visually impaired persons at no charge; and
- 6. Any nonprofit corporation the sole or primary function of which is to provide, upon invitation, nonprofit religious services, evangelistic services, religious education, administrative assistance, or missionary assistance for a church, synagogue, or established physical place of worship at which nonprofit religious services and activities are regularly conducted.

(d) DOCUMENTATION REQUIREMENTS.

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

2. The following is a suggested format to be provided by a religious organization to the selling dealer.

EXEMPTION CERTIFICATE FOR PURCHASES OF  
COMMUNICATIONS SERVICES BY  
RELIGIOUS ORGANIZATION

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

I, the undersigned, am a representative of the exempt religious organization identified below. The purchases of communications services made on or after

\_\_\_\_\_ from the business identified above are for use by the exempt religious organization identified below.

The charges for the purchases of communications services from the dealer identified above will be billed to and paid directly by the exempt religious organization identified below. These purchases are exempt from the Florida communications services tax and the local communications services tax because the entity is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and is a "religious organization" as that term is defined by the rules of the Department of Revenue.

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

\_\_\_\_\_  
AUTHORIZED SIGNATURE ON BEHALF OF THE  
EXEMPT ORGANIZATION

\_\_\_\_\_  
PRINTED NAME OF AUTHORIZED SIGNATORY AND  
TITLE

\_\_\_\_\_  
NAME OF THE EXEMPT ORGANIZATION

\_\_\_\_\_  
ADDRESS OF EXEMPT ORGANIZATION

(3) EDUCATIONAL ORGANIZATIONS.

(a) The sale of communications services to an educational organization, as defined by this rule, is exempt from the Florida communications services tax and the local communications services tax.

(b) As used in this rule, the term "educational organization" only refers to organizations that are exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.

(c) For purposes of this rule, "educational organizations" include:

- 1. State-tax supported, parochial, church, and nonprofit private schools, colleges, or universities that conduct regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc.;
- 2. Nonprofit private schools that conduct regular classes and courses of study accepted for continuing education credit by a board of the Division of Medical Quality Assurance of the Department of Health;
- 3. Nonprofit libraries;
- 4. Nonprofit art galleries;

5. Nonprofit performing arts centers that provide educational programs to school children, which programs involve performances or other educational activities at the performing arts center and serve a minimum of 50,000 school children a year; and

6. Nonprofit museums that are open to the public.

(d) A state-tax supported school, college, or university that is exempt as a governmental organization described in Rule 12A-19.042, F.A.C., and as an educational organization as described in this rule may claim either exemption.

(e) DOCUMENTATION REQUIREMENTS. To be entitled to exemption as an educational organization at the time of purchase, the purchaser must issue to the selling dealer a certificate signed by an authorized representative stating that the purchases are for an educational organization, as defined by this rule, that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code. Dealers are not required to obtain copies of Internal Revenue Service determination letters granting educational organizations exemption under s. 501(c)(3) of the Internal Revenue Code.

(f) The following is a suggested format to be provided by an educational organization to the selling dealer.

EXEMPTION CERTIFICATE FOR PURCHASES OF COMMUNICATIONS SERVICES BY EDUCATIONAL ORGANIZATIONS

DATE: \_\_\_\_\_

TO: \_\_\_\_\_ (Selling Dealer’s Business Name)

\_\_\_\_\_ (Selling Dealer’s Address)

I, the undersigned, am a representative of the exempt educational organization identified below. The purchases of communications services made on or after \_\_\_\_\_ from the business identified above are for use by the exempt educational organization identified below.

The charges for the purchases of communications services from the dealer identified above will be billed to and paid directly by the exempt educational organization identified below. These purchases are exempt from the Florida communications services tax and the local communications services tax because the entity is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and is an “educational organization,” as defined by the rules of the Department of Revenue.

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

\_\_\_\_\_  
AUTHORIZED SIGNATURE ON BEHALF OF THE EXEMPT ORGANIZATION

\_\_\_\_\_  
PRINTED NAME OF AUTHORIZED SIGNATORY AND TITLE

\_\_\_\_\_  
NAME OF THE EXEMPT ORGANIZATION

\_\_\_\_\_  
ADDRESS OF EXEMPT ORGANIZATION

(4) RECORDKEEPING REQUIREMENTS.

(a) When a dealer has complied with the documentation requirements of this rule and the Department determines that tax, penalty, and interest are due, the Department will look to the customer for payment of the tax, penalty, and interest due. The Department will look to a dealer for payment of any applicable tax, penalty, and interest due when a dealer’s books and records demonstrate a failure to comply with the documentation requirements of this rule.

(b) Electronic storage of all required records through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.26(3)(c) FS. Law Implemented 92.525(2), 202.125(4), 202.13(2), 202.16(4), 202.26(2), 202.34(3), 213.37 FS. History—New \_\_\_\_\_.

12A-19.050 Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections.

(1) Any municipality or county that adopts, repeals, or changes a local communications services tax rate or changes a permit fee election must notify the Department as provided in this rule.

(a) Notification of local communications services tax rate changes and changes in permit fee elections must be made on form DR-700021, Local Communications Services Tax Rate Change (hereby incorporated by reference), and a copy of the applicable resolution or ordinance must be submitted with the notification.

(b) Except as otherwise provided in subsection (4):

1. Local communications services tax rate changes are effective as to taxable communications services included on bills dated on or after the January 1 subsequent to adoption of the change;

2. The municipality or county adopting a change in local communication services tax rates or in permit fee election must notify the Department by the September 1 immediately preceding the January 1 effective date; and

3. The Department must provide notice of any change in local communication services tax rates to all affected dealers of communications services at least 90 days before the January 1 effective date.

(c) In the event a local government fails to notify the Department of any rate change within the required time as set forth in this rule, the Department is not liable for any loss of or decrease in revenue that results from such error, omission, or untimely action on the part of the local government.

(2) Form DR-700021, Local Communications Services Tax Rate Change, is available without cost by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

(3) Permit Fee Elections.

(a) Each municipality, charter county, or noncharter county was required to elect prior to October 1, 2001 to either collect permit fees or to not collect permit fees. The initial local communications services tax rate established for each local taxing jurisdiction depended upon that election. Local taxing jurisdictions that elected not to collect permit fees were also permitted to adopt resolutions or ordinances increasing their initial local communications services tax rate by .12 percent in the case of municipalities and charter counties and .24 percent in the case of noncharter counties. Local taxing jurisdictions are permitted to change their elections as in effect on October 1, 2001, but no change in election as to permit fees will be effective prior to January 1, 2003.

(b) If any local taxing jurisdiction that initially elected to not collect permit fees subsequently elects to collect permit fees, in addition to the effective date and notification procedures set forth in subsection (1), the following special rules apply:

1. If a municipality or charter county changes its election and exercises its authority to collect permit fees, the rate of the local communications services tax imposed by the jurisdiction will automatically be reduced by the sum of .12 percent plus the percentage increase in the local communications services tax, if any, pursuant to a permit fee election under s. 337.401(3)(c)1.b., F.S.

2. If a noncharter county changes its election and exercises its authority to collect permit fees, the rate of the local communications services tax imposed by the jurisdiction will automatically be reduced by the rate increase in the local communications services tax, if any, pursuant to a permit fee election under s. 337.401(3)(c)2.b., F.S.

3. Any county or municipality that changes its election and exercises its authority to collect permit fees must provide written notification to all dealers of communications services in the jurisdiction by the July 1 immediately preceding the January 1 effective date of the change of election.

(c) If any local taxing jurisdiction that initially elected to collect permit fees subsequently elects to not collect permit fees, the rate of the local communications services tax imposed by the jurisdiction may be increased by ordinance or resolution by up to .24 percent.

(4) Emergency Local Rate Changes.

(a) For the period October 1, 2001, through September 30, 2002, any local taxing jurisdiction may increase its local communications services tax rate by emergency ordinance or resolution pursuant to s. 202.20(2)(a)3., F.S. A local taxing jurisdiction may be required to decrease its local communications services tax rate by emergency ordinance or resolution pursuant to s. 202.20(2)(a)4., F.S. Emergency rate changes cannot take effect sooner than the first day of the first month beginning at least 60 days after adoption of the rate change.

(b) A local taxing jurisdiction must notify the Department, using form DR-700021, Local Communications Services Tax Rate Change, immediately upon adoption of an emergency rate change, but not less than 60 days prior to its effective date. The Department will provide written notice of the emergency rate adoption to affected dealers within 30 days after receipt of notification from the local taxing jurisdiction.

(c) A copy of the emergency ordinance or resolution adopting the rate change must be provided to the Department. The emergency ordinance or resolution must specify the new rate and effective date.

(d) Example: A local taxing jurisdiction adopts an emergency rate ordinance on February 20, 2002. The earliest permissible effective date for the new rate is May 1, 2002 (the first day of the first month beginning 60 days after the date of adoption). Notification and a copy of the ordinance must be provided to the Department no later than March 2, 2002 (60 days prior to the effective date for the new rate). If the Department receives the notice on February 25, 2002, the Department must notify dealers no later than March 27, 2002 (30 days after receiving the notice from the local taxing jurisdiction).

Specific Authority 202.21, 202.28(1)(b)2. FS. Law Implemented 202.20(2)(a), 202.21, 337.401(3)(c),(j) FS. History—New

12A-19.060 Sales for the Purpose of Resale.

(1) A sale for the purpose of resale is excluded from the tax imposed by and administered under Chapter 202, F.S., only when the sale is made in strict compliance with the provisions of this rule.

(2) For purposes of this rule, the following terms are defined as:

(a) A "dealer" means a person registered with the Department as a provider of communications services in Florida.

(b) An “active registered dealer” means a person who is registered with the Department as a communications services tax dealer and who is required to file a communications services tax return at least once during each applicable reporting period, as provided in s. 202.17(6), F.S.

(c) A “purchaser” means the person paying for or obligated to pay for communications services.

(3) A “sale for the purpose of resale” occurs when a person purchases communications services from a dealer and then resells the communications services, uses the communications services as a component part of communications services that are offered for retail sale, or integrates the purchased communications services into communications services offered for retail sale.

#### (4) ANNUAL RESALE CERTIFICATES ISSUED BY THE DEPARTMENT.

(a) Each newly registered dealer, except persons registered as users of substitute communications systems, will receive a Communications Services Tax Certificate of Registration (form DR-700014) and a Communications Services Tax Annual Resale Certificate (form DR-700015). For each calendar year, the Department will issue to each active registered dealer a Communications Services Tax Annual Resale Certificate that specifically identifies the valid period of the certificate.

(b) The business name and mailing address of the certificate holder, the certificate number, the registration effective date, the expiration date of the certificate, and the purposes for which the certificate may be provided will be indicated on each Communications Services Tax Annual Resale Certificate.

(c) The effective date of a dealer’s initial Communications Services Tax Annual Resale Certificate will be the postmark date of the application or, when delivered by means other than the United States Postal Service, the date the application is received by the Department.

(d) In the event that a dealer’s original Communications Services Tax Annual Resale Certificate is lost or destroyed, a replacement may be requested by visiting any local Department of Revenue Service Center to personally obtain a copy or by contacting the Department at 1(800)352-3671 (in Florida only) or (850)488-6800. Persons with hearing or speech impairments may call the Department’s TDD, at 1(800)367-8331. Written requests should be addressed to Central Registration, Florida Department of Revenue, P. O. Box 6480, Tallahassee, Florida 32314-6480.

(5) A Communications Services Tax Annual Resale Certificate is considered valid when a copy of the certificate is provided to the selling dealer in lieu of payment of the tax on any sale made on or after the registration effective date and on or prior to the certificate expiration date, as indicated on the certificate; and when a selling dealer receives a copy of the certificate in good faith.

#### (6) PROVISIONS APPLICABLE TO SELLING DEALERS.

(a) A selling dealer who makes a sale for the purpose of resale and receives a copy of a valid Communications Services Tax Annual Resale Certificate in lieu of tax will be in compliance with the requirements of this rule and is relieved from any liability for any tax due on that sale.

(b) Copies of Communications Services Tax Annual Resale Certificates that are obtained after the sale from purchasers who were active registered dealers at the time of the sale and are submitted to the Department during an audit or subsequent informal protest period of the audit will be considered sufficient compliance with this rule.

(c) A sale made to a person who was not an active registered dealer at the time of the sale is a retail sale, and the sale can never be considered a sale for resale. However, a selling dealer who accepts a copy of a Communications Services Tax Annual Resale Certificate that appears valid on its face will not be held liable for the tax on such transaction, if it is later determined that the purchaser was not an active registered dealer.

(d) A selling dealer may make sales for the purpose of resale to a purchaser who has previously provided a copy of the purchaser’s current Communications Services Tax Annual Resale Certificate that is on file without seeking a new copy of the purchaser’s Communications Services Tax Annual Resale Certificate for each subsequent transaction during that calendar year. A selling dealer must obtain a new copy of the purchaser’s Communications Services Tax Annual Resale Certificate from its purchasers for sales made for the purpose of resale in subsequent calendar years.

#### (7) PROVISIONS APPLICABLE TO PURCHASING DEALERS.

(a) A copy of a Communications Services Tax Annual Resale Certificate may only be provided by an active registered dealer who holds a valid Communications Services Tax Certificate of Registration issued by the Department.

(b) A dealer whose Communications Services Tax Certificate of Registration has been revoked by the Department or whose registration has been inactivated or canceled is prohibited from providing copies of its Communications Services Tax Annual Resale Certificate in lieu of paying the tax due on its purchases of communications services. A dealer who provides a copy of its Communications Services Tax Annual Resale Certificate for any purchase after its Communications Services Tax Certificate of Registration has been revoked, inactivated, or canceled will be held liable for the tax, penalty, and interest on all such purchases.

(c) In the event that a purchasing dealer provides a copy of its Communications Services Tax Annual Resale Certificate to a selling dealer and subsequently consumes the communications services by not reselling the communications services, the purchasing dealer must pay all applicable

communications services taxes directly to the Department with its first return due subsequent to the consumption of the communications services.

(8) REQUIRED RECORDS. A dealer is required to document the nature of sales made for the purpose of resale and is required to maintain copies of Communications Services Tax Annual Resale Certificates and receipts, invoices, billing statements, or other tangible evidence of such sales until the tax imposed by and administered under Chapter 202, F.S., may no longer be determined and assessed under s. 95.091(3), F.S. Electronic storage by a selling dealer of a copy of a purchaser's Communications Services Tax Annual Resale Certificate and other required documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer Silvey, Senior Attorney, telephone number (850)922-4727, and Gary Gray, Tax Law Specialist, telephone number (850)922-4729, Department of Revenue, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Bridges, Revenue Program Administrator I, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)488-7157

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2001, Vol. 27, No. 22. A rule development workshop was held on June 26, 2001, in the Auditorium of the R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida, commencing at 10 a.m. and concluding at 10:45 a.m.

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 010975-OT

RULE TITLE: Numbering of Orders

RULE NO.: 25-22.104

PURPOSE AND EFFECT: The purpose of this rule amendment is to correct the procedure set out for categorization of proposed agency action orders and to add three new order categories and one new docket suffix.

SUMMARY: The rule change designates proposed agency action orders as "PAA," consummating orders as "CO," tariff orders as "TRF," and show cause orders as "SC." The rule change also reflects the Commission's regulation of alternative local exchange telecommunications companies and assigns the abbreviation "TX" to these entities.

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

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

SPECIFIC AUTHORITY: 350.127(2), 120.53 FS.

LAW IMPLEMENTED: 120.53 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. NO HEARING WILL BE HELD BECAUSE THIS RULE RELATES EXCLUSIVELY TO THE COMMISSION'S ORGANIZATION, PROCEDURE, OR PRACTICE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.104 Numbering of Orders.

(1) No change.

(2) The applicable order category shall be added as a suffix succeeding the agency designation prefix and the two-part number. ~~The order category suffix for proposed agency action orders will be either "FOF" or "FOI", depending on the type of proceeding in which the order was issued.~~ The order categories are as follows:

- DS – Declaratory Statement
- FOI – Final Order Informal Proceedings
- FOF – Final Order Formal Proceedings
- S – Stipulation
- AS – Agreed Settlement
- CO – ~~Consent Order~~ Consummating Order
- PAA – Proposed Agency Action Order

TRF – Tariff Order

SC – Show Cause Order

PCO – Procedural Order

PHO – Prehearing Order

CFO – Confidentiality Order

NOR – Notice of Rulemaking

(3) After the order category, the applicable industry designation shall be inserted. The industry designations are as follows:

- EI – Electric Utility – Investor Owned
- EM – Electric Utility –V Municipality
- EC – Electric Utility – Rural Electric Cooperative

- EU – Electric Utility – All
- EG – Energy Conservation
- EQ – Qualifying Cogeneration Facility
- GU – Gas Industry
- GP – Gas Pipeline
- TA – Telephone Utility – Alternate Access Vendor
- TC – Telephone Utility – Coin (Pay) Telephone Company
- TI – Telephone Utility – Interexchange Company
- TL – Telephone Utility – Local Exchange Company
- TS – Telephone Utility – Shared Tenant Company
- TX – Telephone Utility – Alternative Local Exchange
- TP – Telephone (Communications) Industry Generally
- WU – Water Utility
- SU – Wastewater (Sewer) Utility
- WS – Water and Wastewater Utility
- PU – Public Utilities Generally – Applies to matters which pertain to two or more industries.
- OT – Other Matters – Administrative Matters not related to a particular industry.

Specific Authority 120.53 FS. Law Implemented 120.53(2)-(4) FS. History–New 9-24-92, Amended 12-27-94,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Kay Flynn  
**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Florida Public Service Commission  
**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 2, 2001  
**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** Vol. 27, No. 31, August 3, 2001

**COMMISSION ON ETHICS**

**RULE TITLE:** List of Forms and Instructions **RULE NO.:** 34-7.010

**PURPOSE AND EFFECT:** The purpose of the proposed amendment is to amend two forms used in the Executive Branch Lobbyist Registration program. In a companion rulemaking, the Commission is reducing the amount of the annual registration fee from \$35 per principal to \$25 per principal. Therefore, CE Form 20 and CE Form 20-R need to be amended.

**SUMMARY:** CE Form 20 and CE Form 20-R are being amended to reflect the annual registration fee of \$25 per principal.

**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 within 21 days of this notice.

**SPECIFIC AUTHORITY:** Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(9) FS.  
**LAW IMPLEMENTED:** Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

**TIME AND DATE:** 9:00 a.m., Friday, November 30, 2001  
**PLACE:** Committee Meeting Room A, Lower Level, Senate Office Building, The Capitol, Tallahassee, Florida  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Julia Cobb Costas, Staff Attorney

**THE FULL TEXT OF THE PROPOSED RULE IS:**

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) through (i) No change.

(j) Form 20, Executive Branch Lobbyist Registration. To be utilized by lobbyists for compliance with Subsection 112.3215(3), Florida Statutes. Effective 1/2002 ~~4/2000~~.

(k) Form 20-R, Executive Branch Lobbyist Renewal. To be utilized by lobbyists for compliance with Subsection 112.3215(3), Florida Statutes. Effective 1/2002 ~~4/2000~~.

(l) through (s) No change.

(2) No change.

**PROPOSED EFFECTIVE DATE:** January 1, 2002

Specific Authority Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(9) FS. Law Implemented 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a),(f),(h), Fla. Const. History–New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, 12-4-00, 12-21-00, 10-14-01, ~~1-1-02~~.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Julia Cobb Costas, Staff Attorney

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Bonnie J. Williams, Executive Director

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 5, 2001

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** September 14, 2001

**COMMISSION ON ETHICS**

RULE CHAPTER TITLE: Executive Branch Lobbyist  
Registration

RULE CHAPTER NO.: 34-12

RULE TITLES: Registration Fees  
Annual Renewals

RULE NOS.: 34-12.310  
34-12.330

PURPOSE AND EFFECT: The purpose of this amendment is to lower the cost of the annual registration fee from \$35 per principal to \$25 per principal.

SUMMARY: The amount of the annual registration fee, which is presently \$35 per principal, is being reduced. Rules 34-12.310 and 34-12.330 both indicate the amount of the annual fee.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 112.3215, 112.322(9) FS.

LAW IMPLEMENTED: 112.3215 FS.

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

TIME AND DATE: 9:00 a.m., November 30, 2001

PLACE: Committee Meeting Room A, Lower Level, Senate Office Building, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julia Cobb Costas, Staff Attorney

THE FULL TEXT OF THE PROPOSED RULES IS:

**34-12.310 Registration Fees.**

In order to register, each lobbyist shall pay an annual registration fee of \$25.00 ~~35.00~~ for each principal represented, which shall be deposited into the Executive Branch Lobby Registration Trust Fund. The fee is payable on a calendar year basis; once having paid the fee, a lobbyist is not required to pay the fee again during the same calendar year regardless of how many additional agencies he may lobby.

Specific Authority 112.3215, 112.322(9) FS. Law Implemented 112.3215 FS. History—New 10-12-89, Amended 10-6-91, 1-1-97, 11-24-97,\_\_\_\_\_.

