

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Historical Resources

RULE CHAPTER TITLE: Historic Preservation Grants-in-Aid
 RULE CHAPTER NO.: 1A-35

PURPOSE AND EFFECT: The proposed amendment will provide for a waiver of financial match requirements on Division grant programs for rural communities.

SUBJECT AREA TO BE ADDRESSED: The Division of Historical Resources will waive the financial matching requirements on grants for rural communities that have been designated in accordance with §288.0656, Florida Statutes. Eligible communities applying for historic preservation grants with state funds made available from dedicated sources must request waiver of matching requirements at the time of grant application.

SPECIFIC AUTHORITY: 267.031(1) FS.

LAW IMPLEMENTED: 267.0617(2), 288.06561 FS.

IF REQUESTED WITHIN 14 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., November 9, 2001

PLACE: R. A. Gray Auditorium, 500 South Bronough Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Taylor, Historic Preservationist Supervisor, Division of Historical Resources, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6333, Suncom 205-6333

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE.

DEPARTMENT OF STATE

Division of Historical Resources

RULE CHAPTER TITLE: Historic Museum Grants-in-Aid
 RULE CHAPTER NO.: 1A-43

PURPOSE AND EFFECT: The proposed amendment will provide for a waiver of financial match requirements on Division grant programs for rural communities.

SUBJECT AREA TO BE ADDRESSED: The Division of Historical Resources will waive the financial matching requirements on grants for rural communities that have been designated in accordance with §288.0656, Florida Statutes. Eligible communities applying for historical museum grants must request waiver of matching requirements at the time of grant application.

SPECIFIC AUTHORITY: 267.031 FS.

LAW IMPLEMENTED: 267.071, 267.072, 286.031, 288.06561 FS.

IF REQUESTED WITHIN 14 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., November 9, 2001

PLACE: R. A. Gray Auditorium, 500 South Bronough Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeana Brunson, Chief, Bureau of Historical Museums, Division of Historical Resources, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6400, Suncom 205-6400

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

DEPARTMENT OF STATE

Library and Information Services

RULE TITLE: Library Grant Programs
 RULE NO.: 1B-2.011

PURPOSE AND EFFECT: The proposed amendment will provide for a waiver of financial match requirements on Division grant programs for rural communities.

SUBJECT AREA TO BE ADDRESSED: The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with §288.0656, Florida Statutes. Eligible communities applying for Library Services and Technology Act grants, Florida Library Literacy Grants, and Library Construction grants must request waiver of matching requirements at the time of grant application.

SPECIFIC AUTHORITY: 257.12, 257.14, 257.191, 257.192, 257.24 FS.

LAW IMPLEMENTED: 240.5185, 257.12, 257.14, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 288.06561 FS.

IF REQUESTED WITHIN 14 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., November 9, 2001

PLACE: R. A. Gray Building Auditorium, 500 South Bronough Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600

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

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE: Division of Cultural Affairs
 RULE NO.: IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment is to incorporate the most recent edition of the Florida Guide to Cultural Programs for Organizations, the State Touring Program, the Florida Guide to Programs for Individual Artists, the Cultural Facilities Program Guidelines and Application, the Cultural Endowment Program Guidelines and Application, and the Cultural Endowment Program Trust Agreement. Program revisions incorporate up-dates to application deadlines, eligibility criteria, application submission requirements, financial and administrative language, and provisions for match waiver under the Rural Economic Development Initiative.

SUBJECT AREA TO BE ADDRESSED: The Florida Guide to Cultural Programs for Organizations, the State Touring Program, the Florida Guide to Programs for Individual Artists, the Cultural Facilities Program Guidelines and Application, the Cultural Endowment Program Guidelines and Application, and the Cultural Endowment Program Trust Agreement.

SPECIFIC AUTHORITY: 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4) FS.

LAW IMPLEMENTED: 215.97, 265.284, 265.286, 265.2861, 265.2865, 265.601-.606, 265.608, 265.609, 265.701, 286.25 FS.