**34-12.330 Annual Renewals.**

Each lobbyist must renew his registration to lobby an agency on behalf of a principal on a calendar year basis by filing a Lobbyist Renewal Form 20-R and the annual registration fee of \$25.00 ~~35.00~~ for each principal represented. Prior to January 1 of each year, the Commission or other office established to administer lobbyist registration will mail to each currently registered lobbyist Commission Form 20-R, together with a notice which states that the lobbyist must renew his registration

of those principals the lobbyist continues to represent before agencies of the executive branch by filing the form and paying the annual registration fee.

PROPOSED EFFECTIVE DATE: January 1, 2002.

Specific Authority 112.3215, 112.322(9) FS. Law Implemented 112.3215 FS. History—New 10-12-89, Amended 10-6-91, 7-5-92, 12-6-92, 1-1-97, 11-24-97, 1-1-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Staff Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bonnie J. Williams, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2001

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE TITLES: Nursing Home Employee Training Requirements

RULE NOS.: 58A-4.001

Nursing Home Training Provider and Curriculum Approval

58A-4.002

PURPOSE AND EFFECT: The proposed rules were developed in consultation with the Agency for Health Care Administration to implement Section 26 of Chapter 2001-45, Laws of Florida, which directs the Department of Elder Affairs in newly created s. 400.1755(5), F.S., to adopt rules establishing standards for Alzheimer’s Disease training providers and training.

SUMMARY: The purpose of the proposed rules is to describe minimum standards for training providers and training, and describe procedures for approval of Alzheimer’s Disease training curricula and training providers.

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: 400.1755 FS.

LAW IMPLEMENTED: 400.1755 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. – 11:00 a.m., Tuesday, November 13, 2001

PLACE: 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000



PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pat Dunn, Office of General Counsel, or Linda Macdonald, Statewide Community-Based Services, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone (850)414-2000

THE FULL TEXT OF THE PROPOSED RULES IS:

58A-4.001 Nursing Home Employee Training Requirements.

(1) Each facility licensed under Part II of Chapter 400, Florida Statutes, shall ensure that facility employees receive the following training.

(a) Completion of the required initial one hour of training after June 30, 2001, shall satisfy the requirement referenced in subsection 400.1755(2), F.S. Facility employees who meet the requirements for Alzheimer's training providers under paragraph (d) of this subsection shall be considered as having met this requirement. Initial one-hour training shall address the following subject areas:

1. Understanding Alzheimer's Disease;
2. Characteristics of Alzheimer's Disease; and
3. Communicating with residents with Alzheimer's Disease.

(b) Completion of the required continuing three hours of training after June 30, 2001, shall satisfy the requirement referenced in subsection 400.1755(3), F.S. Facility employees who meet the requirements for Alzheimer's training providers under paragraph (d) of this subsection shall be considered as having met the requirements of subsection 400.1755(3), F.S. The three hours of continuing training must address the following subject areas as they apply to Alzheimer's Disease:

1. Behavior management;
2. Assistance with activities of daily life;
3. Activities for residents;
4. Stress management for the care giver;
5. Family issues;
6. Resident environment; and
7. Ethical issues.

(c) A detailed description of the subject areas that shall be included in a curriculum which meets the requirements of paragraphs (a) and (b) of this subsection can be found in the document Training Guidelines for the Special Care of Nursing-Home Residents with Alzheimer's Disease, October 2001, incorporated by reference, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(d) Persons who seek to provide Alzheimer's training in accordance with this subsection shall provide the Department of Elder Affairs with a training course curriculum and documentation that they hold a Bachelor's degree in a health-care related field from an accredited college or university or hold a license as a registered nurse, and:

1. Possess one year of teaching experience as an educator of care givers for persons with Alzheimer's Disease;

2. Have three years of practical experience in a program providing care to persons with Alzheimer's Disease; or

3. Have completed a specialized training program in Alzheimer's Disease, and have a minimum of two years of practical experience in a program providing care to persons with Alzheimer's Disease.

(e) With reference to requirements in paragraph (d), a Master's degree from an accredited college or university in a subject related to the content of this training program can substitute for the one year of teaching experience referenced in subsection (2). Years of teaching experience as an educator of care givers for persons with Alzheimer's Disease may substitute on a year-by-year basis for the required Bachelor's degree.

(2) A facility employee who has successfully completed training and continuing education consistent with the requirements of section 400.4178, Florida Statutes, shall be considered as having met the training requirements of this rule.

Specific Authority 400.1755 FS. Law Implemented 400.1755 FS. History—New \_\_\_\_\_.

58A-4.002 Nursing Home Training Provider and Curriculum Approval.

(1) As indicated in Rule 58A-4.001(1)(d), Alzheimer's training shall be approved by application to the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, and each training provider shall submit qualifications to provide training and proposed course curricula to the Department prior to commencing training activities.

(2) Upon receipt of the training provider's application, the Department shall respond in writing within 30 calendar days to the provider in one of the following three ways:

(a) Notify the provider that the application is approved or not approved;

(b) Request additional information from the provider in order to make a determination; or

(c) Notify the provider that additional time is needed to review the application and make a determination. Upon notice of approval from the Department, the training provider may identify the provider's training program as approved by the Florida Department of Elder Affairs. The Department shall maintain a list of approved training providers and provide a list of approved training providers to all interested parties upon request.

(3) If a training provider's application is not approved, the Department shall respond in writing within 30 calendar days indicating the reasons for not approving the application and information or documentation needed for approval.

(4) Approved training providers shall maintain records of each course taught for a period of three years following each program presentation. Course records shall include the title of the training program, the number of hours of training, the training provider's name, the date and location of the course, and a roster of trainees.

(5) Upon successful completion of training, the trainee shall be issued a certificate by the training provider. The certificate shall include the title of the training course, the number of hours of training, the participant's name, dates of attendance, location, the training provider's name, dated signature, and the trainee's license or certification number.

(6) The Department reserves the right to attend and monitor training courses, review records and course materials approved pursuant to this rule, and revoke approved training provider status on the basis of non-adherence to approved curricula, the provider's failure to maintain required training credentials, or circumstances in which the provider is found to knowingly disseminate any false or misleading information.

(7) Certificates of any training required by this rule shall be documented in the facility's personnel files.

(8) Training providers and curricula which are approved consistent with the provisions of section 400.4178, Florida Statutes, shall be considered as having met the requirements of this subsection.

Specific Authority 400.1755 FS. Law Implemented 400.1755 FS. History--  
New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Linda MacDonald  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Luis C. Morse, Acting Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 8, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 13, 2001

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE TITLES:	RULE NOS.:
Definitions	58A-5.0131
Adverse Incident Report	58A-5.0241
Liability Claim Report	58A-5.0242
Temporary License	58A-5.033

PURPOSE AND EFFECT: The proposed rules and rule amendments were developed in consultation with the Agency for Health Care Administration to implement Sections 34 and 36 of Chapter 2001-45, Laws of Florida. Section 36 creates a new Florida Statute 400.423 which authorizes the Department of Elder Affairs to adopt rules necessary to administer that section, and section 34 provides for temporary licensure pending final disposition of certain actions. These rule amendments and rules, proposed as necessary for

administering the new legislation, define elopement and temporary licensure, provide procedures for adverse incident reporting, incorporate by reference into the rule the initial 1-day adverse incident report, incorporate by reference into the rule the full 15-day adverse incident report, provide procedures for liability claim reporting, incorporate by reference into the rule the liability claim form, and provide procedures for temporary licensure.

SUMMARY: The purpose of the proposed rules and rule amendments are to: provide definitions for elopement and temporary licensure, describe procedures for assisted living facilities to submit adverse-incident and liability-claim reports, and provide procedures for issuing of temporary licenses upon the initiation of any proceeding with regard to adverse incidents and liability claims.

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: 400.423 FS.

LAW IMPLEMENTED: 400.414, 400.423 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: 1:00 p.m. – 3:00 p.m., Tuesday, November 13, 2001

PLACE: 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Dunn, Office of General Counsel, or Linda Macdonald, Statewide Community-Based Services, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone (850)414-2000

THE FULL TEXT OF THE PROPOSED RULE IS:

58A-5.0131 Definitions.

The following terms are defined in s. 400.402, F.S., and are applicable to this rule chapter: activities of daily living (ADLs), administrator, agency (AHCA), aging in place or age in place, applicant, assisted living facility (ALF), chemical restraint, community living support plan, cooperative agreement, department (DOEA), emergency, extended congregate care (ECC), guardian, limited nursing services (LNS), managed risk, mental health resident, personal services, physical restraint, relative, resident, resident's representative or designee, service plan, shared responsibility, supervision,

supplemental security income, supportive services, and twenty-four-hour nursing supervision. Additional definitions applicable in this rule chapter are as follows:

(1) through (13) No change.

(14) “Elopement” means an occurrence in which a resident leaves a facility without following facility policy and procedures.

(14) through (34) renumbered (15) through (35) No change.

(36) “Temporary license” means a license issued by Agency for Health Care Administration to an assisted living facility that supercedes and temporarily replaces the current license and remains in place pending the final disposition of a proceeding involving the suspension or revocation of an assisted living facility license.

(37)~~(36)~~ No change.

Specific Authority 400.423, 400.441 FS. Law Implemented 400.402, 400.407, 400.4075, 400.411, 400.414, 400.4178, 400.419, 400.4255, 400.423, 400.428, 400.441, 400.447, 400.452 FS. History–New 9-30-92, Formerly 10A-5.0131, Amended 10-30-95, 6-2-96, 4-20-98, 11-2-98, 10-17-99, \_\_\_\_\_.

**58A-5.0241 Adverse Incident Report.**

(1) INITIAL ADVERSE INCIDENT REPORT. Each facility licensed under Part III of Chapter 400, Florida Statutes, shall submit a preliminary report of each adverse incident by completing an Assisted Living Facility Initial Adverse Incident Report – 1 Day, DOEA Form 3180-1024, dated October 2001, which is incorporated by reference, available through the Agency for Health Care Administration at the address listed below, and mailing the form to the Agency for Health Care Administration, Assisted Living Unit, 2727 Mahan Dr., MS 30, Tallahassee, Florida 32308, telephone (850)487-2515. Each facility must comply with report timeframe and transmission requirements specified in section 400.423(3), Florida Statutes. The Initial Adverse Incident Report is in addition to and does not replace other reporting requirements specified in Florida Statutes. If an adverse incident has not occurred within the facility, no report is required.

(2) FULL ADVERSE INCIDENT REPORT. Each facility that has submitted a preliminary report by completing DOEA Form 3180-1024 shall submit a full report of each adverse incident by completing an Assisted Living Facility Complete Adverse Incident Report – 15 Day, DOEA Form 3180-1025, dated October 2001, which is incorporated by reference, available through the Agency for Health Care Administration as indicated in section (1) above, and mailing the form to the Agency for Health Care Administration, Assisted Living Unit, at the address and telephone number indicated in section (1) above. Each facility must comply with report time frame and transmission requirements specified in section 400.423(4), Florida Statutes.

Specific Authority 400.423 FS. Law Implemented 400.423 FS. History–New \_\_\_\_\_.

**58A-5.0242 Liability Claim Report.**

(1) MONTHLY LIABILITY CLAIM REPORT. Each facility licensed under Part III of Chapter 400, F.S., shall report monthly any liability claim filed against the facility by completing an Assisted Living Facility Monthly Liability Claim Information, DOEA Form 3180-1026, dated October 2001, which is incorporated by reference, available through the Agency for Health Care Administration at the address indicated in section 58A-5.024(1). Each facility must comply with report time frame and transmission requirements specified in section 400.423(5), Florida Statutes.

(2) If a liability claim has not been filed against the facility in a given month, no report is required.

Specific Authority 400.423 FS. Law Implemented 400.423 FS. History–New \_\_\_\_\_.

**58A-5.033 Administrative Enforcement.**

Facility staff shall cooperate with agency personnel during surveys, complaint investigations, monitoring visits, implementation of correction plans, license application and renewal procedures and other activities necessary to ensure compliance with Part III of Chapter 400, F.S., and this rule chapter.

(1) through (6) No change.

(7) TEMPORARY LICENSE. Temporary licenses as defined in Rule 58A-5.0131(37) may be issued by the Agency upon the initiation of any proceeding pursuant to s. 400.414(8), F.S.

Specific Authority 400.415, 400.423, 400.441, 400.442 FS. Law Implemented 400.407, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.419, 400.42, 400.423, 400.427, 400.428, 400.431, 400.434, 400.441, 400.442 FS. History–New 9-30-92, Formerly 10A-5.033, Amended 10-30-95, 10-17-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Linda Macdonald

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Luis C. Morse, Acting Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 13, 2001

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: \_\_\_\_\_ RULE NO.: 64B17-7.002  
Citations \_\_\_\_\_

PURPOSE AND EFFECT: The Board proposes to add minor violations and penalties for which a citation should be issued.

SUMMARY: The Board is amending this rule by adding citation offenses and requiring the collection of administrative costs.

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, 456.077 FS.

LAW IMPLEMENTED: 456.077 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:

64B17-7.002 Citations.

(1) through (3) No change.

(4) The Board designates the following as citation violations:

(a) Advertising for discounted services (Section 456.062, F.S.) – \$250 for first offense.

(b) Failure to turn over patient records (Section 456.057, F.S.) – If corrected, a citation and a fine of \$100; if not corrected, referral to probable cause.

(c) ~~First-time failure of the licensee to satisfy Falsification of AIDS education coursework (Rule 64B17-8.001, F.A.C.)~~ – If coursework completed, \$250 fine. If not completed, \$500 fine and sixty days to complete coursework or matter will be referred to probable cause.

(d) Obtaining a license by issuing a bad check (456.072(1)(h) – If the check and bad check fee are paid, \$100 fine.

(e) Failure to report in writing to the Board within 30 days after criminal conviction of licensee (456.072(1)(w) – If reported within six months of conviction, \$250 fine.

(f) First-time failure of the licensee to satisfy continuing education requirements established by the Board – If the licensee rectifies the deficiencies within six months after notification of audit deficit, \$500 fine.

(g) Failure to notify the Board office in writing within 60 days of a change of address, \$250 fine.

(h) Failure to comply with a continuing education audit request within 30 days of the request, \$250 fine.

(5) In addition to the penalties established in this rule, the Department ~~shall may~~ recover the costs of investigation in accordance with its rules. ~~When the Department intends to assess the costs of investigation, T~~he penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department’s cost of investigation.

(6) No change.

Specific Authority 486.025, 456.077 FS. Law Implemented 456.077 FS. History–New 1-19-92, Formerly 21MM-7.003, Amended 10-28-93, Formerly 61F11-7.003, 59Y-7.003, Amended 1-6-99,\_\_\_\_\_.

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**

**Dental Laboratories**

RULE TITLE: Dental Laboratory Biennial Registration RULE NO.: 64B27-1.002

PURPOSE AND EFFECT: The Department of Health is proposing amendments to Rule 64B27-1.002, FAC., in order to comply with revisions to Section 466.032, Florida Statutes, requiring biennial registration for each dental laboratory.

SUMMARY: Rule 64B27-1.002, F.A.C., is amended to establish that the dental laboratory registration renewal fee be paid beinnially.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding this proposed rule.

Any person who wishes to provide information regarding a 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: 466.038 FS.

LAW IMPLEMENTED: 466.032 FS.

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

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B27-1.002 Dental Laboratory Biennial Registration.

The Department shall issue a registration certificate entitling the holder to operate a dental laboratory for a period of two years ~~one year~~, after the Department has received from the registering person, firm, or corporation:

(1) ~~The a-completed~~ registration form provided by the Department, and

(2) A biennial ~~an annual~~ registration fee of \$200.00 ~~\$100.00~~.

Specific Authority 466.038 FS. Law Implemented 466.032(1) FS. History—New 2-10-93, Formerly 21-29.002, 61E4-1.002, Amended 10-29-95, Formerly 59CC-1.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3250

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3250

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2001

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLES:	RULE NOS.:
Attendance at Board Meetings	64B32-1.008
Other Business Involving the Board	64B32-1.009
Spouses of Members of Armed Forces Exemption	64B32-1.010

PURPOSE AND EFFECT: The Board proposes to define attendance at Board meetings, other business involving the Board for the purpose of Board member compensation, and the exemption for absent military spouses from licensure renewal requirements.

SUMMARY: The Board proposes to clarify rules governing Board member attendance, other business involving compensatory reimbursement for Board members and exemption of spouses of members of armed forces.

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: 456.011(3), 456.011(4), 456.024(2) FS.

LAW IMPLEMENTED: 456.011(3), 456.011(4), 456.024(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 RULES 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 RULES IS:

64B32-1.008 Attendance at Board Meetings.

(1) Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court with the sole prerogative of setting the date of such business, death of a family member, illness of the Board member, or illness of the member’s family, or other similar extenuating circumstances.

(2) No Board member may be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated in section (1) of this rule. Other absences constitute unexcused absences for the purpose of declaring a vacancy on the Board. An otherwise excused absence is not excused if the Board member fails to notify the Board office of the impending absence prior to the regularly scheduled Board meeting at which the absence will occur unless the failure to notify is the result of emergency circumstances that would reasonably tend to preclude timely notification.

Specific Authority 456.011(3) FS. Law Implemented 456.011(3) FS. History—New \_\_\_\_\_.

64B32-1.009 Other Business Involving the Board.

For purposes of Board member compensation pursuant to Section 456.011(4), Florida Statutes, “other business involving the Board” does not include telephone conference calls that last less than four hours, but otherwise is defined to include:

- (1) Board meetings;
- (2) Meetings of committees of the Board;
- (3) Meetings of a Board member with staff or with a member or members of other regulatory boards at the request of the Board or the Department;
- (4) Probable cause panel meetings;
- (5) Attendance at legislative workshops or committee meetings at the request of the Board or Department;
- (6) Attendance at meetings of National and State Associations as an authorized representative of the Board;
- (7) Attendance at continuing education programs for the purpose of auditing a Board-approved provider when such attendance has been approved by the Board;
- (8) Attendance at any function relating to Board business and authorized by the Board or Department.

Specific Authority 456.011(4) FS. Law Implemented 456.011(4) FS. History—New \_\_\_\_\_.

64B32-1.010 Spouses of Members of Armed Forces Exemption.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time when the licensee is absent from the State of Florida due to the spouse’s duties with the Armed Forces. The licensee must document the absence and the spouse’s military status to the Board.

Specific Authority 456.024(2) FS. Law Implemented 456.024(2) FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 27, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 6, 2001

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Substance Exposed Children, Children Adversely Affected by Alcohol, and the Families of These Children	64F-4
RULE TITLES:	RULE NOS.:
Definitions	64F-4.001
Reducing the Impact of Prenatal Substance Abuse	64F-4.002
Reporting Requirements for Physically Drug Dependent Newborns, Substance Exposed Children, and Children Adversely Affected by Parental Alcohol Abuse	64F-4.003
Acceptance of Reports for Investigation and Abuse Registry Responsibility for Initiating Investigations	64F-4.004
Requirements for Notification of the State Attorney and Law Enforcement Officials	64F-4.005
District Responsibilities for Interprogram Coordination of the Investigation and Other Services Provided to Substance Exposed Children and Their Families	64F-4.006
Abuse Registry Staff Responsibilities	64F-4.007
C and F Responsibilities	64F-4.008
CHD Responsibilities	64F-4.009
Responsibilities of the Licensed Substance Abuse Treatment Providers and the Women’s Intervention Specialists	64F-4.010

PURPOSE AND EFFECT: Purpose is to repeal rules over which the Department of Health no longer has specific statutory rule making authority. Effect will be that the Department more properly outlines the responsibilities of personnel in policy and guidelines.

SUMMARY: These rules outlined responsibilities for services for families including substance exposed children.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide informaiton 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 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. – 12:00 Noon, November 14, 2001

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bob Peck, Division of Family Health Services, Maternal and Child Health Unit, Bin A-13, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1723

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-4.001 Definitions.

Specific Authority 383.011(2), 397.406, 415.514 FS. Law Implemented Chapter 39, Part III, 381.0011, 383.011, 397.406, 415.502-.514, 893.03 FS. History—New 11-30-93, Amended 5-8-96, Formerly 10D-115.002, Repealed.

64F-4.002 Reducing the Impact of Prenatal Substance Abuse.

Specific Authority 383.011 FS. Law Implemented 383.011 FS. History—New 11-30-93, Formerly 10D-115.003, Repealed.

64F-4.003 Reporting Requirements for Physically Drug Dependent Newborns, Substance Exposed Children, and Children Adversely Affected by Parental Alcohol Abuse.

Specific Authority 120.535, 383.011, 415.514 FS. Law Implemented 39.401(2)(a), 383.011, 415.502-.514 FS. History—New 11-30-93, Formerly 10D-115.004, Repealed.

64F-4.004 Acceptance of Reports for Investigation and Abuse Registry Responsibility for Initiating Investigations.

Specific Authority 383.011, 415.514 FS. Law Implemented 383.011, 415.502-.514 FS. History—New 11-30-93, Amended 5-8-96, Formerly 10D-115.005, Repealed.

64F-4.005 Requirements for Notification of the State Attorney and Law Enforcement Officials.

Specific Authority 415.514 FS. Law Implemented 415.503(9)(a)2., 415.505(1)(a) FS. History—New 11-30-93, Amended 5-8-96, Formerly 10D-115.006, Repealed.

64F-4.006 District Responsibilities for Interprogram Coordination of the Investigation and Other Services Provided to Substance Exposed Children and Their Families.

Specific Authority 120.535, 415.514 FS. Law Implemented 39.408, 381.001, 393.068, 415.502-.514 FS. History—New 11-30-93, Formerly 10D-115.007, Repealed.

**64F-4.007 Abuse Registry Staff Responsibilities.**

Specific Authority 383.011, 415.514 FS. Law Implemented 383.011, 393.068, 415.502-.514 FS. History--New 11-30-93, Amended 5-8-96, Formerly 10D-115.008, Repealed.

**64F-4.008 C and F Responsibilities.**

Specific Authority 383.011, 415.514 FS. Law Implemented 39.408(3)(a), 383.011, 393.068, 415.502-.514 FS. History--New 11-30-93, Amended 5-8-96, Formerly 10D-115.009, Repealed.

**64F-4.009 CHD Responsibilities.**

Specific Authority 383.001, 397.406 FS. Law Implemented 383.001, 393.068, 397.406 FS. History--New 11-30-93, Amended 5-8-96, Formerly 10D-115.010, Repealed.

**64F-4.010 Responsibilities of the Licensed Substance Abuse Treatment Providers and the Women's Intervention Specialists.**

Specific Authority 396.062, 397.031(6) FS. Law Implemented 393.068, 397.052, 397.215(1) FS. History--New 11-30-93, Formerly 10D-115.011, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bob Peck, Division of Family Health Services, Maternal and Child Health Unit, Bin A-13, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1723

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, A.R.N.P., M.S.N., Acting Director, Division of Family Health Services, Bin A-13, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1723

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2001

**DEPARTMENT OF HEALTH**

**Biomedical Research Advisory Council**

RULE TITLE: Biomedical Research Program

RULE NO.: 64H-1.001

PURPOSE AND EFFECT: This rule will incorporate the manual and forms required to apply for research grants under the Florida Biomedical Research Program, pursuant to the provisions of 215.5602, F.S.

SUMMARY: The rule consists primarily of the form number and manual title, which are incorporated by reference.

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

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

SPECIFIC AUTHORITY: 215.5602(9) FS.

LAW IMPLEMENTED: 215.5602 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: 2:00 p.m., Wednesday, November 14, 2001

PLACE: 2585 Merchant's Row Boulevard, Conference Room 320P, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rowe Rogero, Division of Disease Control, 4052 Bald Cypress Way, Bin #A09, Tallahassee, Florida 32399-1714

THE FULL TEXT OF THE PROPOSED RULE IS:

64H-1.001 Florida Biomedical Research Program.

Grant applications for Investigator-Initiated Research Projects and New Investigator Research Projects shall be conducted in accordance with the Grant Application Manual dated February 2001, incorporated by reference herein. Application must be submitted on the Biomedical Research Program Grant Application Form DH 2117, 2/01, incorporated by reference herein.

Specific Authority 215.5602 FS. Law Implemented 215.5602(9) FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Catherine Hughes, OMC II, Biomedical Research Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Landis K. Crockett, MD, MPH, Director, Division of Disease Control

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2001

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Drug Screening and Drug Testing of Temporary

RULE NO.:

Cash Assistance Applicants 65A-4.301

PURPOSE AND EFFECT: The rule proposed for repeal is unnecessary as the statutory authority for this rule has expired. The demonstration project for Drug Screening and Drug Testing Program for Temporary Cash Assistance Applicants expired June 30, 2001 and was not re-authorized by the Legislature.

SUMMARY: This rule proposed for repeal is not necessary, as statutory authority for it no longer exists.

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: 414.45 FS.

LAW IMPLEMENTED: 414.70 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 am, November 13, 2001

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700, telephone (850)921-5553

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Audrey Mitchell, Program Administrator, Public Assistance Policy, Policy Support Unit, 1317 Winewood Boulevard, Building 3, Room 406-A, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.301 Drug Screening and Drug Testing of Temporary Cash Assistance Applicants.

Specific Authority 414.45 FS. Law Implemented 414.70 FS. History—New 11-11-99, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marcia Dukes, Operations Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2001

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF INSURANCE**

RULE NO.:	RULE TITLE:
4-171.002	General Reporting Requirements
	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. 37, September 14, 2001, of the Florida Administrative Weekly. These changes are being made to address recommendations submitted in writing to the Department.

Paragraph (5)(b) is changed to read:

(b) For purposes of this rule the percentage of market shall be calculated by dividing the insurer's written current premiums from the most recent calendar year written for the

~~insurer~~ by the ~~preceding year's~~ total statewide written premiums for the same calendar year written in the state for that line of insurance.

The remainder of the rule reads as previously published.

**DEPARTMENT OF REVENUE**

NOTICE OF CABINET AGENDA  
ON OCTOBER 30, 2001

The Governor and Cabinet, on October 30, 2001, sitting as head of the Department of Revenue, will consider approval of amendments to 12D-1.010, F.A.C., Reconciliation of Interim Tax Rolls-Form of Notification; 12D-7.015, F.A.C., Educational Exemption; 12D-13.014, F.A.C., Penalties or Interest, Collection on Roll; 12D-13.019, F.A.C., Collection of Interest or Penalties on Back Assessments; 12D-13.028, F.A.C., Homestead Tax Deferral - Definitions; 12D-13.037, F.A.C., Collection of Taxes by Mail; Minimum Tax Bill; Collection Prior to Certified Roll; 12D-13.061, F.A.C., Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications; Fees.; 12D-13.062, F.A.C., Notices; Advertising, Mailing, Delivering and Posting of Notice of Tax Deed Sale; 12D-13.063, F.A.C., Sale at Public Auction; 12D-16.002, F.A.C., Index to Forms. The proposed amendment to Rule 12D-1.010, F.A.C., is needed to remove reference to obsolete provisions. The proposed amendment to Rule 12D-7.015, F.A.C., is needed to implement the provisions of Chapter 2001-79, Laws of Florida, which provides that the definition of an educational institution includes institutions of higher learning participating in the Higher Educational Facilities Financing Act created under Chapter 2001-79, Laws of Florida. The proposed amendments to Rules 12D-13.014 and 12D-13.019, F.A.C., are needed to clarify the application of discounts to non-ad valorem assessments. The proposed amendment to Rule 12D-13.028, F.A.C., is needed to include the definition of income for purposes of determining eligibility for tax deferral. The proposed amendment to Rule 12D-13.037, F.A.C., is needed to implement the provisions of Chapter 2001-137, Laws of Florida, providing for additional tax notices to be mailed by April 30, and providing that tax notices up to a certain amount are not required to be mailed. The proposed amendment to Rule 12D-13.061, F.A.C., is needed to implement the provisions of Chapter 2001-137, Laws of Florida, which provides specifications for tax collectors' contracts with title companies for ownership and encumbrance reports. The proposed amendment to Rule 12D-13.062, F.A.C., is needed to implement the provisions of Chapter 2001-252, Laws of Florida, which provides the requirements and exceptions for recording certain records by the clerks of the circuit court in connection with tax deed sales. The proposed amendment to Rule 12D-13.063, F.A.C., is needed to implement the provisions of Chapter 2001-252, Laws of Florida, which provides certain requirements of bidders and clerks of the



circuit court in connection with tax deed sales, canceled tax deed sales and tax deed issuance. The proposed amendment to Rule 12D-16.002, F.A.C., is needed to implement forms revisions created in Chapters 2001-137, 2001-204, 2001-208, and 2001-245, Laws of Florida, and incorporate other technical changes made to forms. The proposed amendments were originally noticed in the Florida Administrative Weekly of September 14, 2001, Vol. 27, No. 37, pp. 4256-4262. A public hearing on the proposed rules was held on October 5, 2001. Oral and written comments were received at the public hearing on proposed Rule 12D-16.002, F.A.C., as published in the September 14, 2001, Florida Administrative Weekly.

**DEPARTMENT OF CORRECTIONS**

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

**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. 34, August 24, 2001 issue of the Florida Administrative Weekly:

33-302.108 Monitoring Sex Offender Conditions of Supervision

~~(1) The circuit administrator shall review supervision orders utilized in the circuit to determine whether they contain the required sex offender conditions mandated by statute. Where the circuit administrator determines that supervision orders are not in compliance, she or he shall contact the judge or clerk of the court to notify her or him of the area of noncompliance.~~

~~(2) Conditions of supervision can only be enforced when they are delineated on the specific order of supervision. The department does not have the authority to impose any condition that is not included in the supervision order regardless of statutory provisions.~~

~~(1)(3)~~ No change.

~~(2)(4)~~ Prohibition of Living Within 1000 Feet of Place Where Children Regularly Congregate – If the court or releasing authority imposes this condition of supervision, the supervisor shall ensure:

(a) No change.

(b) The officer documents research conducted and measurements obtained, ~~if applicable~~, in the electronic case notes.

~~(3)(5)~~ No change.

~~(4)(6)~~ Sex Offender Driving Log – If the court or releasing authority imposes a condition of supervision requiring maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer, the officer shall:

(a) No change.

~~(b) Officers shall utilize the following criteria in considering whether to allow a sex offender to drive alone:~~

~~1. Circumstances that indicate it is not reasonable to request the offender to be accompanied by another adult.~~

~~2. Offenders can be authorized to drive alone for routine and scheduled work, religious purposes, therapeutic or treatment appointments, educational or vocational school attendance, public service purposes, and scheduled meetings with the officer in the office.~~

~~3. Offenders can also be authorized, with prior approval from the officer, to drive alone for routine and necessary activities such as banking, shopping, and medical appointments.~~

~~(c) An offender shall not be allowed to travel alone for other purposes unless approved by a supervisor.~~

~~(b)(d)~~ No change.

(7) through (10) renumbered (5) through (8) No change.

Specific Authority 944.09 FS. Law Implemented 944.09, 947.1405, 948.03 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.205  
 RULE TITLE: Inmate Telephone Use  
**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. 34, August 24, 2001 issue of the Florida Administrative Weekly:

33-602.205 Inmate Telephone Use.

(1) This subsection sets forth the minimum telephone privileges that shall be granted to inmates housed in institutions or facilities other than community correctional centers, Florida State Prison, or death row at Union Correctional Institution. All inmate calls, with the exception of those calls placed to attorneys pursuant to ~~(3)(a)~~ shall be subject to monitoring and recording. Due to the high level of security needs at Florida State Prison and death row at Union Correctional Institution, the only telephone privileges available to FSP and UCI death row inmates are those set forth in (3)(a), private calls to attorneys, and (4), calls made in the event of family crisis.

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

(a) through (i) No change.

(j) Wardens are authorized to designate additional staff who will be responsible for monitoring telephone calls and reviewing records and recordings ~~recorded tapes~~ of monitored calls.

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

1. through 6. No change.

(l) The department's contract manager for operations and wardens shall ensure that the system is checked periodically to assess the integrity of all components of the system. If the notification system is not functioning properly, monitoring of the telephone calls shall immediately cease until the problem is corrected.

(3) Calls to attorneys.

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

(b) If an inmate requests to place his or her attorney's telephone number on his or her calling list, the attorney must provide written acknowledgment of the telephone procedures by completing Form DC6-214, Inclusion of Attorney on Inmate Telephone List and indicating that he or she understands that there are options available for private calls. The requesting inmate will be responsible for notifying the attorney and arranging for the correspondence to the institution. There will be no special provisions for these calls. They will be placed on regular inmate telephones, will be collect, subject to monitoring and recording, and limited to 15 ~~10~~ minutes. ~~The telephone calls will not be monitored or recorded. However, staff will call the numbers submitted to verify the telephone number is to the office of a licensed attorney. If the inmate and the attorney want to have non-monitored conversations, the procedures in (3)(a) must be followed.~~ Form DC6-214, Inclusion of Attorney on Inmate Telephone List, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(4) through (13) No change.

(14) Prison Tips Crime-stoppers Hotline.

(a) A toll-free number will be available for dialing from any telephone designated for inmate use to report suspected criminal activity or crimes that occur inside or outside the institution.

(b) The inmate will not have to enter his or her personal identification number (PIN) to access the prison tips crime-stoppers hotline.

(c) Calls to the prison tips crime-stoppers hotline will be limited to two minutes and will be recorded and retained for 30 days.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

RULE NOS.:	RULE TITLES:
61B-39.001	Definitions
61B-39.002	Public Offering Statement and Purchase Agreement Requirements
61B-39.003	Filing of Single-Site Timeshare Plans

**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. 36, September 7, 2001, issue of the Florida Administrative Weekly.

NOTE: The add/delete coding shown on the following changes reflects changes from text as proposed rather than amendments from current Florida Administrative Code.

Subsections 61B-39.001(9) and (15) are amended to read:

(9) "Notify" for purposes of Sections 721.06(1)(g)(~~f~~) and 721.065(2)(c), Florida Statutes, shall mean that a written notice of cancellation is delivered, by any means which may include certified mail return receipt requested, to the entity designated to receive the notice of cancellation in the statement required by Sections 721.06(1)(g)(~~f~~) or 721.065(2)(c), Florida Statutes.

(15) 'Substantially complied' as used in Sections 721.07(5)(gg)(~~ii~~) and 721.55(5), Florida Statutes, means that:

(a) The information required in Section 721.07 or Section 721.55(5), Florida Statutes, or these rules if applicable, has been filed with the division;

(b) The information has been filed in the format required in these rules if applicable; and

(c) The purchasers have been furnished a purchaser POS pursuant to Section 721.07(6) or Section 721.551, Florida Statutes, and these rules.

Subsections 61B-39.002(1)(e),(7) and (8) are amended to read:

(1) Each registered public offering statement shall:

(e) Not contain conspicuous type except where required by statute or rule, or as permitted by the division pursuant to Section 721.07(5)(~~gg~~)(~~ii~~), Florida Statutes.

(7) The division shall notify a developer within the first ten business days of the statutory review period prescribed in Sections 721.07(2)(a) and 721.07(3)(a)1., Florida Statutes, if a ~~filed~~ POS submitted to the division for review is not in the format required by these rules ~~and if, by reason thereof, the POS is not considered "received" as defined in these rules and for purposes of beginning the statutory review period. If the Division does not so notify the developer, the statutory review period is not tolled during the first ten business days of the statutory review period.~~

(8) The substance of the definition of the term "notify" as defined in Rule 61B-39.001, Florida Administrative Code, shall be disclosed in the purchase agreement executed by a purchaser immediately following the space in the contract reserved for the signature of the purchaser, disclosed as a footnote to the disclosure required by Section 721.06(1)(~~g~~)(~~f~~), or Section 721.065(2)(c), Florida Statutes.

Sub-paragraphs 61B-39.003(2)(g)19. and 20. are amended to read:

19. Section 7.c. shall contain the information required in Sections 721.07(5)(j),(~~cc~~),(~~dd~~), Florida Statutes. If the developer does not own the real property underlying any particular accommodation or facility, the developer shall disclose the extent to which such accommodation or facility will be available to purchasers, including an explanation of any limitations, risk, or restrictions on availability. This disclosure shall not relieve the developer from complying with the financial assurance or non-disturbance requirements of Chapter 721, Florida Statutes, or these rules, where applicable;

20. Section 7.d. shall contain the information required in Sections 721.07(5)(q)1. and (~~q~~)(~~s~~)2., Florida Statutes; and

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

RULE NOS.:	RULE TITLES:
61B-40.003	Books and Financial Records; Fiscal Year
61B-40.005	Guarantee of Common Expenses Under Sections 718.116(9) and 721.15(2), Florida Statutes

**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. 36, September 7, 2001 issue of the Florida Administrative Weekly.

NOTE: The add/delete coding shown on the following changes reflects changes from text as proposed rather than amendments from current Florida Administrative Code.

Paragraphs 61B-40.003(2)(b) and (c) are amended to read:

(b) The managing entity of a multicondominium timeshare plan shall maintain separate accounting records for the multicondominium ~~multi-condominium~~ association and for each condominium operated by the association. Multicondominium associations created prior to July 1, 2000, that do not create separate ownership interests of the common surplus of the association for each unit, as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, shall not maintain separate fund balances for the association, and shall allocate all association revenues and expenses to each condominium operated by the association pursuant to the provisions of each condominium's respective declaration;

(c) For timeshare plans engaged in activities that generate nonassessment revenues, the managing entity shall maintain accounting books and financial ~~accounting books and financial~~ records in sufficient detail to permit the determination of the revenues and expenses of each such revenue generating activity.

Paragraph 61B-40.005(5)(d) is amended to read:

(d) If a guarantee pursuant to ~~Section 718.116(9) or~~ Section 721.15(2), Florida Statutes, existed within a multicondominium association created prior to July 1, 2000, the guarantor's financial obligation to the association shall be calculated as provided in Subsections (a) through (c) for each condominium in which the guarantee existed. If a guarantee pursuant to ~~Section 718.116(9) or~~ Section 721.15(2), Florida Statutes, existed within a multicondominium association created after June 30, 2000, or a multicondominium association that created separate ownership interests of the common surplus of the association for each purchaser as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, the guarantor's financial obligation to the association shall include the amount calculated pursuant to Section 718.116(9)(c), except that the calculation shall include total revenues as provided in Section 721.15(2), rather than the maintenance fee revenues as provided in Section 718.116(9)(c).

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.:	RULE TITLE:
64B12-8.020	Disciplinary Guidelines

**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. 11, March 16, 2001 issues of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

(Substantial rewording of Rule 64B12-8.020 follows. See Florida Administrative Code for present text.)

64B12-8.020 Disciplinary Guidelines.

(1) The Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 484, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties that will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to subsection 120.57(1) and subsection 120.57(2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

(3) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has committed any of the acts set forth in Section 484.014, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
<p><u>(a) Procuring or attempting to procure, or renew a license by misrepresentation, bribery, fraud or through an error of the Department or the Board. (484.014(1)(a), F.S.); (456.072(1)(h), F.S.)</u></p>	<p><u>(a) From reprimand to probation of the license and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>	<p><u>(a) From suspension to revocation of the license and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>	<p><u>(a) From revocation, without the ability to reapply, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>
<p><u>(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation. (484.014(1)(b), F.S.)</u></p>	<p><u>(b) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>	<p><u>(b) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>	<p><u>(b) From suspension to revocation, without the ability to reapply, and an administrative fine of \$1,000.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>
<p><u>(c) Filing a false report or failing to file a report as required. Such reports or records shall include only those which the person is required to make or file as an optician. (484.014(1)(c), F.S.); (456.072(1)(l), F.S.)</u></p>	<p><u>(c) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From probation to suspension of the license and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(d) Failing to make fee or price information readily available by providing such information upon request or upon the presentation of a prescription. (484.014(1)(d), F.S.)</u></p>	<p><u>(d) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(d) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(d) From probation to suspension of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>

<u>(e) False, deceptive, or misleading advertising. (484.014(1)(e), F.S.).</u>	<u>(e) From a letter of concern to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(e) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(e) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(f) Fraud or deceit, or negligence, incompetency, or misconduct in the authorized practice of opticianry. (484.014(1)(f), F.S.).</u>	<u>(f) From reprimand to probation of the license, and if fraud is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u>	<u>(f) From probation to suspension of the license, and if fraud is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u>	<u>(f) From suspension to revocation of the license, and if fraud is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u>
<u>(g)1. Violation or repeated violation of Chapter 484 or Chapter 456, or any rules promulgated pursuant thereto, or a subpoena of the Department. (484.014(1)(g), (i), F.S.) (456.072(1)(b), (q), F.S.)</u>	<u>(g)1. From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(g)1. From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(g)1. From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>2. Violation of a lawful order of the Board or Department.</u>	<u>2. From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>2. From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>2. From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(h) Practicing with a revoked, suspended, inactive or delinquent license. (484.014(1)(h), F.S.).</u>	<u>(h) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(h) From probation to suspension of the license and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(h) From suspension to revocation, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(i) Violation of any provision of section 484.012. (484.014(1)(j), F.S.).</u>	<u>(i) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(i) From probation to suspension, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(i) From suspension to revocation, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>

<p><u>(j) Conspiring to restrict another from lawfully advertising his or her services. (484.014(1)(k), F.S.).</u></p>	<p><u>(j) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From suspension to revocation of the license and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(k) Willfully submitting to any third-party payor a claim for services which were not provided to a patient. (484.014(1)(l), F.S.).</u>  <u>The licensee's reimbursement to the third party payor shall be considered as a mitigating factor by the board.</u></p>	<p><u>(k) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From probation to suspension, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(l) Failing to keep written prescription files. (484.014(1)(m), F.S.)</u></p>	<p><u>(l) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(m) Failure to report another licensee in violation of Chapter 484, Part I, Chapter 456 or rule of the Board or Department. (484.014(1)(n), F.S.); (456.072(1)(i), F.S.).</u></p>	<p><u>(m) From a letter of concern to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(m) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(m) From suspension to revocation of the license and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(n) Exercising influence on a client for financial gain of the licensee or of a third party. (484.014(1)(o), F.S.); (456.072(1)(n), F.S.).</u></p>	<p><u>(n) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(n) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to a \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(n) From suspension to revocation and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(o) Gross or repeated malpractice. (484.014(1)(p), F.S.).</u></p>	<p><u>(o) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(o) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(o) From suspension to revocation of the license, without the ability to reapply, and an administrative fine ranging from \$900.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>