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

TIME AND DATE: 10:00 a.m., Friday, November 9, 2001
 PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Linda Downey, (850)487-2980

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Bureau Chief, Grants Services, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES: _____ RULE NOS.:

- Specialization Requirements for Certification in the Area of Prekindergarten Students with Disabilities/Primary Education (Age Three through Grade Three) – Academic Class 6A-4.0142
- Specialization Requirements for Elementary Education (Grades K-6) – Academic Class 6A-4.0151
- Specialization Requirements for Certification in Foreign Language (Grades K-12) – Academic Class 6A-4.0243
- Specialization Requirements for Certification in Physical Education (Grades K-12) – Academic Class 6A-4.0283
- Specialization Requirements for Certification in Science (Grades 6-12) – Academic Class 6A-4.323
- Specialization Requirements for Certification in Social Science (Grades 6-12) – Academic Class 6A-4.03321
- Specialization Requirements for Certification in Family and Consumer Science (Grades 6-12) – Vocational Class 6A-4.058
- Specialization Requirements for Certification in Industrial-Arts Technology Education (Grades 6-12) – Vocational Class 6A-4.060

PURPOSE AND EFFECT: The purpose of the rule developments is to adopt initial certification requirements for implementation of new certification areas, to modify the subject name designation of certification areas, and to make amendments to update requirements. The effect will be a reduction of certification subject coverages resulting in a streamlined certification structure and rules that reflect current terminology and programs.

SUBJECT AREA TO BE ADDRESSED: Approval of initial specialization requirements for educator certification to align to the new certification tests under development.

SPECIFIC AUTHORITY: 229.053, 231.15, 231.17 FS.
 LAW IMPLEMENTED: 229.953, 231.145, 231.15, 231.17 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: David Ashburn, Director, Division of Professional Educators, Department of Education, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400, (850)487-3663

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-4.0142 Specialization Requirements for Certification in the Area of Prekindergarten Students with Disabilities/Primary Education (Age Three Through Grade Three) – Academic Class.

~~Competencies for the specialization requirements are listed in the publication “Competencies for Specialization Requirements for Educators’ Certification in Florida, First Edition” which is hereby incorporated by reference and made a part of this rule. Copies of this publication may be obtained from the Bureau of Educator Certification, Florida Department of Education, The Florida Education Center, Tallahassee, Florida 32399.~~

(1) Plan One. A bachelor’s or higher degree with an undergraduate or graduate major in prekindergarten students with disabilities/primary education (age three (3) through grade three (3)), or

(2) Plan Two. A bachelor’s or higher degree with forty-five (45) semester hours in prekindergarten students with disabilities/primary education (age three (3) through grade three (3)) to include the areas specified below:

(a) Three (3) semester hours in child growth and development from conception to age eight (8);

(b) Three (3) semester hours in the historical, philosophical, and sociological perspectives in early childhood education;

(c) Eighteen (18) semester hours in developmentally appropriate integrated curriculum and practices in programs serving age three (3) through grade three (3) which include integrated field experiences;

(d) Six (6) semester hours in issues and practices to promote family and community involvement which include integrated field experiences;

(e) Three (3) semester hours in health, nutrition, and safety;

(f) Three (3) semester hours in diagnosis, assessment, and evaluation which include integrated field experiences;

(g) Six (6) semester hours in special needs of all children and their families which include integrated field experiences; and

(h) Three (3) semester hours in child guidance and classroom management which include integrated field experiences.

(3) Plan Three. A bachelor’s or higher degree with an undergraduate or graduate degree major in the area of preschool education (~~birth through age four (4))~~; or a bachelor’s or higher degree with the specialization and professional preparation requirements completed for the area of preschool education (~~birth through age four (4))~~; and

completion of twelve (12) semester hours in prekindergarten students with disabilities/primary education to include integrated field experiences as specified below:

(a) Credit in developmentally appropriate integrated curriculum and practices in programs serving children age five (5) through grade three (3);

(b) Credit in diagnosis, assessment, and evaluation for children age five (5) through grade three (3);

(c) Credit in special needs of children (age five (5) through grade ~~three~~ (3)) and their families; and

(d) Credit in child guidance and classroom management for children (age five (5) through grade three (3)).

(4) Plan Four. A bachelor’s or higher degree with an undergraduate or graduate degree major in the area of primary education (~~grades kindergarten through grade three (3))~~ and twelve (12) semester hours in prekindergarten students with disabilities/primary education to include integrated field experiences as specified below:

(a) Credit in developmentally appropriate integrated curriculum and practices in programs serving children with disabilities ages three (3) and four (4);

(b) Credit in issues and practices to promote family and community involvement;

(c) Credit in diagnosis, assessment, and evaluation for children ages three (3) and four (4); and

(d) Six (6) semester hours in special needs of all children and their families.