<p><u>(p) Permitting any person not licensed as an optician in this state to fit or dispense any licenses, spectacles, eyeglasses, or other optical devices that are part of the practice of opticianry.</u> (484.014(1)(q), F.S.).</p>	<p><u>(p) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(p) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(p) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(q) Guilty of a crime directly relating to the ability to practice opticianry or to the practice of opticianry.</u> (484.014(1)(r), F.S.); (456.072(1)(c), F.S.).</p>	<p><u>(q) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(q) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(q) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(r) Action taken against license by another jurisdiction. Licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.</u> (484.014(1)(s), F.S.); (456.072(1)(f), F.S.).</p>	<p><u>(r) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(r) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(r) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(s) Being unable to practice opticianry with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.</u> (484.014(1)(t), F.S.); (456.072(1)(y), F.S.).</p>	<p><u>(s) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(s) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(s) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>

(4) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has violated subsection 484.014(1)(g), F.S., by violating any of the following Board rules, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:



VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
<p><u>(a) Failure to give notice of withdrawal of services pursuant to Rule 64B12-10.003, F.A.C.</u></p>	<p><u>(a) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to 500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(a) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(a) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(b) Failure to properly keep and transfer prescription files pursuant to Rule 64B12-10.006, F.A.C.</u></p>	<p><u>(b) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(b) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(b) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(c) Failure to assure that duplicate prescription forms contain the information required by Rule 64B12-10.0065, F.A.C.</u></p>	<p><u>(c) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(d) Failure to maintain the equipment required by Rule 64B12-10.007, F.A.C.</u></p>	<p><u>(d) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(d) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(d) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(e) Failure to have a licensed optician on the business premises at any time that opticianry is being practiced. Should the violator be an unlicensed person, the Board will request the Department to enter a cease and desist order.</u></p>	<p><u>(e) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(e) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(e) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>

<p><u>(f) Failure to return certificates and licenses to the Department.</u></p>	<p><u>(f) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(f) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(f) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(g) Failure to pay any civil penalty imposed by order of the Board within thirty days of the effective date of the order as required by Rule 64B12-8.017, F.A.C.</u></p>	<p><u>(g) From reprimand to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(g) From probation to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(g) From suspension to revocation of license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(h) Failure to comply with Rule 64B12-15.001(5), F.A.C., which requires the licensee to comply with the Department's random audit of the licensee's continuing education records.</u></p>	<p><u>(h) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(h) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(h) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(i) Failure to properly supervise an apprentice as required by Rule Chapter 64B12-16.003, F.A.C. For each offense, depending upon aggravating and mitigating circumstances, the Board may require probation with the condition that the licensee not serve as a sponsor.</u></p>	<p><u>(i) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(i) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(i) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(j) Failure to properly terminate an apprenticeship as required by Rule 64B12-16.004, F.A.C. For each offense, depending upon aggravating and mitigating circumstances, the board may deny credit for hours of apprenticeship.</u></p>	<p><u>(j) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>

<p><u>(k) Failure to properly notify the Department of termination as a sponsor as required by 64B12-16.006, F.A.C.</u>  <u>Depending upon aggravating and mitigating circumstances for each offense, the Board may require probation with the condition that the licensee not serve as a sponsor.</u></p>	<p><u>(k) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(l) Failure of a sponsor or apprentice to comply with Chapters 484, Part I, and 456, Florida Statutes, and the rules of the Board and Department or to timely file complete reports or information as required by 64B12-16.008, F.A.C.</u>  <u>Depending upon aggravating and mitigating circumstances for each offense, the Board may require probation with the condition that the licensee not serve as a sponsor or the board may deny credit for hours of apprenticeship.</u></p>	<p><u>(l) From a reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(m) Failure to maintain accurate and complete records of time worked by an apprentice, pursuant to 64B12-16.009, F.A.C.</u>  <u>depending upon aggravating and mitigating circumstances for each offense, the Board may require probation with the condition that the licensee not serve as a sponsor.</u></p>	<p><u>(m) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(m) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(m) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(n) Failure to provide change of address, pursuant to 64B12-10.012, F.A.C.</u></p>	<p><u>(n) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(n) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(n) From reprimand to suspension of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>

(5) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has violated subsection 456.063(3), F.S. or Section 456.072, F.S., by violating any of

the following provisions, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
<p><u>(a) Failure to report allegations of sexual misconduct to the department, regardless of the practice setting in which the alleged sexual misconduct occurred. (456.063(3), F.S.)</u></p>	<p><u>(a) From reprimand to suspension of the license, and an administrative fine ranging from \$1,500.00 to \$5,000.00, or refusal to certify an application for licensure. If fraud or making a false or fraudulent representation is proven, the administrative fine is \$10,000.00.</u></p>	<p><u>(a) From probation to suspension of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure. If fraud or making a false or fraudulent representation is proven, the administrative fine is \$10,000.00.</u></p>	<p><u>(a) From suspension to revocation of license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure. If fraud or making a false or fraudulent representation is proven, the administrative fine is \$10,000.00.</u></p>
<p><u>(b) Making misleading, deceptive, or fraudulent representations in or related to the practice of opticianry. (456.072(1)(a), F.S.)</u></p>	<p><u>(b) From reprimand to suspension of the license, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(b) From probation to revocation of the license, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(b) From suspension to revocation of license, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(c) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (456.072(1)(e), F.S.)</u></p>	<p><u>(c) From letter of concern to reprimand of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From reprimand to probation of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(d) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (456.072(1)(g), F.S.)</u></p>	<p><u>(d) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(d) From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(d) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>

<p><u>(e) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice opticianry contrary to Chapters 484 and 456, Florida Statutes, or the rules of the department or the board.</u> (456.072(1)(j), F.S.)</p>	<p><u>(e) From reprimand to suspension of the license, and an administrative fine ranging from \$2,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(e) From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(e) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(f) Failure to perform legal obligation.</u> (456.072(1)(k), F.S.)</p>	<p><u>(f) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$2,500.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>	<p><u>(f) From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>	<p><u>(f) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>
<p><u>(g) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.</u> (456.072(1)(m), F.S.)</p>	<p><u>(g) From reprimand to suspension of the license, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(g) From probation to suspension of the license, without the ability to reapply, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(g) From suspension to revocation of license, without the ability to reapply, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(h) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.</u> (456.072(1)(o), F.S.)</p>	<p><u>(h) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(h) From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(h) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>

<p><u>(i) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.</u> (456.072(1)(p), F.S.)</p>	<p><u>(i) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(i) From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(i) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(j) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.</u> (456.072(1)(r), F.S.)</p>	<p><u>(j) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From probation to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(k) Engaging or attempting to engage a patient or client in verbal or physical sexual activity. For the purposes of this section, a patient or client shall be presumed to be incapable of giving free, full, and informed consent to verbal or physical sexual activity.</u> (456.072(1)(u), F.S.)</p>	<p><u>(k) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(l) Failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.</u> (456.072(1)(w), F.S.)</p>	<p><u>(l) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From suspension to revocation of license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>

(6) Based upon consideration of aggravating or mitigating factors, present in an individual case, the Board may deviate from the penalties recommended in paragraphs (3) through (5) above. If mitigating factors are present, the administrative fine may be reduced and a less severe action, such as a reprimand or probation, taken against the licensee from the range of actions given in the disciplinary guidelines. If aggravating factors are present, the maximum administrative fine may be imposed and more severe action, such as suspension or revocation, taken against the licensee from the range of actions given in the disciplinary guidelines. The Board shall consider as aggravating or mitigating factors the following:

- (a) The danger to the public;
- (b) The length of time since the violation;
- (c) The number of times the licensee has been previously disciplined by the Board;
- (d) The length of time licensee has practiced;
- (e) The actual damage, physical or otherwise, caused by the violation;
- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the licensee's livelihood;
- (h) Any effort of rehabilitation by the licensee;
- (i) The actual knowledge of the licensee pertaining to the violation;
- (j) Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation;
- (k) Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served:
  - (l) Actual negligence of the licensee pertaining to any violation;
  - (m) Penalties imposed for related offenses under subsections (1) and (2) above;
  - (n) Any other relevant mitigating or aggravating under the circumstances.
- (7) Penalties imposed by the Board pursuant to subsections (3) through (5) above may be imposed in combination or individually. All penalties at the upper range of the sanctions set forth in the guidelines (e.g., suspension, revocation) include lesser penalties, i.e., fine, reprimand or probation, which may be included in the final penalty. Such penalties are as follows:
  - (a) Refusal to certify to the Department an application for licensure.
  - (b) Issuance of a reprimand.
  - (c) Imposition of an administrative fine not to exceed \$10,000.00 for each count or separate offense. If the violation is for fraud or making a false or fraudulent representation, the board must impose a fine of \$10,000 per count or offense.

(d) Placement of the optician on probation for a period of time and subject to such conditions as the Board may specify, including requiring the optician to submit to treatment or to work under the supervision of another optician.

(e) Suspension of a license.

(f) Permanent revocation of a license.

Specific Authority ~~455-627~~ 456.072(2)(d), 456.079, 484.005 FS. Law Implemented ~~455-627~~ 456.079, 456.072, 484.014 FS. History—New 3-5-87, Amended 3-30-89, 4-22-90, 12-23-90, 1-27-93, Formerly 21P-8.020, Amended 5-2-94, Formerly 61G13-8.020, 59U-8.020, Amended \_\_\_\_\_.

## DEPARTMENT OF HEALTH

### Board of Opticianry

RULE NO.:                                      RULE TITLE:  
64B12-9.003                                      Examination Review Procedure  
NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed amendments to the above rule, as noticed in Vol. 27, No. 11, March 16, 2001, Florida Administrative Weekly, has been withdrawn in response to comments received from the Joint Administrative Procedures Committee.

## DEPARTMENT OF HEALTH

### Board of Physical Therapy Practice

RULE NO.:                                      RULE TITLE:  
64B17-2.002                                      Initial Licensure Fee for Physical  
Therapists  
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 the Vol. 27, No. 35, August 31, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 30, 2001.

The rule shall now read as follows:

64B17-2.002 Initial Licensure Fee for Physical Therapists.

An applicant who has been certified by the Board as having satisfied the licensure requirements of Rule Chapter 64B17-3, Florida Administrative Code, shall not be issued a license until the applicant remits to the Department an initial licensure fee in the amount of \$100.

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 \_\_\_\_\_.

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.:                   RULE TITLE:  
64B17-2.004                Initial Licensure Fee for Physical  
                                  Therapist Assistants

**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 the Vol. 27, No. 35, August 31, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 30, 2001.

The rule shall now read as follows:

64B17-2.004 Initial Licensure Fee for Physical Therapist Assistants.

An applicant who has been certified by the Board as having satisfied the licensure requirements of Rule Chapter 64B17-4, Florida Administrative Code, shall not be issued a license until the applicant remits to the Department an initial licensure fee in the amount of \$100.

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-10.035, Amended 10-17-90, Formerly 21MM-2.004, 61F11-2.004, 59Y-2.004, Amended \_\_\_\_\_.

**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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.:                   RULE TITLE:  
64B17-3.002                Licensure Examination Subjects  
                                  and Passing Score; Additional  
                                  Requirements After Third  
                                  Failure

**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 the Vol. 27, No. 35, August 31, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 30, 2001.

The rule shall now read as follows:

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 to prepare the applicant for the physical therapy examination. 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 \_\_\_\_\_.

**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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.:                   RULE TITLE:  
64B17-4.002                Licensure Examination Subjects  
                                  and Passing Score; Additional  
                                  Requirements After Third  
                                  Failure

**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 the Vol. 27, No. 35, August 31, 2001 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 30, 2001.

The rule shall now read as follows:

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 to prepare the applicant for the physical therapy assistant examination. 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 \_\_\_\_\_.

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-9.001  
RULE TITLE: Continuing Education

**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 the Vol. 27, No. 35, August 31, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 30, 2001.

The rule shall now read as follows:

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.

Specific Authority 486.025 FS. Law Implemented 486.109(2)(3) 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 \_\_\_\_\_.

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

**Section IV  
Emergency Rules**

**NONE**

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection has taken action on a petition for variance received from P2 Environmental, Inc., (P2) on July 9, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on July 27, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(3), of the Florida Administrative Code for the use of a remediation product to clean up sites contaminated with chlorinated aliphatic hydrocarbons. Specifically, the variance requested a zone of discharge for total recoverable petroleum hydrocarbons (TRPH) within a 20-foot radius from the point of discharge for a duration of 24 months. No public comment was received. On October 2, 2001, the Department granted a variance to P2 in a final order, OGC File No.: 01-1136. 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 of the Florida Administrative Code; that the extent of the zone of discharge for TRPH shall be a 20-foot radius from the point of injection for a duration of 24 months; 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.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Department of Children and Families has received a petition for Variance from Rules 65C-15, Florida Administrative Code. The rule from which the variance is sought shall apply for limited purpose of administration of the foster care privatization demonstration pilot project for the "Neighbor to Family Incorporated" program. The Petitioner is Ounce of Prevention Fund of Florida. The petition was received on October 3, 2001, and assigned Case No. 01-004W. A copy of the petition may be obtained by writing: Agency Clerk, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on October 3, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Variance From or Waiver of Rule 67-44.004(3), Florida Administrative Code, from the Tampa Bay Community Development Corporation (Project Name: Hunter's Lake, HAPC 99-001) (the "Petition"), seeking a variance of the Rule which provides that no additions, changes or deletions, will be accepted for consideration after submittal of an application.

A copy of the Petition can be obtained from: Sheila A. Freaney, Public Records Clerk, 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.

NOTICE IS HEREBY GIVEN that on October 4, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Variance From or Waiver of Rule 9I-47.140(5), Florida Administrative Code, from Timberwind Estates, Inc. (the "Petition"), seeking a variance of the Rule which provides that one hundred percent of the Project's units receiving HOME Second Mortgage Loan financing must be completed and funds fully disbursed within three (3) years of the issue date of the firm commitment.

A copy of the Petition can be obtained from: Sheila A. Freaney, Public Records Clerk, 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.

NOTICE IS HEREBY GIVEN that on October 4, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Variance From or Waiver of Rule 67-44.003(6)(a), Florida Administrative Code, from Three Rivers Housing Foundation. (the "Petition"), seeking a variance of the Rule which provides that the combined loan to value ratio of all loans in the transaction shall not exceed 103% of the lesser of the after-construction or after-rehabilitation appraised value or the purchase price of the home.

A copy of the Petition can be obtained from Sheila A. Freaney, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**Section VI**

**Notices of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF LEGAL AFFAIRS**

The Executive Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: November 7, 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.

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: November 8, 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.

The Finance and Budget Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: November 9, 2001, 1:00 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 **Office of the Attorney General**, Florida Motor Vehicle Theft Prevention Authority announces a public meeting of the Board of Directors of the Florida Motor Vehicle Theft Prevention Authority to which all interested persons are invited.

DATE AND TIME: Wednesday, December 5, 2001, 10:00 a.m.  
PLACE: State Attorney's Office, Ninth Judicial Circuit, LLEC Conference Room, 415 North Orange Avenue, Orlando, Florida (Please note that entrance into the building is through a security check point and will require you to arrive early.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Board of Directors as required by Florida Statute. Consideration of matters as presented in the agenda for the meeting.

A copy of the agenda may be obtained by contacting: Karen O'Bryan, Florida Motor Vehicle Theft Prevention Authority, Office of the Attorney General, Room PL-01, The Capitol, Tallahassee, Florida 32399-1050 or by calling (850)414-3362. A request for the agenda may be faxed to the Authority office, (850)413-0633. TDD users, please call through the Florida Relay Service at 1(800)955-8771.

If special accommodations are needed to attend this meeting because of a disability, please contact Karen O'Bryan no later than seven days prior to the proceedings, (850)414-3362. If hearing impaired, contact Karen O'Bryan via Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### DEPARTMENT OF INSURANCE

The **Department of Insurance** announces public meetings to which all persons are invited:

DATE AND TIME: October 30, 2001, 11:00 a.m. – 7:00 p.m.

PLACE: Florida International University, Kovens Conference Center, Ballroom 214A, 3000 Northeast 151st Street, Miami, Florida 33181

DATE AND TIME: November 19, 2001, 11:00 a.m. – 7:00 p.m.

PLACE: University of North Florida, 12000 Alumni Drive, University Center, Jacksonville, Florida 32224

DATE AND TIME: December 10, 2001, 11:00 a.m. – 7:00 p.m.

PLACE: University of South Florida, Phyllis P. Marshall Center, Room CTR 296, 4202 E. Fowler Avenue, Tampa, Florida 33620

GENERAL SUBJECT MATTER TO BE CONSIDERED: Task Force on the use of credit reports in underwriting automobile and homeowners' insurance policies.

The person to be contacted is: Robbie J. Simpson, (850)413-5250. A copy of the agenda may be obtained from the contact person identified above.

Please be advised that if any person decides to appeal any decision made by this Task Force with respect to any matter considered at any public meeting of the Task Force, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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 identified above.

The Florida **Department of Insurance** announces a meeting of the Three-Member Panel to which all persons are invited.

DATE AND TIME: Tuesday, November 6, 2001, 1:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Three-Member Panel will be adopting schedules of maximum reimbursement allowances for physicians, hospital inpatient, hospital outpatient, ambulatory surgical centers, work hardening and pain programs.

CONTACT: Shirley Kerns, Bureau Chief, Bureau of Property and Casualty Forms and Rates, Florida Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5310.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, please advise the Department at least 5 calendar days before the meeting by contacting Shirley Kerns, (850)413-5310.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Agricultural Museum Board of Trustees:

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

PLACE: Island House, 1850 Princess Place Road, Palm Coast, Florida 32137

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting. The purpose of this meeting is to conduct the general business of the Florida Agricultural Museum.

For additional information or if you need special accommodations, please call Richard Gunnels, (850)488-3022.

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Agriculture Center and Horse Park Authority Executive Committee:

**EXECUTIVE COMMITTEE MEETING**

DATE AND TIME: Friday, November 2, 2001, 10:00 a.m.

PLACE: Law Offices of Karl Hart, 125 N. W. First Avenue, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee Meeting. The purpose of this meeting is to conduct the general business of Florida Agriculture Center and Horse Park.

For additional information or if you need special accommodations, call Bruce Piatek, (904)446-7630.

The Florida **Department of Agriculture and Consumer Services** announces a Notice of Public Meeting of the Organic Food Advisory Council Meeting to which all persons are invited:

DATE AND TIME: November 27, 2001, 1:30 p.m.

PLACE: Department of Citrus, 1115 East Memorial Boulevard, Lakeland, Florida 33801, (863)499-2500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organic Food Advisory Council Meeting.

You may contact: Mr. Dale Dubberly, Florida Department of Agriculture and Consumer Services, Room L-29, Building 8, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-8731.

If special accommodations are needed to attend this meeting because of a disability, please call Dale Dubberly as soon as possible.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Florida Forestry Council which is open to all interested persons.

DATE AND TIME: Monday, October 29, 2001, 9:30 a.m.

PLACE: Florida Division of Forestry, Room 239, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates on Division of Forestry Programs.

A copy of the agenda may be obtained by contacting: L. Earl Peterson, Director, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-4274.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** (DOF) and the Okaloacoochee Slough State Forest Management Plan Advisory Group announce two public meetings and a public hearing to which all persons are invited.

Okaloacoochee Slough State Forest Management Plan Advisory Group, Public Meeting

DATE AND TIME: Thursday, December 6, 2001, 5:00 p.m.

PLACE: LaBelle Firehouse, Conference Room (1/4 mile south of the intersection of SR 80 and SR 29 on SR 29), LaBelle, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Okaloacoochee Slough State Forest Management Plan Advisory Group to prepare for a public hearing the evening of December 6, 2001 and provide recommendations to the DOF to help in preparation of a management plan for the Okaloacoochee Slough State Forest.

Public Hearing

DATE AND TIME: Thursday, December 6, 2001, 6:00 p.m.

PLACE: LaBelle Firehouse, Conference Room (1/4 mile south of the intersection of SR 80 and SR 29 on SR 29), LaBelle, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To solicit public comments on management of the Okaloacoochee Slough State Forest. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to the DOF's Caloosahatchee District Office, 10941 Palm Beach Blvd., Ft. Myers, FL 33905, to the attention of Kevin Podkowka and should be mailed so as to arrive at the District Office by the date of the public hearing.

Okaloacoochee Slough State Forest Management Plan Advisory Group, Public Meeting

DATE AND TIME: Friday, December 7, 2001, 9:00 a.m.

PLACE: LaBelle Firehouse, Conference Room (1/4 mile south of the intersection of SR 80 and SR 29 on SR 29), LaBelle, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Okaloacoochee Slough State Forest Management Plan Advisory Group to review comments from the public hearing of December 6, 2001 and provide recommendations to the DOF to help in preparation of a management plan for the Okaloacoochee Slough State Forest.

Copies of a working draft on the plan are available by contacting the Caloosahatchee 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 to the DOF's Caloosahatchee 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 **State Fair Authority** announces a meeting of the Finance, Long Range Planning and Marketing Committees.

DATE AND TIME: Thursday, October 25, 2001, 11:00 a.m.

PLACE: Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss old and new business of the finance, long range planning and marketing committees.

AGENDA: A copy of the agendas may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, Post Office Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

The Florida **State Fair Authority** announces a meeting of the Full Authority to which all persons are invited:

DATE AND TIME: Thursday, October 25, 2001, 1:00 p.m.

PLACE: Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and new business

Report of Independent Auditors – Arthur Andersen

2002 State Fair Update

AGENDA: A copy of the agenda may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, Post Office Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

**DEPARTMENT OF EDUCATION**

The **Department of Education** announces the following meetings of the Occupational Access and Opportunity Commission and its Committees and to which all persons are invited and to which all interested individuals are encouraged to attend.

**FIVE-YEAR PLAN WORKGROUP**

DATE AND TIME: November 7, 2001, 4:00 p.m. – 7:00 p.m.

PLACE: Marriott Miami Airport, Room TBA, 1201 N. W. LeJeune Road, Miami, Florida 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Five-Year Plan Workgroup.

**FIELD SERVICES COMMITTEE**

DATE AND TIME: November 8, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Marriott Miami Airport, Room TBA, 1201 N. W. LeJeune Road, Miami, Florida 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Field Services Committee.

**COMPLIANCE AND OVERSIGHT COMMITTEE**

DATE AND TIME: November 8, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Marriott Miami Airport, Room TBA, 1201 N. W. LeJeune Road, Miami, Florida 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Compliance and Oversight Committee.

**GOVERNMENT AND CUSTOMER RELATIONS COMMITTEE**

DATE AND TIME: November 8, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: Marriott Miami Airport, Room TBA, 1201 N. W. LeJeune Road, Miami, Florida 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Government and Customer Relations Committee.

**BUDGET, POLICY AND PLANNING COMMITTEE**

DATE AND TIME: November 8, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: Marriott Miami Airport, Room TBA, 1201 N. W. LeJeune Road, Miami, Florida 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Budget, Policy and Planning Committee.

**EXECUTIVE COMMITTEE**

DATE AND TIME: November 8, 2001, 5:00 p.m. – 7:30 p.m.

PLACE: Marriott Miami Airport, Room TBA, 1201 N. W. LeJeune Road, Miami, Florida 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

**OAOC FULL COMMISSION MEETING**

DATE AND TIME: November 9, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Marriott Miami Airport, Room TBA, 1201 N. W. LeJeune Road, Miami, Florida 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Occupational Access and Opportunity Commission.

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, at least seven days before the meeting.

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The State of Florida, **Education Practices Commission** announces an Administrator and Teacher Hearing Panel to which all persons are invited.

DATE AND TIME: November 2, 2001, 8:30 a.m. or as soon thereafter as can be heard

PLACE: Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Teacher and Administrator Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or 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.

Additional information may be obtained by writing: Education Practices Commission, Room 224-E, Turlington Building, 325 W. Gaines Street, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)488-0547, at least five calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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The **Florida Atlantic University**, Board of Trustees announces a public meeting of its specially appointed Operating Procedures Committee to which all persons are invited:

DATE AND TIME: October 29, 2001, 10:15 a.m.

PLACE: Florida Atlantic University, Room 340, Administration Building, 777 Glades Road, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: Operating Procedures for Florida Atlantic University Board of Trustees.

A copy of the agenda may be obtained by contacting: Ondina Felipe, General Counsel, (561)297-3007.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD at (561)297-2130.

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The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Tuesday, November 6, 2001, 9:00 a.m.

PLACE: Boca Raton Campus, 777 Glades Road, Boca Raton, Florida 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: University/Trustees Business.

PUBLIC COMMENT: A public comment segment is scheduled immediately following the board meeting. Public comment will be taken on items on the board agenda. Presenters will be required to complete a public comment request card prior to the public hearing. Comment cards will be available at the meeting.

A copy of the agenda may be obtained by contacting: Dr. Anthony Lombardo, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-3032.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD (561)297-2130.

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The **Commission for Independent Education** announces a meeting to which all persons are invited.

DATES AND TIME: November 1-2, 2001, 9:00 a.m. (both days)

PLACE: Hillsborough Community College, Dale Mabry Campus, 4001 Tampa Bay Boulevard, Tampa, FL 33614

GENERAL SUBJECT MATTER TO BE CONSIDERED: Licensure and Other Business as Needed.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting, he or 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.

A copy of the agenda may be obtained by writing: Commission for Independent Education, Tallahassee, Florida 32399, or by calling (850)488-8695.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise the Board at least five calendar days before the meeting by contacting Mary Cook, (850)488-8695.

The **Polk County School Readiness Coalition**, Inc. announces the following meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2001, 8:30 a.m.

PLACE: Bob Crawford Agricultural Center, 605 E. Main Street, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regularly scheduled monthly meeting of the Board of Directors to discuss School Readiness issues.

For more information access the following website: [www.pcsb.k12.fl.us/parents/coalition.htm](http://www.pcsb.k12.fl.us/parents/coalition.htm).

The **Gulf Coast Community College District**, Board of Trustees will hold its monthly meeting as follows.

TIME AND DATE: November 8, 2001, 10:00 a.m. (CDT)

PLACE: Gardner Seminar Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

Contact person for the meeting: Dr. Robert L. McSpadden, President.

The Division of Colleges and Universities of the Florida **Board of Education** announces a meeting to which the public is invited. This meeting will be held to negotiate the 2002-2003 Re-Opener bargaining agreement between the Florida Board of Education and the United Faculty of Florida.

DATE AND TIME: Monday, October 23, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Florida Education Center, Room 1706, 325 West Gaines Street, Tallahassee, Florida

The Board welcomes participation from any interested members of the public. Persons with disabilities who require assistance to participate are requested to notify the Office of Equal Opportunity Programs, (850)201-7160 (Voice) or (850)201-7164 (TDD), at least seven (7) days in advance so that their needs may be accommodated.

The Division of Colleges and Universities of the Florida **Board of Education** (FBOE) announces a meeting to which the public is invited.

DATE AND TIME: October 29, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Florida Education Center, Room 1724, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to negotiate the 2002-2003 Re-Opener Agreement between the FBOE and the Florida Public Employees Council 79, American Federation of State County and Municipal Employees, AFL-CIO.

The FBOE welcomes participation from any interested members of the public. Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The Division of Colleges and Universities of the Florida **Board of Education** (FBOE) announces a meeting to which the public is invited.

DATE AND TIME: October 30, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Florida Education Center, Room 1706, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to negotiate the 2002-2003 Re-Opener Agreement between the FBOE and the Florida Public Employees Council 79, American Federation of State County and Municipal Employees, AFL-CIO.

The FBOE welcomes participation from any interested members of the public. Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

NOTICE OF RESCHEDULING – The public is invited to a meeting of the Florida **Board of Education**. The meeting previously scheduled to be held October 22-23, 2001, in Orlando, which was noticed in the Florida Administrative Weekly on October 12, 2001, has been rescheduled, as follows: DATE AND TIME: October 31, 2001, 10:00 a.m. – 4:00 p.m.

PLACE: Graham Center Ballroom, Florida International University, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Strategic Plan, Reorganization of the Department of Education, School Code Revision, and other matters pertaining to the Florida Board of Education. Public testimony will be taken at the conclusion of the regular business agenda on October 31, 2001.

A copy of the agenda may be obtained from the Secretary of Education's website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Department of Community Affairs, Division of Housing and Community Development** announces the following public meeting to be conducted by telephone conference-call:

COMMITTEE: RCMP Advisory Council

DATE AND TIME: October 26, 2001, 10:00 a.m.

PLACE: Call: (850)414-1053

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct an Advisory Council meeting via conference-call, pursuant to Section 215.559, Florida Statutes. The meeting will address the re-allocation of prior year unutilized Hurricane Loss Mitigation Program Trust Fund monies to activities authorized under the State Fiscal Year 2002 Residential Construction Mitigation Program (RCMP).

For more information, please contact: Keith Delhomme, Planning Manager, Division of Housing and Community Development, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)410-1562.

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 be taped by the Division of Housing and Community Development.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Keith Delhomme, Department of Community Affairs, (850)410-1562, at least ten (10) days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a meeting of the Affordable Housing Study Commission to which all interested person are invited.

DATES AND TIMES: November 7, 2001, 1:30 p.m. – 5:30 p.m.; November 8, 2001, 8:00 a.m. – 1:00 p.m. (Times are subject to change.)

PLACE: Hilton Garden Inn, 7300 Augusta National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is charged with developing recommendations to the Governor and Legislature to address the state's acute need for housing for very low, low and moderate-income households. At this meeting the Commission will begin its discussions on the three work topics for the 2001-02 Agenda, including: Design Excellence in Affordable Housing; Funding Infrastructure to Support Affordable Housing; and Developing a Standard Loan Product that can be used by Local Governments.

Any person requiring special accommodations due to disability or physical impairment should contact Emily Cook, (850)922-1875, at least five calendar days prior to the meeting. People who are hearing impaired should contact Ms. Cook using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained from: Emily Cook, The Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1875.

**DEPARTMENT OF TRANSPORTATION**

NOTICE OF CHANGE – The Florida **Department of Transportation** announces an agenda change to the previously noticed meeting scheduled for October 26, 2001. Additionally, a potential additional meeting for November 8, 2001, is also announced. These public meetings are being held by the Transportation Outreach Program Advisory Council pursuant to Section 337.137, Florida Statutes, to which all interested persons are invited.

DATE AND TIME: October 26, 2001, 10:00 a.m.

PLACE: Florida Department of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, Florida

DATE AND TIME: November 8, 2001, 10:00 a.m.

PLACE: Hillsborough County Board of County Commissioners, Board Room, 2nd Floor, 601 E. Kennedy Blvd., Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting on the October 26, 2001, was previously noticed in the September 28, 2001, F.A.W., Vol. 27, No. 39, pages 4529 and 4530 as being held to allow applicants and interested parties from FDOT Districts 2, 3, and statewide applicants for the 2002 Transportation Outreach Program to brief the Council on their proposed project and/or answer questions from the Council on their application. The change announced here is that on October 26, 2001, after presentations on projects have been made, the Council will discuss all projects and prioritize and choose those projects to be recommended for funding during FY 2002/2003. However, if the Council is not able to finalize the selection of recommended projects on October 26, 2001, they will meet in Tampa on November 8, 2001, to finish their recommended list. The meeting on November 8, 2001, would only be held if the Council does not conclude their selection process on October 26, 2001. To find out if the meeting on November 8, 2001, is being held, please contact Meredith Dahlrose, (850)414-4551 or email meredith.dahlrose@dot.state.fl.us.

A copy of the agenda for each meeting may be obtained by writing: Lorenzo Alexander, Manager, Seaport Office, Florida Department of Transportation, M.S. #68, 605 Suwannee Street, Tallahassee, Florida 32399-0450.



In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in the meetings should advise Lorenzo Alexander, (850)414-4500. If you are hearing or speech impaired, please contact the agency by calling, 1(800)955-8771.

## PUBLIC SERVICE COMMISSION

NOTICE OF CANCELLATION – The Florida **Public Service Commission** announces the cancellation of a Special Commission Conference noticed in:

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.

DATE AND TIME: October 30, 2001, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 0010006-WS – Water and wastewater industry annual reestablishment of authorized range of return on common equity of water and wastewater utilities pursuant to Section 367.081(4)(f), F.S.

DATE AND TIME: November 5, 2001, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To permit parties to present testimony and exhibits relative to the annual reestablishment of authorized range of return on common equity of water and wastewater utilities pursuant to Section 367.081(4)(f), F.S., 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 October 22, 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** will consider at its November 6, 2001, Agenda Conference, Docket No. 011324-EI, Application of Tampa Electric Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$1 billion, during the twelve month period, ending December 31, 2002. The Company also seeks approval pursuant to Section 366.04, Florida Statutes, to issue, sell, exchange and/or assume short-term debt securities in an aggregate amount not to exceed \$500 million, during the twelve month period, ending December 31, 2002. Additionally, the Company seeks authority to enter into interest rates swaps or other derivative instruments related to debt securities.

DATE AND TIME: Tuesday, November 6, 2001, agenda Conference, 9:30 a.m. (although the time at which this item will be heard cannot be determined at this time.)

PLACE: Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To take final action in Docket No. 011324-EI.

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

For additional information, please contact: Katherine Echternacht, Division of Legal Services, (850)413-6218.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: November 6, 2001, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 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: Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. 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: November 6, 2001, immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, Conference Room 140, 4075 Esplanade Way, 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. 001109-TI – Initiation of show cause proceedings against WebNet Communications, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, and Toll Provider Selection.

DATE AND TIME: November 7, 2001, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the initiation of show cause proceedings against WebNet Communications, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, and Toll Provider Selection, 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 October 8, 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 hearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 010001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor.

Docket No. 010002-EG – Energy conservation cost recovery clause.

Docket No. 010003-GU – Purchased gas adjustment (PGA) true-up.

Docket No. 010004-GU – Natural gas conservation cost recovery.

Docket No. 010007-EI – Environmental cost recovery clause.

**PREHEARING CONFERENCE**

DATE AND TIME: November 8, 2001, 9:30 a.m.

PLACE: Betty Easley Conference Center, Commission Hearing Room 148, 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 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).

#### HEARING

DATES AND TIME: November 20-21, 2001, 9:30 a.m. (The hearing will be continued on December 3, 2001 if necessary, and the time and place will be announced at the conclusion of the hearing on November 21, 2001.)

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing shall be to receive testimony and exhibits relative to issues and subjects, including but not limited to, the following:

1. Determination of the Projected Levelized Fuel Adjustment Factors for all investor-owned electric utilities for the period January 2002 through December 2002;
2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2001 through December 2001;
3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2000 through December 2000, which are to be based on actual data for that period;
4. Determination of Generating Performance Incentive Factor Targets and Ranges for the period January 2002 through December 2002;
5. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period January 2000 through December 2000.
6. Determination of the Projected Capacity Cost Recovery Factors for the period January 2002 through December 2002.
7. Determination of the Estimated Capacity Cost Recovery True-Up Amounts for the period January 2001 through December 2001.
8. Determination of the Final Capacity Cost Recovery True-Up Amounts for the period January 2000 through December 2000 which are to be based on actual data for that period.
9. Determination of the Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period January 2002 through December 2002.
10. Determination of the Final Conservation True-up Amounts for gas utilities for the period January 2000 through December 2000 for certain investor-owned electric utilities, which are based on actual data for that period.
11. Determination of Conservation Actual/Estimated Amounts for investor-owned gas utilities and investor-owned electric utilities for the period January 2001 through December 2001.
12. Determination of the Purchased Gas Adjustment Cost Recovery Factors for the period January 2002 through December 2002.
13. Determination of the Projected Environmental Cost Recovery Factors for the period January 2002 through December 2002.
14. Determination of the Estimated Environmental Cost Recovery True-Up Amounts for the period January 2001 through December 2001.
15. Determination of the Final Environmental Cost Recovery True-Up Amounts for the period January 2000 through December 2000, which are to be based on actual data for that period.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. 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).

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#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of the Film Commissioner** and the Florida Film Advisory Council will convene in the eighth meeting of the Council. This is a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 9, 2001, 8:30 a.m.

PLACE: The Roney Palace, Room TBA, 2399 Collins Avenue, Miami Beach FL, 33139

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review projects, discuss committee tasks, legislative issues and related general administrative matters of the Council.

A copy of the agenda may be obtained by writing: Mrs. Rebecca Dirden Mattingly, Commissioner, Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Suite 111, Bloxham Building, Tallahassee, Florida 32399-0001 or calling (850)410-4765.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

**REGIONAL PLANNING COUNCILS**

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 5, 2001, 10:30 a.m.

PLACE: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; any proposed Local Government Comprehensive Plan received prior to the meeting; any adopted Local Government Comprehensive Plan received prior to the meeting; any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan for Broward County; any adopted Local Government Comprehensive Plan received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m., at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because

of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **South Florida Regional Planning Council**, Institute for Community Collaboration announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 8, 2001, 8:00 a.m. – 3:30 p.m.

PLACE: South Florida Water Management District, Homestead Field Station, Conference Room, 2195 N. E. 8th Street, Homestead, Florida 33033

GENERAL SUBJECT MATTER TO BE CONSIDERED: Third meeting of the South Miami-Dade Watershed Study Advisory Committee to continue the process of gathering information, looking at goals and objectives and developing a scope of work for plan consultants.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the South Miami-Dade Watershed Study Advisory Committee with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

**DEPARTMENT OF CORRECTIONS**

The **Florida Corrections Commission** announces the following public meeting to which all interested persons are invited:

DATE AND TIME: Thursday, October 25, 2001, 9:00 a.m. – 3:00 p.m.

PLACE: Parole Commission, Hearing Room C-307, Tallahassee, Florida 32399-2500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will hold a meeting for the purposes of discussing issues to be included in the 2001 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

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.

The **Florida Corrections Commission** announces the following public conference call to which all interested persons are invited:

DATE AND TIME: Friday, November 2, 2001, 9:00 a.m. – 3:00 p.m.

PLACE: Florida Corrections Commission, Room 109, Bloxham Building, 725 South Calhoun Street, Tallahassee, Florida 32399-2500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will hold a meeting for the purposes of discussing issues to be included in the 2001 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

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.

#### WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

##### GREEN INDUSTRY ADVISORY COMMITTEE

DATE AND TIME: Thursday, November 1, 2001, 9:30 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

##### AGRICULTURAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, November 6, 2001, 4:00 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.

Copies of the agendas 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 American's with Disability Act (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** (SFWMD) announces a public meeting in regards to the Dairy Best Available Technologies.

DATE AND TIME: October 23, 2001, 6:30 p.m. – 8:30 p.m.

PLACE: Okeechobee Service Center, Auditorium, Suite 201, 205 North Parrott Ave., P. O. Box 2033, Okeechobee, FL 34973-2033, (863)462-5260, 1(800)250-4200, Suncom 761-5260, Fax (863)462-5269 (Directions to the service center are available on the SFWMD web site or can be obtained by calling one of the phone numbers listed above.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public workshop to present technology alternatives to reduce phosphorus discharges from dairies. Attendees at the meeting will be given the opportunity to participate in the technology evaluation process.

A copy of the agenda may be obtained by writing: SFWMD, Procurement Division, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)687-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact: Benita Whalen, Project Manager, (561)682-6869.

The **South Florida Water Management District** announces a public meeting which to which all interested parties are invited:

DATE AND TIME: November 1, 2001, 8:30 a.m.

PLACE: International Game Fish Association, Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint meeting of the SFWMD Water Resources Commission and the South Florida Ecosystem Restoration Working Group.

A No Host Reception will follow:

DATE AND TIME: November 1, 2001, 6:00 p.m.

PLACE: The Westin Hotel Lounge, 400 Corporate Drive, Fort Lauderdale, Florida 33334

A copy of the agenda may be obtained seven days prior to the meeting at the District Website <http://www.sfwmd.gov/gover/wrac/agendas.html> or writing: 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 Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact: Julio Fanjul, Lead Planner, Governing Board Operation, Executive Office, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406.

The Big Cypress Basin, **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 persons are invited.

DATE AND TIME: November 2, 2001, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida (The above address shall be the designated access point for public attendance of the meeting.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Business.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109 or by calling Ann Christian, (941)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings 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 Ann Christian, (941)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the Big Cypress Basin by calling (561)697-2574.

Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (941)597-1505.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Monday, October 29, 2001, 10:00 a.m.

PLACE: Florida Hospital Association, 307 Park Lake Circle, Orlando, Florida 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Elizabeth Lee, (850)922-7704, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Elizabeth Lee, Agency for Health Care Administration, Bldg. 3, 2727 Mahan Drive, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** announces a meeting of the Organ and Tissue Procurement and Transplantation Advisory Board's By-laws Subcommittee. This meeting is open to the public.

DATE AND TIME: October 31, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Plaza Spa and Resort, 600 North Atlantic Avenue, Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss what components would be needed for a proposal to privatize the Agency for Health Care Administration's organ donor education program and the Organ Donor Registry.

NOTE: If you need a special accommodation in order to attend this meeting because of a disability, please notify the Agency for Health Care Administration in writing: Laboratory Unit, 2727 Mahan Drive, Tallahassee, FL 32308 or by phone call Ida Coleman, (850)487-3109.

Requests for special accommodations must be received at least seven days prior to the meeting.

**DEPARTMENT OF MANAGEMENT SERVICES**

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Thursday, November 1, 2001, 9:00 a.m.

PLACE: Commission on Human Relations, Suite 240, Bldg. F, 325 John Knox Road, Tallahassee, Florida 32303, meet-me telephone number (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Azizi Dixon, Clerk of the Commission, Florida Commission on Human Relations, Suite 240, Bldg. F, 325 John Knox Road, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

The **Department of Management Services, State Technology Office**, Wireless 911 Board announces the following meeting schedule information:

DATES AND TIME: November 13-14, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Embassy Suites, Baymeadows, Jacksonville, Florida

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official telephone conference call regarding change of ownership applications.

DATE AND TIME: Tuesday, November 20, 2001, 10:00 a.m.

PLACE: CALL: (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board regarding Change of Ownership Applications and other business as directed by the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Pat Janecek, (850)921-7868.

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 Pat Janecek, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

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The **Board of Professional Surveyors and Mappers** announces a General Business Meeting of the Board to which all persons are invited.