(5) Plan Five. A bachelor’s or higher degree with an undergraduate or graduate degree major in elementary education (~~grades one (1) through six (6))~~; or a bachelor’s or higher degree with the specialization and professional preparation requirements completed for elementary education (~~grades one (1) through six (6))~~ or primary education (~~grades kindergarten through grade three (3))~~; and fifteen (15) semester hours in prekindergarten students with disabilities/primary education to include integrated field experiences as specified below:

(a) Six (6) semester hours in developmentally appropriate integrated curriculum and practices in programs serving children with disabilities ages three (3) through five (5);

(b) Credit in health, nutrition, and safety for children;

(c) Credit in diagnosis, assessment, and evaluation of young children;

(d) Credit in the education of young children with special needs and their families; and

(e) Credit in child guidance and management of classrooms with young children.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17(3) FS. History—New 5-30-94, Amended 7-17-00,_____.

6A-4.0151 Specialization Requirements for Elementary Education (Grades K-6) – Academic Class.

(1) Plan One. A bachelor's or higher degree with a major in elementary education which includes teaching reading at the K-6 level, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in elementary education to include the areas specified below:

(a) Courses in teaching reading in grades K-6 to include each of the following:

1. Understanding the reading process and effective reading instruction.

2. Recognition and assessment of reading problems, and

3. Prescription and utilization of appropriate methods and materials to increase reading performance; and

(b) Courses in each of the areas specified below:

1. Content and methods for teaching writing and language arts in grades K-6.

2. Content and methods for teaching science for grades K-6.

3. Content and methods for teaching social science for grades K-6.

4. Content and methods for teaching health education and physical education for grades K-6.

5. Content and methods for teaching art for grades K-6.

6. Content and methods for teaching music for grades K-6.

7. Content and methods for teaching mathematics for grades K-6, and

8. Materials for use in grades K-6 such as children's literature, multi-media materials, library materials, and the computer as an instructional tool.

(3) This rule is to become effective July 1, 2002, and supercedes the provisions of Rules 6A-4.014 and 6A-4.015, FAC., as of that date.

Specific Authority 229.053, 231.15, 231.17 FS. Law Implemented 229.953, 231.145, 231.15, 231.17 FS. History—New 7-1-02.

6A-4.0243 Specialization Requirements for Certification in Foreign Language Separate Areas of Language Other than English (Grades K-12) – Academic Class.

(1) Specialization requirements for the following modern languages: Chinese, French, German, Greek, Hebrew, Italian, Japanese, Portuguese, Russian, and Spanish.

(a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in one of the modern languages listed in Subsection (1) of this rule, or

(b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in one of the modern languages listed in Subsection (1) of this rule to include credit in the areas specified below:

1. History or culture of the people who speak the language as their native language,

2. Literature in the language, and

3. Applied linguistics or second language acquisition, or

(c) Plan Three. A bachelor's or higher degree with specialization requirements completed in one (1) of the modern languages as specified in Paragraph (1)(a) or (b) of this rule ~~a language, other than English~~, and twenty-one (21) semester hours in another one of the modern languages listed in Subsection (1) of this rule to include credit in the areas specified below:

1. History or culture of the people who speak the language as their native language, and

2. Literature in the language.

(2) Specialization requirements for Latin.

(a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in Latin, or

(b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in Latin to include credit in the areas specified below:

1. Latin vocabulary, grammar, and composition,

2. Latin literature, and

3. Roman culture, or

(c) Plan Three. A bachelor's or higher degree with specialization requirements completed in one (1) of the modern languages as specified in Paragraph (1)(a) or (b) of this rule ~~for a language, other than English~~, and twenty-one (21) semester hours in Latin to include credit in the areas specified below:

1. Latin vocabulary, grammar, and composition,

2. Latin literature, and

3. Roman culture.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 7-1-90, Amended 7-17-00.

6A-4.0283 Specialization Requirements for Certification in Physical Education (Grades K-12) – Academic Class.

(1) Plan One. A bachelor's or higher degree with a teacher education major in physical education, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in physical education to include the areas specified below:

(a) Twelve (12) semester hours in instructional design and content of physical education.

(b) Motor development.

(c) Kinesiology.

(d) Administration of physical education.

(e) Applied exercise physiology.

(f) Adaptive physical education or physical education for exceptional students.

(g) Care and prevention of human injuries, and

(h) Theory and practice in coaching.

(3) This rule is to become effective July 1, 2003, and supercedes the provisions of Rule 6A-4.028, FAC., as of that date.

Specific Authority 229.053, 231.15, 231.17 FS. Law Implemented 229.953, 231.145, 231.15, 231.17 FS. History—New 7-1-03.

6A-4.0323 Specialization Requirements for Certification in Science (Grades 6-12) – Academic Class.

(1) Plan One. A bachelor’s or higher degree with a major in general science, biology, chemistry, physics, or earth-space science, or

(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in science to include the areas specified below:

- (a) Biology,
- (b) Chemistry,
- (c) Physics, and
- (d) Earth-space science.

(3) This rule is to become effective July 1, 2003, and supercedes Rule 6A-4.0322, FAC., as of that date.

Specific Authority 229.053, 231.15, 231.17 FS. Law Implemented 229.953, 231.145, 231.15, 231.17 FS. History—New 7-1-03.

6A-4.03321 Specialization Requirements for Certification in Social Science (Grades 6-12) – Academic Class.

(1) Plan One. A bachelor’s or higher degree with a major in social science, social studies, history, political science, geography, sociology, economics, or psychology.

(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in social science or social studies to include:

- (a) Six (6) semester hours in United States history,
- (b) Courses in the areas specified below:
 - 1. Western civilization or European history,
 - 2. Asian, African, Latin American, or Middle Eastern history,
 - 3. Economics,
 - 4. United States government,
 - 5. Geography, and
 - 6. Sociology or psychology.

(3) This rule is to become effective July 1, 2003, and supercedes the provisions of Rule 6A-4.0332, FAC., as of that date.

Specific Authority 229.053, 231.15, 231.17 FS. Law Implemented 229.953, 231.145, 231.15, 231.17 FS. History—New 7-1-03.

6A-4.058 Specialization Requirements for Certification in Family and Consumer Science ~~Home Economics~~ (Grades 6-12) – Vocational Class.

(1) Plan One. A bachelor’s or higher degree with an under graduate or graduate major in family and consumer science or home economics, or

(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in family and consumer science or home economics to include credit in the areas specified below:

- (a) Clothing construction,
- (b) Textiles,
- (c) Food preparation,
- (d) Nutrition,
- (e) Child development,
- (f) Family relations,
- (g) Housing and home furnishings,
- (h) Home management, and
- (i) Family economics and consumer education.

Specific Authority 229.053(1), 231.15(1), 231.17(3)(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 10-10-89, Amended 7-17-00.

6A-4.060 Specialization Requirements for Certification in Industrial Arts-Technology Education (Grades 6-12) – Vocational Class.

(1) Plan One. A bachelor’s or higher degree with an under graduate or graduate major in industrial arts or technology education, or

(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in industrial arts or technology education to include credit in four (4) of the ~~ten (10) seven (7)~~ areas specified below:

- (a) Materials and manufacturing processes technology to include credit in woods, metals, and man-made materials,
- (b) Drafting and design technology,
- (c) Energy, and power ~~and transportation~~ technology,
- (d) Graphics communications technology,
- (e) Electronics technology,
- (f) Construction technology, ~~and~~
- (g) Transportation technology,
- (h) Biomedical technology,
- (i) Information technology, and

(j) ~~(g)~~ Industrial systems technology such as robotics, laser technology, fiber optics, or other feedback controlling systems.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 10-10-89, Amended 11-13-96, 7-17-00.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Definitions	40C-8.021
Minimum Surface Water Levels and Flows and Groundwater Levels	40C-8.031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to establish minimum water levels for the following lakes in the following counties: Apshawa North and South, Cherry and Minneola, Lake County; Burkett, Irma, Martha and Pearl, Orange County; Fox and South Lakes, Brevard County; Lowery, Polk County. Also,

the proposed rule will revise minimum flows and levels for Lakes Daugharty, Drudy, Emporia, Lower Louise and Pierson, Volusia County; Stella, Putnam County. The proposed rule amendment would also correct a typographical error for Lake Howell in Seminole County, which erroneously has two different levels for “typically saturated” by repealing the 52.6 foot level. Additionally, the proposed rule amendment would clarify the definition of “semi-permanently flooded” in subsection 40C-8.021(16), F.A.C., so that exposure of the ground elevations, rather than water levels causing inundation, is expected to occur every five to ten years for extended periods during moderate droughts.

SUBJECT AREA TO BE ADDRESSED: This proposed rule would establish or revise minimum water levels for the above listed lakes pursuant to the mandate of section 373.042, Florida Statutes. Each of these levels would have an associated hydroperiod category. The terms herein are already defined in chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

TIME AND DATE: 1:00 p.m., November 15, 2001

PLACE: St. Johns River Water Management District’s Headquarters, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Norma K. Messer, Rules

Coordinator, St. Johns River Water Management District, Office of General Counsel, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-8.021 Definitions.