DATE AND TIME: November 13, 2001, 10:00 a.m. or soon thereafter

PLACE: The meeting will be conducted by telephone conference call. Call: (850)488-4883

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Board to conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida or by calling Sherry Landrum, Executive Director, (850)488-1470.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Sherry Landrum, Executive Director, (850)488-1470. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

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The **Board of Veterinary Medicine** announces a Probable Cause Panel meeting to review Case #2000-01046.

DATE AND TIME: November 2, 2001, 9:00 a.m. or soon thereafter

PLACE: The meeting will be conducted by telephone conference call. Call: (850)921-6433 or Suncom 291-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsider Case #2000-01046.

A copy of the agenda may be obtained by writing: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida or by calling Sherry Landrum, Executive Director, (850)488-1470.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Sherry Landrum, Executive Director, (850)488-1470. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based, and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

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The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: November 13, 2001, 1:30 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Suite 301, North, Tower, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission (FREC)** announces a meeting to which all persons are invited.

DATE AND TIME: November 14, 2001, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required. Probable Cause Panel(s) may also meet during this session. Portions of the Probable Cause are not open to the public.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Florida **Department of Environmental Protection** announces the public hearing described below:

DATES AND TIME: December 4-6, 2001, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Grace Baptist Church, 479 North Center Street, Baldwin, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Administrative Law Judge J. Lawrence Johnston will take testimony and evidence to determine whether or not JEA's Brandy Branch power plant is in conformance with local land use plans and zoning ordinances, pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501-403.518,

F.S., and pursuant to an Order of Remand for Further Proceedings from the Siting Board. Immediately thereafter, or as soon as can be heard, Administrative Law Judge Johnston will take testimony and evidence concerning the environmental effects and any other appropriate matters regarding the JEA Brandy Branch power plant, pursuant to Sections 403.501-.518, Florida Statutes. Judge Johnston will prepare Recommended Orders for submission to and final action by the Governor and Cabinet acting as the Siting Board, based on the hearing. The date for filing of notices of intent to become a party to the proceedings under Section 403.508(4)(c) is 15 days prior to the date of the hearing. Under Section 403.508(4), F.S., any other person wishing to become a party should file a Motion to Intervene with J. Lawrence Johnston, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, at least 30 days prior to the hearing.

For additional information concerning the hearing, please contact: Department of Environmental Protection, 2600 Blair Stone Road, M.S. #48, Tallahassee, Florida 32399-2400, Hamilton Oven, (850)487-0472.

The Department's application number for this project is PA00-43. The Division of Administrative Hearings case number is 00-5120EPP.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Monday, October 29, 2001, 7:00 p.m. (EST)

PLACE: Branford High School, Cafeteria, 405 Northeast Reynolds Street, Branford, Florida 32008

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To present the proposed land management plan for Peacock Springs 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 Azell G. Nail, Park Manager, Peacock Springs State Park, (386)497-4690. 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 a DEP, Advisory Group meeting to which all persons are invited.



DATE AND TIME: Tuesday, October 30, 2001, 9:00 a.m. (EST)

PLACE: O'Leno State Park, Dining Hall, Route 2, Box 1010, High Springs, Florida 32643

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present and review the proposed land management plan for Peacock Springs 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 or by calling the Office of Park Planning, (850)488-2200.

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 Azell G. Nail Park Manager, Peacock Springs State Park, (386)497-4690. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

The **Department of Environmental Protection**, Office of Greenways and Trails (OGT) announces meetings of the Florida Greenways and Trails Council (FGTC) and its committees to which all interested parties are invited.

#### RECREATIONAL TRAILS ADVISORY COMMITTEE

DATE AND TIME: November 7, 2001, 6:00 p.m.

PLACE: OGT Conference Room, 8th Floor, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, FL 32399

#### LANDOWNER INCENTIVES, MOTORIZED AND OUTREACH COMMITTEES

DATE AND TIME: November 8, 2001, 8:30 a.m.

PLACE: Conference Room A, First Floor, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, FL 32399

#### FULL COUNCIL

DATE AND TIME: November 8, 2001, 10:30 a.m.

PLACE: Conference Room A, First Floor, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the council and its committees.

For additional information contact: Marsha Rickman, Department of Environmental Protection, Office of Greenways and Trails, DEP, MS #795, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-3701 or 1(800)955-8871 (TDD), email marsha.rickman@dep.state.fl.us.

NOTE: If you need special accommodation in order to attend this meeting because of a disability, please contact Marsha Rickman, at the address or telephone number above prior to November 5, 2001.

## DEPARTMENT OF HEALTH

The **Department of Health**, Dietetics and Nutrition Practice Council, under the **Board of Medicine** announces a General Business Meeting.

DATE AND TIME: November 2, 2001, 10:00 a.m. or soon thereafter

PLACE: Nonsuncom (850)921-5320, Suncom 291-5320

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting/Rules Review and Conference Call.

A copy of the agenda may be obtained by writing: Department of Health, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the council 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 council 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 council 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**, Electrolysis Council, under the **Board of Medicine** announces a conference call to which all persons are invited.

DATE AND TIME: November 7, 2001, 9:00 a.m. or soon thereafter

PLACE: Nonsuncom (850)921-5470, Suncom 291-5470

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, Electrolysis Council, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the council 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 council 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 council 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 and the Board of Occupational Therapy Practice** and the Probable Cause Panel of the Board of Occupational Therapy announce meetings to which all persons are invited:

**DATE AND TIME:** November 5, 2001, 8:00 a.m. (EST) or soon thereafter, Probable Cause Panel; General Board Meeting will commence immediately following the Probable Cause Panel or soon thereafter

**PLACE:** The Department of Health, Room 301, 4042 Bald Cypress Way, Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Reconsideration of cases previously heard by the Probable Cause Panel; General Business Meeting; Rules Review and Rules Workshop.

A copy of the agenda may be obtained by writing: Department of Health, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling 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 Department of Health, Board of Opticianry** announces a General Business Meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

**DATE AND TIME:** November 2, 2001, 9:00 a.m.

**PLACE:** Embassy Suites, 1100 S. E. 17th St., Ft. Lauderdale, FL 33316, (954)527-2700

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster by Friday, October 26, 2001.

**The Department of Health, Board of Psychology, Credentials Committee** announces a conference call of the committee to which all persons are invited:

**DATE AND TIME:** November 13, 2001, 8:00 a.m. or soon thereafter

**PLACE:** Nonsuncom (850)487-8856, Suncom 277-8856

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** For the consideration and review of applications for examination and licensure.

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 calling 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)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.

**The Department of Health, Board of Psychology** announces a conference call of the board to which all persons are invited:

**DATE AND TIME:** November 16, 2001, 8:00 a.m. or soon thereafter

**PLACE:** Nonsuncom (850)487-8856, Suncom 277-8856

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Quorum meeting.

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 calling 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)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.

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The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, November 9, 2001, 1:00 p.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Margaret Anglin, Regulation Administrator, Council on Physician Assistants, 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 Board 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, may need to insure that a verbatim record or the proceeding is made, which record includes the testimony and evidence upon which is to be based.

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The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATE AND TIME: October 29, 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 October 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

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### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, Developmental Disabilities Services Program announces a public meeting regarding initial plans for a permanent consumer-directed options for consumers of community-based services to which all persons are invited.

DATE AND TIME: Monday, October 29, 2001, 1:30 p.m. – 4:30 p.m.

PLACE: The Department of Children and Family Services Offices, Room 101, Building 1, 1317 Winewood Blvd., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Initial plans for a permanent consumer-directed options for consumers of community-based services.

A copy of the agenda for this meeting can be obtained: Hilary Brazzell, (850)488-4877, Ext. 105.

Persons needed accommodation to participate in this meeting should call at least 4 days in advance of the meeting, (850)872-7652 or TDD (850)921-1304.

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The Florida **Department of Children and Family Services** announces the Suncoast Region Manatee County Community Alliance meeting will be held:

DATE AND TIME: Monday, October 29, 2001, 11:45 a.m.

PLACE: Anna Maria Oyster Bar Restaurant, 6906 14th St., W., Bradenton, Florida

The public is welcome to attend. Contact person is Tom Hannon, (941)741-3682.

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The **Behavioral Health Services**, Integration Workgroup announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, November 15, 2001, 9:00 a.m. – 3:00 p.m.

PLACE: Department of Children and Family Services, Meeting Room A, Building 6, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Sandra Charles prior to the meeting at the de la Parte Institute, University of South Florida, 13301 Bruce B. Downs Boulevard, Tampa, FL 33612-3807, (813)974-2751 or call via the Florida Relay Service, (813)974-4522 (TDD).

A copy of the agenda may be obtained by calling (813)974-2751.

**FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces a public meeting to which all interested persons are invited:

**DATE AND TIME:** October 25, 2001, immediately following the Board Meeting

**PLACE:** Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To receive comments and suggestions from interested persons relative to Rule Chapters 67-21 and 67-48, F.A.C., and the competitive funding programs of the Corporation, including the Multifamily Mortgage Revenue Bond Program, the State Apartment Incentive Loan (SAIL) Program, the HOME Investment Partnerships (HOME Rental) Program and the Housing Credit (HC) Program.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Laurie Camp, (850)488-4197. 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).

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

**DATE AND TIME:** Monday, November 5, 2001, 9:00 a.m. (EST)

**PLACE:** Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to refund bonds previously issued to finance the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Lake Forest Apartments (formerly known as Wood Forest II), a 240-unit multifamily residential rental development located at 600 Jimmy Ann Drive, Daytona Beach, Volusia County, Florida 32114. The owner of the development is Lake Forest

Acquisition Corporation, c/o America First Companies, LLC, 399 Park Avenue, New York, New York 10022, or such successor in interest in which America First Companies, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total bond amount is not to exceed \$12,375,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being re-financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Friday, November 2, 2001, and should be addressed to the attention of Jean Amison, Multifamily Bond Program Senior Analyst. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jean Amison, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, 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 will include the testimony and evidence upon which the appeal is based.

**FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION**

The **Florida Medical Malpractice Joint Underwriting Association** announces a Claims and Underwriting Committee meeting to which all persons are invited.

**DATE AND TIME:** October 23, 2001, 4:00 p.m.

**PLACE:** Tampa Airport Marriott, Tampa, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier and such other business properly brought before the Committee.

A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, Suite 201, 1836 Hermitage Blvd., Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a Board of Governors meeting to which all persons are invited.

DATE AND TIME: October 24, 2001, 9:00 a.m.  
PLACE: Tampa Airport Marriott, Tampa, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, General Manager and such other business properly brought before the Board.  
A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, Suite 201, 1836 Hermitage Blvd., Tallahassee, FL 32308.

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**FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL**

The **Florida Developmental Disabilities Council, Inc.** announces its regularly scheduled business meeting.  
DATES AND TIME: Thursday, November 1, 2001; Friday, November 2, 2001, 8:00 a.m.  
PLACE: Adam's Mark Hotel, 1500 Sand Lake Road, Orlando, FL 32809, (407)859-1500  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Standing Committee Meetings – Thursday; Full Council Meeting – Friday  
To receive a copy of the agenda, or request special accommodations for participation in this meeting, please contact: Linda Rossman or Crystal Kelly, Suite 203, 124 Marriott Drive, Tallahassee, FL 32301-2981, or call toll free 1(800)580-7801, local (850)488-4180 or TDD toll free 1(888)488-8633.

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**JOINT INTERNATIONAL PROGRAM REVIEW TEAM**

The **Joint International Program Review Team** announces its initial meeting.  
DATE AND TIME: November 5, 2001, 9:00 a.m. – 5:00 p.m.  
PLACE: Room 301, The Capitol, Tallahassee, Florida 32399  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentations and/or testimony from the Department of State, Enterprise Florida, Inc., Department of Agriculture and Consumer Services, Department of Citrus, Visit Florida and other state entities that may have international duties and functions. Review team will also begin consideration of work product.  
A copy of the agenda can be obtained by contacting: Debbie Gilreath, Office of Program Policy Analysis and Government Accountability, Suite 312, 111 West Madison Street, Tallahassee, FL 32399-1475, (850)487-9278.  
If special accommodations are needed to attend this meeting because of a disability, please contact the above-mentioned individual at least 5 days in advance of the meeting.

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**JUSTICE ADMINISTRATION COMMISSION**

The **Justice Administrative Commission** announces a meeting to which all interested persons are invited.  
DATE AND TIME: November 15, 2001, 2:00 p.m.  
PLACE: Justice Administrative Commission, Conference Room, 117 West College Avenue, Tallahassee, Florida 32301  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.  
In conjunction with the Americans with Disabilities Act, please contact June Hart, (850)488-2415, if special accommodations are needed. For TDD service, please use Dual Party Relay System 1(800)955-8771.

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**FLORIDA MUNICIPAL INSURANCE TRUST**

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Sections 768.28 and 163.01, Florida Statutes, announces a public meeting to which all persons are invited.  
DATES AND TIMES: Friday, November 30, 2001, 9:30 a.m. – 4:00 p.m.; Saturday, December 1, 2001, 9:00 a.m. – 12:00 Noon  
PLACE: The Colony, 155 Hammon Avenue, Palm Beach, Florida 33480, (561)655-5430  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.  
A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, Florida, (850)222-9684.  
If any person desires 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 based.

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**CITY OF MIAMI BEACH**

The **City of Miami Beach** announces a public meeting to which all persons are invited to observe.  
DATE AND TIME: Tuesday, October 23, 2001, 8:00 a.m. – 4:30 p.m.  
PLACE: Monty's Seafood House, Upstairs Ballroom, 300 Alton Road, Miami Beach, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop for invited participants to begin to discuss a plan for the revitalization of the 5th Street Corridor. Subjects to be discussed are Public Safety and Economic Revitalization.  
A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, Florida 33021.  
If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the

above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has received a Petition for Declaratory Statement from Southwest Florida Physician Hospital Organization. The petition seeks the Department's opinion as to whether Sections 641.3903 and 641.3155, Florida Statutes, give rise to private causes of action between health care providers and health maintenance organizations with whom the providers have a contract.

A copy of the petition can be obtained by writing: Richard A. Grumberg, Senior Attorney, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed October 3, 2001, by the Hernando County Airport Authority. The Petition is seeking the Department's interpretation of NFPA 101 and 409, as they relate to Petitioner's circumstances regarding the design and construction of T-Row hangars at an airport. Petitioner specifically requests a declaratory statement on the following questions:

1. Are 2 ea. – 2 hours fire rated walls needed every 12,000 sq. ft. in row hangars at an airport, where each unit is divided by a partition having a fire resistance equivalent to that of the exterior walls or roof, whichever is greater?
2. Are two egress doors required from each unit in row hangars as described in NFPA 101, 42.6.2?

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.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed September 12, 2001, by the Z. K. Roberts on behalf of the Northeast Florida Fire

Prevention Association. The Petition is seeking the Department's interpretation of Section 633.022, Florida Statutes, Rule Chapter 4A-55, Florida Administrative Code, and NFPA 96, as they relate to Petitioner's circumstances regarding the inspection of public food service establishments. Petitioner specifically requests a declaratory statement on the following questions:

1. Are temporary concessions (i.e., food service establishments located in mobile units, tents, trucks, etc.) within the Uniform Standards, as provided in Section 633.022, Florida Statutes, and Rule Chapter 4A-55, Florida Administrative Code?
2. If so, then whose responsibility is it to make a decision as to whether the public food service establishment should be exempt from the requirements of Section 1-3.1.4, of NFPA 96?

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.

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Earl E. Pollock, Unit Owner, Tangerine Bay Club, Petitioner.

The Petitioner requests an interpretation as to whether a board may obtain unit owner approval to purchase land or recreation leases through written consent instead of by vote at a meeting where the by-laws expressly provide for written agreement under Section 718.112(2)(b), Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number CD2001-042, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**Section VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Cynthia Gibson and William Jibb vs. Department of Banking and Finance; Case No.: 01-1138 RP; Rule Nos.: 3C-560.805, 3C-560.803(3); Voluntary Dismissed

SCI Funeral Services of Florida, Inc. vs. Department of Banking and Finance, Board of Funeral and Cemetery Services; Case No.: 01-0468RP; Rule No.: 3F-10.003; Closed

The Florida Insurance Forum, Inc. vs. Department of Insurance; Case No.: 01-1323RX; Rule No.: 4-154.112(1)(b); Closed

Broward County, City of Pompano Beach, City of Plantation, Miami-Dade County, City of Coral Springs, Town of Davie, Laz Schneider and Ellen Schneider and City of Delray Beach vs. Department of Agriculture and Consumer Services; Case No.: 01-3036RP; Rule No.: 5B-58.001; Closed

Broward County, City of Pompano Beach, City of Plantation, Miami-Dade County, City of Coral Springs, Town of Davie, City of Delray Beach, City of Fort Lauderdale, Laz Schneider and Ellen Schneider, Alexander Christopher and Marcell Castin vs. Department of Agriculture and Consumer Services; Case No.: 01-3114RE; Rule No.: 5BER01-1; Withdrawn

Equifax, Inc. vs. Department of Revenue; Case No.: 01-1139RP; Rule Nos.: 12A-1.001(16), 12A-1.062; Closed

Jesse Toca vs. Department of Management Services, Florida Commission on Human Relations; Case No.: 01-1267RX; Rule Nos.: 28-106.105, 28-106.106, 28-106.107; Dismissed

CNA Insurance Company vs. Department of Labor and Employment Security, Division of Workers' Compensation; Case No.: 01-1272RX; Rule Nos.: 38F-7.522, 38F-7.523; Closed

Teresa A. Burns vs. Department of Correction; Case No.: 00-4286RP; Rule No.: 33-102.202; Dismissed

Teresa A. Burns, Erica L. Burns and Janet Knight vs. Department of Corrections; Case No.: 01-0610RP; Rule No.: 33-601.714(3); Dismissed

Boca Raton Community Hospital, Inc. vs. Agency for Health Care Administration and Tenet Healthsystem Hospitals, Inc., d/b/a Delray Medical Center, Florida Health Sciences, Inc., d/b/a Tampa General Hospital, Indian River Memorial Hospital, Inc., d/b/a Indian River Memorial Hospital and Martin Memorial Medical Center; Case No.: 01-2620RP; Rule No.: 59C-1.033; Closed

Florida Hospital Association, Inc. vs. Agency for Health Care Administration; Case No.: 01-1109RP; Rule Nos.: 59E-5.101, 59E-5.102; Closed

Florida Medical Association and The Florida Academy of Physicians Assistants vs. Department of Health, Board of Acupuncture and Florida State Oriental Medical Association; Case No.: 01-0025RP; Rule Nos.: 64B1-4.010, 64B1-4.011; Dismissed

Florida Society of Plastic Surgeons, Inc. and Florida Society of Dermatology, Inc. vs. Department of Health, Board of Medicine; Case No.: 01-0528RP; Rule No.: 64B8-56.002; Closed

Teresa A. Burns vs. Department of Correction; Case No.: 00-5130RU; Closed

Michael B. Harrison on behalf of Nolan Walter Harrison, a Minor vs. Charlie Crist, as Commissioner of Education and Florida School for the Deaf and the Blind; Case No.: 01-0293RU; Dismissed

Beulah Wright vs. Department of Children and Family Services; Case No.: 01-0747RU; Closed

Hialeah Hospital vs. Agency for Health Care Administration; Case No.: 01-0795RU; Closed

Jesse Toca vs. Department of Management Services, Florida Commission on Human Relations; Case No.: 01-1016RU; Dismissed

Jesse Toca vs. Hillsborough Area Rapid Transit Authority (HARTLINE); Case No.: 01-1017RU; Closed

Florida Association of Insurance Agents and Professional Insurance Agents of Florida, Inc. vs. Department of Insurance and Florida Windstorm Underwriting Association; Case No.: 01-1427RU; Closed

Florida Education Association vs. Florida Department of Education; Case No.: 01-1724RU; Dismissed

Robert G. Magee vs. St. Lucie County School Board; Case No.: 01-2199RU; Closed

Florida Association of State Troopers, Inc., Joe F. Dixon, Ronald W. Albritton, Robert T. Farris, Jr., Jackie C. Baggett and William H. Tindle, Sr. vs. Department of Highway Safety and Motor Vehicles; Case No.: 01-2413RU; Closed

Merrill Gardens, L.L.C. vs. Agency for Health Care Administration; Case No.: 01-2724RU; Closed

Philip Stoddard vs. Department of Banking and Finance; Case No.: 01-3026RU; Closed

D. Paul Sondel vs. Department of Corrections; Case No.: 01-3048RU; Closed

Jon S. Kahlkopf vs. Department of State, Division of Licensing; Case No.: 01-3096RU; Closed

Daniel Shell vs. Department of Children and Family Services; Case No.: 01-3339RU; 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 PROFESSIONAL CONSULTANTS**

The State of Florida and The University of West Florida Board of Trustees announce that Professional Services in the discipline of Architecture will be required for the Project listed below:

Project No. BR-716 Project and Location: International House/Classroom Facility at The University of West Florida, Pensacola, Florida.

The selected firm will provide an Advanced Program Analysis, Design, Construction Documents and Contract Administration for the referenced project. Programming and Site Analysis will be also be included in the scope of services. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000 and will be provided as part of Basic Services.