Unless the context indicates otherwise, the following terms shall have the following meanings.

(1) through (15) No change.

(16) “Semi-permanently flooded” means a hydroperiod category where surface water inundation persists in most years. When surface water is absent the water table is usually near the land surface. In many lakes with emergent marshes this water level is near the lower elevation that supports emergent marsh or floating vegetation and peat substrates, or other highly organic hydric substrates. This characterization may not be true for herbaceous wetlands around sandhill type lakes, which often have emergent vegetation that follows declining water levels to below the lower elevation of peat substrate. Water levels causing inundation are expected to occur approximately eighty percent of the time over a long term period of record. ~~Exposure of these ground elevations is Water levels causing inundation~~ are expected to re-occur, on average, about every five to ten years for extended periods (several or more months) during moderate droughts.

(17) through (19) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95,_____.

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) No change.

(2) The following minimum surface water levels are established:

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
<u>(a) APSHAWA NORTH</u>	<u>LAKE</u>	<u>SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>85.0</u>	<u>83.3</u>	<u>81.3</u>	
<u>(b) APSHAWA SOUTH</u>	<u>LAKE</u>	<u>SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>86.0</u>	<u>84.7</u>	<u>83.2</u>	
<u>(c) ARGENTA</u>	<u>PUTNAM</u>	<u>SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>50.1</u>	<u>47.7</u>	<u>46.3</u>	
<u>(d) ASHBY</u>	<u>VOLUSIA</u>	<u>SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOOD</u>		<u>13.8</u>	<u>12.1</u>	<u>11.1</u>	
<u>(e) BANANA</u>	<u>PUTNAM</u>	<u>SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>38.0</u>	<u>36.2</u>	<u>34.4</u>	
<u>(f) BELL</u>	<u>PUTNAM</u>	<u>TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>42.5</u>	<u>40.5</u>	<u>38.7</u>	
<u>(g) BIG</u>	<u>VOLUSIA</u>	<u>SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>26.1</u>	<u>25.0</u>	<u>23.7</u>	
<u>(h) BIG POND</u>	<u>PUTNAM</u>	<u>TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>41.8</u>	<u>39.5</u>	<u>38.1</u>	
<u>(i) BLUE POND</u>	<u>CLAY</u>	<u>TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>174.1</u>	<u>173.3</u>	<u>171.7</u>	
<u>(j) BOGGY MARSH</u>	<u>LAKE</u>	<u>SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>117.3</u>	<u>115.9</u>	<u>114.5</u>	
<u>(k) BRANTLEY</u>	<u>SEMINOLE</u>	<u>SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>46.3</u>	<u>45.6</u>	<u>44.1</u>	
<u>(l) BROOKLYN</u>	<u>CLAY</u>	<u>TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>114.6</u>	<u>108.0</u>	<u>101.0</u>	
<u>(m) BROWARD</u>	<u>PUTNAM</u>	<u>TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>40.0</u>	<u>38.25</u>	<u>36.5</u>	
<u>(n) BURKETT</u>	<u>ORANGE</u>	<u>SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>53.5</u>	<u>52.6</u>	<u>51.2</u>	
<u>(o) CHERRY</u>	<u>LAKE</u>	<u>SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED</u>		<u>96.0</u>	<u>94.9</u>	<u>93.4</u>	

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(p) CLEAR	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		37.4	36.4	34.9	
(q) COLBY	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		28.3	26.6	25.2	
(r) COMO	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		38.0	36.2	34.4	
(s) COMO, LITTLE LAKE	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		38.0	36.6	35.2	
(t) COWPEN	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		89.1	85.7	84.2	
(u) COW POND	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		40.5	39.8	37.6	
(v) COON POND	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		35.7	34.6	33.1	
(w) CRYSTAL/BAKER	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		35.5	33.9	33.0	
(x) DAUGHARTY	VOLUSIA	N/A SEASONALLY FLOODED N/A TYPICALLY FLOODED N/A SEMIPERMANENTLY FLOODED N/A N/A	46.3	44.8 45.5	42.6 44.5	41.2 43.0	41.5
(y) DAVIS	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		36.2	35.4	34.0	
(z) DEEP	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		35.0	33.1	32.2	
(aa) DIAS	VOLUSIA	SEASONALLY FLOODED TYPICALLY FLOODED SEMIPERMANENTLY FLOODED		34.5	34.1	32.8	
(bb) DISSTON	FLAGLER	SEASONALLY FLOODED TYPICALLY FLOODED SEMIPERMANENTLY FLOODED		13.8	13.2	12.5	
(cc) DORR	LAKE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		43.5	43.1	42.1	