The project consists of design and construction of a new International Student House and General Purpose Classroom Facility. The facility will include offices, meeting rooms, four or five classrooms and a special events room. The special events room may be a separate building located within short walking distance of the main building. The new facility, as planned, will be approximately 12,000 gross square feet and 8,000 net assignable square feet.

Estimated construction cost of the new facility is \$2,100,000. This cost includes all site development, parking and site utilities.

**INSTRUCTIONS**

Firms desiring to apply for consideration will submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," revised September, 1999. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) copies of the above on, or before, the requested date bound in the order listed above. Representative samples of related work should be included. The selection committee will review each applicant's proposal to determine its design ability. The scoring range for this PQS category will be 0-5 points in addition to the shortlist interview scoring range of 0-20 for



experience and ability. Applications which do not comply with the above instructions may be disqualified. Application information will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained by contacting:

David C. Luttrell, Interim Director  
Architectural and Engineering Services  
Office of Architectural and Engineering Services  
The University of West Florida  
11000 University Parkway  
Pensacola, Florida 32514  
(850)474-2938

Submittals must be received in the Office of Architectural and Engineering Services, The University of West Florida, Building 90, by 4:00 p.m. (Central Standard Time), November 29, 2001.

#### NOTICE TO PROFESSIONAL CONSULTANTS

The Florida International University Board of Trustees announces that Professional Services in the discipline of Architecture will be required for the project listed below:

Project Name and Number: Recreation Center, BR-873

Project Location: This facility will be located at Florida International University, University Park.

Project Description: The project consists of site development and construction of a 58,000 GSF facility, which will house indoor recreational activities, such as, fitness, weight, locker, shower and equipment rooms, a pro shop, offices, and support spaces. The total construction budget is approximately \$7,500,000. The selected firm will provide design development, construction documents and construction administration. Blanket professional liability insurance will be required in the amount of \$500,000 and will be provided as a part of Basic Services.

#### INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed (former Board of Regents) "Professional Qualifications Supplement (SUSPQS)," dated September 1999. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board.

An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit seven (7) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. State of Florida Minority Business Enterprise certification is no longer requested. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms may be obtained on-line at <http://www.fldcu.org/chn/cms.asp> (Architect/Engineer Selection CM-N-06.03-09/99) and the Project Fact Sheet may be obtained by written request to Facilities Management, Florida International University, Campus Support Complex, Room 236, University Park, Miami, Florida 33199 or by Faxing a request, (305)348-4010. Requests for meetings by individual firms will not be granted.

Submit qualifications to: Mary Varela Witham, Facilities Planner/Contract Administrator, Florida International University, Facilities Management, Campus Support Complex, University Park, Miami, Florida 33199, by 2:00 p.m. (Local Time), Friday, November 16, 2001. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### NOTICE TO PROFESSIONAL CONSULTANTS REQUEST FOR PROPOSAL (RFP) PROFESSIONAL SERVICES

Facilities Planning and Construction announces that Architect/Engineer services are required for a project entitled Mandarin Middle School No. 259 "ESE" Conversion for Duval County Public Schools. The firm selected will be responsible for this project, having an estimated construction cost of approximately \$700,000. The work shall consist of

interior demolition of existing shop space, construction of new walls, electrical, plumbing, HVAC, and interior finishes associated with five new classrooms and related spaces.

Applications are to be sent to: Facilities Planning and Construction  
1701 Prudential Drive  
5th Floor  
Jacksonville, FL 32207-8182

PROJECT NO.: C-90960  
PROJECT MANAGER: Raymond Varas  
PHONE NO.: (904)390-2279  
CONSTRUCTION BUDGET: \$700,000.00  
RESPONSE DUE DATE: November 19, 2001  
MBE GOALS: 6% AA, 9% HANA, 7% WBE

**INSTRUCTIONS**

Submit an original, and (4) copies of the following:

1. Letter of interest, which indicates the firm's qualifications, related experience, ability to perform the work and other pertinent data.
  2. Completed SF-254.
  3. Completed SF-255.
  4. Current completed Professional Qualifications Supplement (PQS) OFPC FORM 105-E.
  5. Firm's current Florida Professional Registration Certificates.
  6. Business Structure (Corporate, Joint Venture, Partnership).
  7. FOR CORPORATIONS ONLY: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida corporate Charter.
  8. Completed MBE FORM 1, MBE FORM 2A, MBE FORM 4, as appropriate, and a description of the applicant's plan for Minority Business Enterprise participation.
  9. Firms are required to demonstrate evidence of or the ability to secure Professional Liability Insurance including errors and omissions coverage in an amount of \$500,000 annual aggregate, not decreased by Attorney fees and cost.
- A. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Facsimile (FAX) submittals are not acceptable and will not be considered. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Selections will be made in accordance with SFEF, 1999, Florida Administrative Code.

- B. Applicants are advised that plans and specifications for this project may be reused as a prototype within the District. An appropriate contractual agreement will be made with the selected firm should this be necessary.
- C. The selected firms will be posted in the First Floor, Lobby of the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, FL 32207, during regular business hours.

**DEPARTMENT OF TRANSPORTATION**

**INVITATION TO BID**

Sealed bids will be received by the Florida Department of Transportation, District Three, in the Administration Building, Procurement Services Conference Room of the District Office Complex, Department of Transportation, 1074 Highway 90, Chipley, Florida. Bids will be publicly opened and read aloud on:

DATE AND TIME: Tuesday, November 13, 2001, 1:30 p.m. (Local Time)

PLACE: Florida Department of Transportation, Procurement Services Conference Room, Room 230, District Office Complex, 1074 Highway 90, Chipley, Florida 32428

FINANCIAL ITEM NO.: 22299115201

PROJECT NAME AND LOCATION: General Renovation District Three Administration Building.

General contractor services will be required for repair and renovation of approximately 38,460 sq. ft. at the Florida Department of Transportation, District Three Administration, Building 3000, Chipley, Florida. These services will include the repair of mechanical equipment, upgrade of fire alarm system, furnish and install a gaseous-type fire suppression system for the existing computer room, clean and seal exterior masonry, remove and replace carpet and clean/shampoo carpet to remain, replace damaged lay-in ceiling tile, interior painting of door frames, wood base, chair rail and miscellaneous moldings and various gypsum wall board surfaces, furnish and install an aluminum storefront vestibule enclosure, and other incidental and miscellaneous repairs as per the Drawings and Contract Documents. Contract No. E3B59 – 275 days. Approved budget for this project is \$330,000.00.

NOTE: A Mandatory Pre-Bid Conference will be held for Financial Item No. 22299115201 on Monday, October 29, 2001, 9:30 a.m. (Local Time), in the Administration Building, Procurement Services Conference Room, District Office, Florida Department of Transportation, Chipley, Florida.

NOTICE: Attendance at the Mandatory Pre-Bid Conference is required to bid on this project.

Drawings and specifications may be purchased by payment of printing and handling cost at the rate of \$50.00 per set. No sales tax is required. Checks should be made payable to the Florida Department of Transportation. No Refunds will be made. Orders for drawings, specification, and/or bid documents

should be directed to Starsky Harrell, Professional Services Office, 1074 Highway 90, Chipley, Florida 32428, (850)638-0250, Ext. 224. Proposal documents will not be issued after 1:30 p.m. (Local Time), Monday, November 12, 2001. Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained from the Professional Services Office.

\*New or first time bidders with the Florida Department of Transportation can request a bid process orientation meeting by calling (850)638-0250, Ext. 224 or by writing the Florida Department of Transportation, Attention: Starsky Harrell, 1074 Highway 90, Chipley, Florida 32428.

**MINORITY PROGRAM:** The Department encourages Minority Business Enterprise (MBE) firms to compete for Department contracts, and also encourages non-MBE firms to use MBE firms as sub-contractors. However, the use of MBE sub-contractors is not mandatory and no goals have been established for MBE participation for this project.

Requirements for the projects noted above:

1. **PREQUALIFICATION:** Each bidder shall submit a current applicable State Contractor's license issued by State of Florida and, if a Corporation, a copy of the Corporate Charter as prequalification of their eligibility to submit bids prior to the Department releasing the Bid Proposal package. After the bid opening, the lowest responsible bidder must qualify in accordance with Rule 60D-5.004. A copy of the rule requirements is included in the Bid Proposal package.
2. **BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with the bid, a good faith deposit in the amount of 5% of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as surety, a certified check made payable to the Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check or draft in an amount less than five percent (5%) of the actual bid will invalidate the bid. Bid bonds shall conform to the furnished proposal forms.
3. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount of the contract is required.
4. **BID POSTING:** Unless otherwise notified in writing, the Summary of Bids and Notices of Intent will be posted at the Professional Services Office, Florida Department of Transportation, Room 250, 1074 Highway 90, Chipley, Florida 32428, November 22, 2001. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail or express delivery, return receipt requested. Information concerning the posted project can be obtained

by calling the Professional Services Office, (850)638-0250, Ext. 224, during the posting period. The right is reserved to reject any or all bids.

5. **BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS:** Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Sections 120.57(3), Florida Statutes, and DOT Rule 14-25, F.A.C. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, Room 550, 605 Suwannee Street, Mail Station #58, Tallahassee, Florida 32399-0458, (850)414-5393. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Richard Norris

District Contracts Administrator

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## EXPRESSWAY AUTHORITIES

### NOTICE TO

### PROFESSIONAL ENGINEERING CONSULTANTS

Orlando-Orange County Expressway Authority

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the Final Design for widening and resurfacing of S.R. 417 from Lee Vista Boulevard to south of Curry Ford Road. The project also includes design of mainline toll plaza expansion to accommodate open road tolling express lanes. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority based on information provided by the firms, and who have been prequalified by FDOT to perform the indicated Types of Work.

**TYPES OF WORK:** Group 3.3, Complex Highway Design and Group 14, Architect.

**ADDITIONAL TYPES OF WORK THAT MAY BE REQUIRED:** Group 7, Traffic Operations Design; Group 8, Surveys and Group 9, Soil Exploration, Material Testing and Foundations.

**DESCRIPTION:** The project consists of final design, preparation of construction drawings and specifications for roadway widening, auxiliary lanes, and resurfacing of S.R. 417 from Lee Vista Boulevard to south of Curry Ford Road, a distance of approximately 1.5 miles.

Toll plaza work will include the design and preparation of construction documents to expand the Curry Ford Mainline Toll Plaza to provide four (4) cash toll collection lanes in each direction and two (2) open road tolling express E-PASS lanes (expandable to 3 lanes) in each direction.

**LETTERS OF INTEREST SUBMITTAL REQUIREMENTS:** Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

- Experience – Details of specific experience for at least three (3) projects, similar to that described above that involve design of limited access highway reconstruction and toll plaza design, completed by the consultant’s Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
- Personnel Experience – Resumes of the consultant’s proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in complex highway design projects (toll plaza design experience is plus);
- Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
- Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
- Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

**SELECTION/NEGOTIATIONS:** The Authority may shortlist up to five (5) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority’s Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the

consultant’s willingness to meet time requirements, consultant’s projected workload, and consultant’s use of Minority/Women Owned Businesses.

**EQUAL OPPORTUNITY STATEMENT:** The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

**MINORITY/WOMEN/DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION:** Minority/Women/Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

**LETTER OF RESPONSE DEADLINE:**  
November 2, 2001, 3:00 p.m., Orlando local time

**AUTHORITY CONTACT PERSON:**  
Mr. Joseph A. Berenis, P. E.  
Deputy Executive Director  
Telephone (407)316-3800

**LETTER OF RESPONSE ADDRESS:**  
Orlando-Orange County Expressway Authority  
525 S. Magnolia Avenue  
Orlando, FL 32801  
Re: SR 417 Curry Ford Plaza Project

**ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY**  
Harold W. Worrall, P. E.  
Executive Director

**NOTICE TO COMMUNICATION PROVIDERS INVITATION TO NEGOTIATE MDX PROJECT #ITS-004**

The Miami-Dade Expressway Authority (MDX) seeks the services of a firm or team of firms with the necessary expertise to procure, integrate and install a communications infrastructure within the State Road 836 Right-of-Way in Miami-Dade County, Florida. There will be a mandatory pre-proposal meeting for this Project, date and time are yet to be determined. Invitation to Negotiate (ITN) Documents will be available on Wednesday, October 24, 2001, after 12:00 Noon. For copies of the ITN and for complete information, please log into our site: [www.mdx-way.com](http://www.mdx-way.com) or MDX, (305)637-3277.

**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, 3790 N. W. 21st Street, Miami, Florida 33142 (“MDX” Headquarters Building), until 2:00 p.m., Tuesday, November 13, 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 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 Friday, October 19, 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 Monday, October 29, 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  
 Ph. (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., Tuesday, November 13, 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.

**DEPARTMENT OF MANAGEMENT SERVICES**

**RFP ADVERTISEMENT**

The State of Florida’s Commission on Human Relations is seeking 17,300 square feet of space suitable for administrative offices. The proposed occupancy date is April 1, 2002.

A Pre-proposal Conference is scheduled on November 6, 2001, 2:00 p.m., at Room 380N, 4030 Esplanade Way, Tallahassee, FL. Attendance is not mandatory to submit a proposal.

Proposal (Bid), opening is scheduled on November 19, 2001, 2:00 p.m. at the address above.

Request for Proposal packets containing specifications and conditions may be obtained by contacting the issuing officer:

Randall Baker, Chief  
 Bureau of Real Property Management  
 4050 Esplanade Way, Building 4030, Suite 380  
 Tallahassee, Florida 32399-0950  
 Phone: (850)488-6680, e-mail: bakerr@dms.state.fl.us

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF INVITATION TO BID**

BID NO. BDRS 49-01/02

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:** Bahia Honda State Park  
Wastewater Facilities Improvements

**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to construct new collection/transmission systems (3-total) with associated work.

**PARK LOCATION:** Bahia Honda State Park  
12 miles South of Marathon  
Big Pine Key (Monroe Co.), FL

**PROJECT MANAGER:** Fred Hand  
Bureau of Design and Recreation Services  
Telephone Number (850)488-5372  
Fax Number (850)488-1141

**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, October 19, 2001 at:

Bahia Honda State Park  
36850 Overseas Highway  
Big Pine Key, FL 33043-3517  
Attention: Gary McKee, Park Manager  
Telephone Number (305)872-2353

**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 4:00 p.m., Tuesday, November 13, 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.

**DEPARTMENT OF HEALTH**

**PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES – CONTINUING CONTRACT**

**PROJECT NUMBER:** TO BE ANNOUNCED  
**PROJECT NAME:** Construction Management Continuing Contract, South Florida Catchment Area  
**PROJECT LOCATION:** Monroe, Dade, Broward and Palm Beach Counties

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction requests qualifications from construction management firms to provide construction management services for the project(s) listed below. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of

Corporations, to operate in the State of Florida at the time of application. The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of Building Construction.

**PROJECT DESCRIPTION:** Multiple projects as required by the Department with individual project construction budgets not to exceed \$500,000. Depending on development of projects and funding, the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of construction projects to provide for construction of new facilities (satellite County Health Department facilities, support structures, etc.), repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and other minor works. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two additional years at the discretion of the Department of Health.

**INSTRUCTIONS**

Submit four (4) bound copies with a Table of Contents and tabbed sections in the following order:

1. Letter of Interest detailing the firm's qualification to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085, a copy of which may be obtained by calling (850)245-4066.
3. Résumés of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. Reference from prior clients received within the last five years.

**RESPONSE DUE DATE:** November 16, 2001, 5:00 p.m. (EST)

Applications are to be sent to: Mr. Jack P. Durré, Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, BIN #B06, Tallahassee, Florida 32399-1734, (850)245-4444, Extension 3167.

**SHORTLIST SELECTION PROCESS:** From the proposals received, the Department shall shortlist a minimum of three (3) firms.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications which do not comply with the instructions set forth above and/or do not include the qualification data required may not be considered. Selections will be made in accordance with Chapter 60-2, Florida Administrative Code and Section 287.055, Florida Statutes.

**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 application and/or other notices. Comments may be submitted to the Director, Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, 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, Suite 526, Fletcher Building, 101 East Gaines Street, 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., November 9, 2001):

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: Government Employees Credit Union of Florida, Post Office Box 43310, Jacksonville, Florida 32203-3310

Expansion Includes: Anyone living or working in Hillsborough County, Florida.

Received: October 8, 2001

Name and Address of Applicant: Florida Rural Electric Credit Union, Post Office Box 1697, Tallahassee, Florida 32302-1697  
Expansion Includes: Employees of GRESKO Cap Stone Utility Supply, Inc., Wildwood, Florida.

Received: October 8, 2001

**DEPARTMENT OF COMMUNITY AFFAIRS**

**NOTICE IS HEREBY GIVEN** that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to Section 380.06(4)(a), Florida Statutes.

**FILE NO.:** BLIM-0602-001  
**DATE RECEIVED:** October 8, 2001  
**DEVELOPMENT NAME:** INTERNATIONAL FESTIVAL  
**DEVELOPER/AGENT:** Palmvest, Ltd.  
**DEVELOPMENT TYPE:** 28-24.031, F.A.C.  
**COUNTY LOCATION:** Orange  
**LOCAL GOVERNMENT:** Orlando City

**STATE BOARD OF ADMINISTRATION**

**NOTICE OF 2001-2002 CONTRACT FILING  
AND PAYMENT DUE DATES**

The Florida Prepaid College Board hereby gives notice that the enrollment period and contract filing dates for the 2001-2002 year are as follows:

October 15, 2001 – Beginning of 2001-2002 enrollment period.

January 25, 2002 – Last day of 2001-2002 enrollment period.

March 20, 2002 – Last day of contract change period.

Purchasers of Prepaid College Program advance payment contracts must have their application postmarked on or before January 25, 2002.

A forty-two dollar (\$42) non-refundable application fee must be included with the application. Purchasers desiring to change their pre-selected contract plan or payment option must have notice of said change received by the Board on or before March 20, 2002, at the following address: Florida Prepaid College Program, P. O. Box 6448, Tallahassee, Florida 32314-6448.

**PAYMENTS**

For applications received during the 2001-2002 enrollment period, payments may be made under any one of the following schedules:

(a) Lump-sum payments due in full on April 20, 2002;

(b) Monthly payments, beginning on April 20, 2002, and due on the 20th of each and every month thereafter until October of the anticipated enrollment year of the qualified beneficiary, as indicated on the application; or

(c) Fifty-five (55) month payment option beginning on April 20, 2002 and due on the 20th of each and every month thereafter for 55 continuous months.

An implied interest rate of 6.8 percent for the purchasers of advance payment contracts during the 2001-2002 enrollment period has been calculated for the installment payment plans indicated above.

Persons whose substantial interests are affected by the 2001-2002 notice on contract filing and payment due dates may request an administrative hearing within 21 days of publication of this notice pursuant to Chapter 120, F.S.

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**NOTICE OF 2001-2002 ADVANCE  
PAYMENT CONTRACT PRICES**

The Florida Prepaid College Board hereby gives notice of the adoption at a duly called meeting on September 11, 2001 of the 2001-2002 advance payment contract prices for the Florida Prepaid College Program.



FLORIDA PREPAID COLLEGE PROGRAM  
 TUITION CONTRACT  
 STATE UNIVERSITY – FOUR YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2002	\$7,851.51	1,140.75	n/a
11	2003	7,835.66	433.71	n/a
10	2004	7,819.85	274.22	n/a
9	2005	7,804.06	203.85	n/a
8	2006	7,788.31	164.28	\$164.28
7	2007	7,772.59	138.96	163.95
6	2008	7,756.91	121.39	163.62
5	2009	7,741.25	108.50	163.29
4	2010	7,725.63	98.66	162.96
3	2011	7,710.03	90.91	162.63
2	2012	7,694.47	84.66	162.30
1	2013	7,678.94	79.53	161.98
K	2014	7,663.45	75.23	161.65
Age 4	2015	7,647.98	71.60	161.32
Age 3	2016	7,632.54	68.48	161.00
Age 2	2017	7,617.14	65.79	160.67
Age 1	2018	7,601.76	63.44	160.35
Infant	2019	7,586.42	61.38	160.03
Newborn	2020	7,571.11	59.55	159.70

FLORIDA PREPAID COLLEGE PROGRAM  
 TUITION CONTRACT  
 COMMUNITY COLLEGE – TWO YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2002	\$2,808.61	408.06	n/a
11	2003	2,750.42	152.24	n/a
10	2004	2693.59	94.46	n/a
9	2005	2,638.08	68.91	n/a
8	2006	2,583.87	54.50	\$54.50
7	2007	2,530.93	45.25	53.39
6	2008	2,479.21	38.80	52.30
5	2009	2,428.69	34.04	51.23
4	2010	2,379.35	30.39	50.19
3	2011	2,331.15	27.49	49.17
2	2012	2,284.06	25.13	48.18
1	2013	2,238.06	23.18	47.21
K	2014	2,193.12	21.53	46.26
Age 4	2015	2,149.22	20.12	45.33
Age 3	2016	2,106.32	18.90	44.43
Age 2	2017	2,064.41	17.83	43.55
Age 1	2018	2,023.46	16.89	42.68
Infant	2019	1,983.44	16.05	41.84
Newborn	2020	1,944.34	15.29	41.01

FLORIDA PREPAID COLLEGE PROGRAM  
 TUITION CONTRACT  
 COMMUNITY COLLEGE – TWO YEARS  
 FOUNDATION SCHOLARSHIP PRICES

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2002	\$3,370.33	\$489.68	n/a
11	2003	3,300.50	182.69	n/a
10	2004	3,232.30	113.35	n/a
9	2005	3,165.70	82.69	n/a
8	2006	3,100.65	65.40	\$65.40
7	2007	3,037.11	54.30	64.06
6	2008	2,975.05	46.56	62.75
5	2009	2,914.43	40.85	61.48
4	2010	2,855.22	36.46	60.23
3	2011	2,797.38	32.99	59.01
2	2012	2,740.88	30.16	57.81
1	2013	2,685.68	27.81	56.65
K	2014	2,631.75	25.84	55.51
Age 4	2015	2,579.06	24.14	54.40
Age 3	2016	2,527.59	22.68	53.32
Age 2	2017	2,477.29	21.40	52.26
Age 1	2018	2,428.15	20.26	51.22
Infant	2019	2,380.13	19.26	50.21
Newborn	2020	2,333.20	18.35	49.22

Rule 4G-3, of the Florida Administrative Code, effective May 1992, allows the Florida Prepaid College Foundation to purchase prepaid tuition contracts for qualifying students. These contracts are only available to the Foundation and provide up to 72 credit hours at community colleges.

FLORIDA PREPAID COLLEGE PROGRAM  
 TUITION CONTRACT  
 TWO YEAR COMMUNITY COLLEGE  
 PLUS TWO YEARS STATE UNIVERSITY

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2002	\$6,699.57	\$973.38	n/a
11	2003	6,632.37	367.11	n/a
10	2004	6,566.55	230.27	n/a
9	2005	6,502.08	169.84	n/a
8	2006	6,438.93	135.82	\$135.82
7	2007	6,377.06	114.01	134.52
6	2008	6,316.44	98.84	133.24
5	2009	6,257.05	87.70	131.98
4	2010	6,198.84	79.16	130.76
3	2011	6,141.80	72.42	129.55
2	2012	6,085.90	66.96	128.37
1	2013	6,031.10	62.46	127.22
K	2014	5,977.38	58.68	126.08
Age 4	2015	5,924.72	55.46	124.97
Age 3	2016	5,873.08	52.70	123.88
Age 2	2017	5,822.46	50.29	122.82
Age 1	2018	5,772.81	48.18	121.77
Infant	2019	5,724.11	46.31	120.74
Newborn	2020	5,676.35	44.65	119.73

FLORIDA PREPAID COLLEGE PROGRAM  
 DORMITORY CONTRACT  
 ONE-YEAR

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2002	\$3,061.31	\$444.78	n/a
11	2003	3,017.54	167.02	n/a
10	2004	2,974.43	104.30	n/a
9	2005	2,931.96	76.59	n/a
8	2006	2,890.13	60.96	\$60.96
7	2007	2,848.92	50.93	60.09
6	2008	2,808.33	43.95	59.24
5	2009	2,768.35	38.80	58.39
4	2010	2,728.97	34.85	57.56
3	2011	2,690.17	31.72	56.75
2	2012	2,651.96	29.18	55.94
1	2013	2,614.31	27.07	55.15
K	2014	2,577.22	25.30	54.36
Age 4	2015	2,540.69	23.78	53.59
Age 3	2016	2,504.70	22.47	52.83
Age 2	2017	2,469.25	21.33	52.09
Age 1	2018	2,434.33	20.32	51.35
Infant	2019	2,399.92	19.42	50.62
Newborn	2020	2,366.03	18.61	49.91

FLORIDA PREPAID COLLEGE PROGRAM  
DORMITORY CONTRACT  
TWO-YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2002	\$6,068.41	\$881.68	n/a
11	2003	5,981.70	331.09	n/a
10	2004	5,896.29	206.76	n/a
9	2005	5,812.15	151.82	n/a
8	2006	5,729.28	120.85	\$120.85
7	2007	5,647.65	100.97	119.13
6	2008	5,567.23	87.12	117.43
5	2009	5,488.02	76.92	115.76
4	2010	5,409.99	69.09	114.12
3	2011	5,333.13	62.89	112.49
2	2012	5,257.42	57.85	110.90
1	2013	5,182.83	53.68	109.32
K	2014	5,109.35	50.16	107.77
Age 4	2015	5,036.97	47.15	106.25
Age 3	2016	4,965.67	44.55	104.74
Age 2	2017	4,895.43	42.28	103.26
Age 1	2018	4,826.23	40.28	101.80
Infant	2019	4,758.07	38.49	100.36
Newborn	2020	4,690.91	36.90	98.95

FLORIDA PREPAID COLLEGE PROGRAM  
DORMITORY CONTRACT  
THREE-YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2002	\$9,022.36	\$1,310.86	n/a
11	2003	8,893.51	492.26	n/a
10	2004	8,766.60	307.42	n/a
9	2005	8,641.58	225.73	n/a
8	2006	8,518.44	179.68	\$179.68
7	2007	8,397.14	150.12	177.13
6	2008	8,277.65	129.54	174.61
5	2009	8,159.95	114.37	172.12
4	2010	8,044.00	102.73	169.68
3	2011	7,929.79	93.50	167.27
2	2012	7,817.27	86.02	164.89
1	2013	7,706.44	79.81	162.56
K	2014	7,597.25	74.58	160.25
Age 4	2015	7,489.70	70.12	157.98
Age 3	2016	7,383.74	66.25	155.75
Age 2	2017	7,279.36	62.87	153.55
Age 1	2018	7,176.53	59.89	151.38
Infant	2019	7,075.23	57.24	149.24
Newborn	2020	6,975.44	54.87	147.14

FLORIDA PREPAID COLLEGE PROGRAM  
DORMITORY CONTRACT  
FOUR-YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2002	\$11,924.17	\$1,732.47	n/a
11	2003	11,753.99	650.59	n/a
10	2004	11,586.36	406.29	n/a
9	2005	11,421.23	298.34	n/a
8	2006	11,258.57	237.48	\$237.48
7	2007	11,098.35	198.42	234.10
6	2008	10,940.52	171.21	230.78
5	2009	10,785.05	151.16	227.50
4	2010	10,631.89	135.77	224.27
3	2011	10,481.02	123.59	221.08
2	2012	10,332.41	113.69	217.95
1	2013	10,186.00	105.49	214.86
K	2014	10,041.78	98.58	211.82
Age 4	2015	9,899.70	92.68	208.82
Age 3	2016	9,759.74	87.57	205.87
Age 2	2017	9,621.85	83.10	202.96
Age 1	2018	9,486.02	79.17	200.09
Infant	2019	9,352.20	75.66	197.27
Newborn	2020	9,220.37	72.52	194.49

FLORIDA PREPAID COLLEGE PROGRAM  
DORMITORY CONTRACT  
FIVE-YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2002	\$14,774.86	\$2,146.64	n/a
11	2003	14,564.12	806.14	n/a
10	2004	14,356.53	503.44	n/a
9	2005	14,152.05	369.67	n/a
8	2006	13,950.63	294.27	\$294.27
7	2007	13,752.21	245.86	290.08
6	2008	13,556.76	212.15	285.96
5	2009	13,364.22	187.31	281.90
4	2010	13,174.56	168.25	277.90
3	2011	12,987.72	153.14	273.96
2	2012	12,803.67	140.88	270.08
1	2013	12,622.36	130.72	266.25
K	2014	12,443.75	122.16	262.48
Age 4	2015	12,267.80	114.85	258.77
Age 3	2016	12,094.46	108.52	255.12
Age 2	2017	11,923.70	102.99	251.51
Age 1	2018	11,755.48	98.11	247.97
Infant	2019	11,589.75	93.77	244.47
Newborn	2020	11,301.61	88.89	238.39

FLORIDA PREPAID COLLEGE PROGRAM  
 LOCAL FEE CONTRACT  
 STATE UNIVERSITY-FOUR YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2002	\$2,377.85	\$345.48	n/a
11	2003	2,343.91	129.74	n/a
10	2004	2,310.48	81.02	n/a
9	2005	2,277.55	59.49	n/a
8	2006	2,245.12	47.36	\$47.36
7	2007	2,213.17	39.57	46.68
6	2008	2,181.69	34.14	46.02
5	2009	2,150.69	30.14	45.37
4	2010	2,120.15	27.08	44.72
3	2011	2,090.06	24.65	44.09
2	2012	2,060.43	22.67	43.46
1	2013	2,031.23	21.04	42.85
K	2014	2,002.47	19.66	42.24
Age 4	2015	1,974.14	18.48	41.64
Age 3	2016	1,946.23	17.46	41.05
Age 2	2017	1,918.73	16.57	40.47
Age 1	2018	1,891.65	15.79	39.90
Infant	2019	1,864.96	15.09	39.34
Newborn	2020	1,838.67	14.46	38.78

FLORIDA PREPAID COLLEGE PROGRAM  
 LOCAL FEE CONTRACT  
 COMMUNITY COLLEGE-TWO YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan
12	2002	\$290.99
11	2003	300.36
10	2004	310.04
9	2005	320.03
8	2006	330.35
7	2007	341.00
6	2008	352.00
5	2009	363.36
4	2010	375.09
3	2011	387.20
2	2012	399.71
1	2013	412.63
K	2014	425.97
Age 4	2015	439.74
Age 3	2016	453.96
Age 2	2017	468.65
Age 1	2018	483.82
Infant	2019	499.49
Newborn	2020	515.67



FLORIDA PREPAID COLLEGE PROGRAM  
 LOCAL FEE CONTRACT  
 TWO YEAR COMMUNITY COLLEGE  
 PLUS TWO YEARS STATE UNIVERSITY

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2002	\$1,458.71	\$211.94	n/a
11	2003	1,451.44	80.34	n/a
10	2004	1,444.72	50.66	n/a
9	2005	1,438.56	37.58	n/a
8	2006	1,432.97	30.23	\$30.23
7	2007	1,427.95	25.53	30.12
6	2008	1,423.51	22.28	30.03
5	2009	1,419.66	19.90	29.95
4	2010	1,416.41	18.09	29.88
3	2011	1,413.77	16.67	29.82
2	2012	1,411.74	15.53	29.78
1	2013	1,410.33	14.61	29.75
K	2014	1,409.56	13.84	29.73
Age 4	2015	1,409.44	13.19	29.73
Age 3	2016	1,409.97	12.65	29.74
Age 2	2017	1,411.17	12.19	29.77
Age 1	2018	1,413.05	11.79	29.81
Infant	2019	1,415.63	11.45	29.86
Newborn	2020	1,418.91	11.16	29.93

FLORIDA PREPAID COLLEGE PROGRAM  
 LOCAL FEE CONTRACT  
 COMMUNITY COLLEGE-TWO YEARS  
 FOUNDATION SCHOLARSHIP PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan
12	2002	\$349.19
11	2003	360.43
10	2004	372.05
9	2005	384.04
8	2006	396.42
7	2007	409.20
6	2008	422.40
5	2009	436.03
4	2010	450.11
3	2011	464.65
2	2012	479.65
1	2013	495.15
K	2014	511.16
Age 4	2015	527.69
Age 3	2016	544.76
Age 2	2017	562.38
Age 1	2018	580.59
Infant	2019	599.39
Newborn	2020	618.80

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE ON DIABETES  
MEDICAL PRACTICE GUIDELINES**

These practice guidelines, produced in consultation with the Department of Health and the Diabetes Practice Guidelines Advisory Committee, are endorsed by the Florida Agency for Health Care Administration (AHCA) pursuant to the Florida Health Care and Insurance Reform Act of 1993, Chapter 93-129, Section 408.02, Laws of Florida.

The updated guidelines are endorsed on October 19, 2001, for information, education and review by the medical community, other professionals, and the public.

These guidelines are not to be used as fixed protocols. They merely identify typical courses of intervention. There may be patients who require more or less treatment. However, those cases that exceed or fall below the guidelines may be subject to more careful scrutiny and may require documentation of the special circumstances. Treatment must be based on patient need as well as professional judgment.

In summary, medical guidelines are patient management strategies, that are not entirely inclusive or exclusive of all methods of reasonable care that can obtain the same results, or of those which consider the particular needs of the patient and available resources.

While standards are intended to be rigid and mandatory making exceptions rare and difficult to justify, guidelines are more flexible, although they should be followed in most cases. Guidelines can be tailored to fit individual needs that are influenced by the patient, setting, resources and other factors. Deviations can be justified by individual circumstances. Options are intended to be neutral. They merely note the interventions available to practitioners.

Guidelines are revisited every three years or less. Review is based on valid scientific update. The initial guidelines have been updated to reflect the most current treatment of children and adults having Type 1 and Type 2 diabetes.

For technical information on these guidelines, please contact Debby Walters, Office of Health Policy, (850)488-8394. For copies of the guidelines contact the Agency for Health Care Administration Call Center, at the following Toll Free number: 1(888)419-3456. The guidelines are also available on the Agency's website at: [www.fdhc.state.fl.us](http://www.fdhc.state.fl.us) and the Department of Health's website at: [www.doh.state.fl.us](http://www.doh.state.fl.us). Permission to duplicate and distribute this document is granted.

Purchase Order Number: I00158

**CERTIFICATE OF NEED**

**RECEIPT OF EXPEDITED APPLICATIONS**

The Agency For Health Care Administration received the following Certificate of Need applications for expedited review:

County: St. Johns

Service District: 4

Facility/Project: Westminster Woods on Julington Creek

Applicant: Wesley Manor, Inc.

Project Description: add 3 sheltered nursing home beds

AHCA Purchase Order Number S5900I0310.

**CERTIFICATE OF NEED**

**NOTICE OF WITHDRAWAL**

The Agency For Health Care Administration hereby notices withdrawal from review the following Certificate of Need applications:

County: Dade

Service District: 11

CON #: 9473 Decision Date: 10/8/2001 Decision: W

Facility/Project: Brookwood Gardens Convalescent Center

Applicant: Brookwood Gardens Convalescent Center Operations, LLC

Project Description: Transfer CON # 8157

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

AHCA Purchase Order Number S5900I0310.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**NOTICE OF QUOTA LIQUOR LICENSE DRAWINGS**

The Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, announces Quota Liquor License Drawings to which all persons are invited for the following counties: Alachua, Bay, Brevard, Broward, Charlotte, Clay, Collier, Dade, Escambia, Flagler, Hardee, Highlands, Hillsborough, Indian River, Lee, Leon, Manatee, Marion, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Johns, St. Lucie, Sarasota, Seminole, Volusia, Walton.

DATE AND TIME: October 31, 2001, 10:00 a.m. (EST)

PLACE: Department of Business and Professional Regulation

Northwood Centre, Alcoholic Beverages and Tobacco  
Conference Room

1940 North Monroe Street

Tallahassee, Florida

PURPOSE: To conduct double random computer drawings from the pool of qualified applicants for new quota liquor licenses in each of the above referenced counties and establish each qualified applicant's standing to receive one of the new licenses.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

NOTICE OF AVAILABILITY  
 FLORIDA FINDING OF NO SIGNIFICANT IMPACT  
 LAKE PLACID, FLORIDA

TREATMENT PLANT AND DISPOSAL FACILITIES

The Florida Department of Environmental Protection has determined that proposed Treatment Plant and Disposal Facilities Project will not have a significant adverse impact on the environment. The total project cost is estimated at \$1,112,500. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

The Florida Department of Environmental Protection has determined that the stormwater improvements to Hudson Bayou, and Woodmere Creek basins, for Sarasota County, will not adversely affect the environment. The project proposes construction and modification of inlets, ditches, culverts, and the outfall structure. Conveyance facility construction and canal improvements are also included in the project. The proposed project cost is estimated at \$3,443,700. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

**DEPARTMENT OF HEALTH**

On October 5, 2001, John O. Agwunobi, M.D., Acting Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Sharon Rose Harber Kautz, R.N., license number RN 2155452. Kautz's last known address is 4 Gibbs Road, #3, Delray Beach, Florida 33483. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(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 October 5, 2001, John O. Agwunobi, M.D., Acting Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Martha D. Wallace L.P.N. license number PN 524231. Wallace last known

address is 1075 Northwest 100th Street, Miami, Florida 33142. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(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 October 5, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Jeremy Jarmon, CNA, certificate number 0299592286375. Jarmon's last known address is 3790 Bart Rd., Marianna, FL 32448. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(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 October 5, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Cheryl Ann Rossi, RN, license number 2162542. Rossi's last known address is 1096 Rhapsody Way, Royal Palm Beach, FL 33411. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(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 October 5, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Cynthia Ann Ricca Versch, R.N., license number 2161942. Versch's last known address is 13549 Brightsone St., West Palm Beach, FL 33414. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(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 October 5, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Maria Mercedes Cruz-Maghni, R.N., license number RN 2625612. Cruz-Maghni's last known address is 325 North Hill Avenue, #F, DeLand, Florida 32724. This Emergency Order was predicated upon the Secretary's findings of an immediate and

serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(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.

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On October 5, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Hamilton T. Thomas, C.N.A., license number CNA 1295265513245. Thomas' last known address is 617 Gadsden Street, Blountstown, Florida 32424. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(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.

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On October 5, 2001, John O. Agwunobi, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Darlene Marie Edwards, P.N. Edwards holds license number PN 5148979. Edwards' last known address is 88 Skylark Avenue, Apt. 724, Merritt Island, FL 32953. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(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.

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On October 5, 2001, John O. Agwunobi, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Catherine H. Battersby Cuartas, R.N. Cuartas holds license number R.N 2567202. Cuartas' last known address is 4243 Freeman Road, Orchard Park, New York 14127-2756. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(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.

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On October 5, 2001, Dr. John O. Agwunobi, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of John Carosella, R.Ph., license number PS 29818. Carosella's last known address is 5809 Northwest 69th Way, Parkland, Florida 33067. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(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.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN October 1, 2001  
 and October 5, 2001

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF LEGAL AFFAIRS**  
**Division of Victim Services and Criminal Justice Programs**

2A-2.002	10/3/01	10/23/01		27/35
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

5F-10.001	10/2/01	10/22/01		27/34
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**DEPARTMENT OF LAW ENFORCEMENT**

**Office of Inspector General**

11N-1.001	10/5/01	10/25/01		27/30
11N-1.002	10/5/01	10/25/01		27/30
11N-1.0021	10/5/01	10/25/01		27/30
11N-1.0022	10/5/01	10/25/01		27/30
11N-1.003	10/5/01	10/25/01		27/30
11N-1.0031	10/5/01	10/25/01		27/30
11N-1.004	10/5/01	10/25/01		27/30
11N-1.005	10/5/01	10/25/01		27/30
11N-1.0051	10/5/01	10/25/01		27/30
11N-1.006	10/5/01	10/25/01		27/30
11N-1.007	10/5/01	10/25/01		27/30
11N-1.008	10/5/01	10/25/01		27/30

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

12A-1.085	10/1/01	10/21/01		27/27
12A-1.097	10/1/01	10/21/01		27/27 27/36

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

40E-41.011	10/1/01	10/21/01		27/27 27/28
40E-41.320	10/1/01	10/21/01		27/27 27/28
40E-41.321	10/1/01	10/21/01		27/27 27/28
40E-41.323	10/1/01	10/21/01		27/27 27/28
40E-41.333	10/1/01	10/21/01		27/27 27/28
40E-41.343	10/1/01	10/21/01		27/27 27/28
40E-41.360	10/1/01	10/21/01		27/27 27/28
40E-41.363	10/1/01	10/21/01		27/27 27/28

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF ELDER AFFAIRS**  
**Administration of Federal Aging Programs**

58A-6.002	10/3/01	10/23/01		27/34
58A-6.003	10/3/01	10/23/01		27/34
58A-6.006	10/3/01	10/23/01		27/34
58A-6.007	10/3/01	10/23/01		27/34
58A-6.011	10/3/01	10/23/01		27/34

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Building Code Administrators and Inspector**

61G19-7.004	10/5/01	10/25/01	26/41	27/18
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**Florida Real Estate Appraisal Board**

61J1-4.003	10/2/01	10/22/01		27/27
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Beaches and Shores**

62B-41.002	10/3/01	10/23/01	27/20	27/36
62B-41.003	10/3/01	10/23/01	27/20	
62B-41.004	10/3/01	10/23/01	27/20	27/36
62B-41.005	10/3/01	10/23/01	27/20	27/36
62B-41.0055	10/3/01	10/23/01	27/20	27/36
62B-41.007	10/3/01	10/23/01	27/20	
62B-41.0075	10/3/01	10/23/01	27/20	27/36
62B-41.008	10/3/01	10/23/01	27/20	27/36
62B-41.0085	10/3/01	10/23/01	27/20	
62B-41.013	10/3/01	10/23/01	27/20	
62B-41.015	10/3/01	10/23/01	27/20	

**Office of the Secretary**

62S-3.001	10/1/01	10/21/01	27/30	27/36
62S-3.002	10/1/01	10/21/01	27/30	27/36
62S-3.003	10/1/01	10/21/01	27/30	27/36

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

64B3-11.004	10/5/01	10/25/01	26/38	27/14
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**Board of Medicine**

64B8-3.001	10/3/01	10/23/01		27/35
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

65A-1.704	10/1/01	10/21/01		27/29
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