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
<u>(dd)</u> DREAM POND	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		49.0	47.5	46.0	
<u>(ee)</u> DRUDY	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		<u>42.1</u> 42.3	<u>40.6</u> 41.8	<u>39.1</u> 40.5	
<u>(ff)</u> ECHO	PUTNAM	SEASONALLY FLOODED TYPICALLY FLOODED SEMIPERMANENTLY FLOODED		38.8	36.7	35.2	
<u>(gg)</u> EMPORIA	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		<u>38.9</u> 37.5	<u>35.8</u> 36.4	<u>34.3</u> 35.0	
<u>(hh)</u> ESTELLA	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		38.6	37.2	36.5	
<u>(ii)</u> FOX	<u>BREVARD</u>	<u>TEMPORARILY FLOODED</u> <u>TYPICALLY SATURATED</u> <u>SEMIPERMANENTLY FLOODED</u>		<u>16.9</u>	<u>16.0</u>	14.6	
<u>(jj)</u> GENEVA	CLAY	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		103.0	101.0	98.5	
<u>(kk)</u> GEORGES LAKE	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		98.4	97.8	97.0	
<u>(ll)</u> GERTIE	VOLUSIA	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		27.5	25.6	23.3	
<u>(mm)</u> GORE	FLAGLER	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		21.6	20.8	19.8	
<u>(nn)</u> GRANDIN	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		81.8	81.3	80.1	
<u>(oo)</u> HELEN	VOLUSIA	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		46.1	44.2	43.6	
<u>(pp)</u> HIRES	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		41.0	39.5	38.0	
<u>(qq)</u> HOKEY	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		35.4	33.7	32.3	
<u>(rr)</u> HOWELL	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		34.5	33.6	31.8	

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(ss) HOWELL	SEMINOLE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED TYPICALLY SATURATED		53.7	52.9	51.5	
(tt) IRMA	ORANGE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		55.1	54.8	53.4	
(uu) KERR	MARION	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		24.4	22.9	21.5	
(vv) LIZZIE	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		43.9	42.7	41.7	
(ww) LOUISA	LAKE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		96.5	95.4	94.0	
(xx) LOWER LAKE LOUISE	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		31.8 32.0	31.2 30.5	29.7 29.2	
(yy) LOWERY	POLK	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		130.0	128.0	126.5	
(zz) MAGNOLIA	CLAY	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		124.7	124.2	121.4	
(aaa) MALL, LITTLE LAKE	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		38.7	36.8	35.2	
(bbb) MARGARET	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		35.2	34.5	32.5	
(ccc) MARTHA	ORANGE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		53.5	52.6	51.2	
(ddd) MARVIN	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		38.6	37.3	36.3	
(eee) MCGRADY	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		41.5	39.9	37.8	
(fff) MCKASEL	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED	36.7	35.5		34.1	

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(ggg) MELROSE	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		105.2	104.2	102.8	
(hhh) MILLS	SEMINOLE	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		42.5	41.4	39.9	
(iii) MINNEOLA	LAKE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		96.0	95.3	93.9	
(jjj) NETTLES/ ENGLISH	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		44.3	42.7	41.7	
(kkk) NORRIS	LAKE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		30.5	29.7	29.1	
(lll) NORTH COMO PARK	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		41.3	39.7	38.5	
(mmm) NORTH TALMADGE	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		55.6	54.4	52.9	
(nnn) OMEGA	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		57.4	56.1	54.0	
(ooo) ORIO	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		37.1	35.6	34.7	
(ppp) PAM	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		39.3	37.5	36.1	
(qqq) PEARL	ORANGE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		53.5	52.6	51.2	
(rrr) PIERSON	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		34.4 35.5	33.8 34.2	32.4 32.5	
(sss) PINE ISLAND	LAKE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		107.7	106.8	105.4	
(ttt) PREVATT	ORANGE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		56.0	53.0	50.9	

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(uuu) PRIOR	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		42.3	40.0	39.0	
(vvv) PURDOM	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		37.0	36.4	35.0	
(www) SAND	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		40.9	39.0	36.6	
(xxx) SAND HILL	CLAY	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		132.0	131.65	129.5	
(yyy) SCOGGIN	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		35.0	34.1	32.7	
(zzz) SHAW	VOLUSIA	N/A N/A N/A N/A	38.5	36.9	36.2	34.0	32.0
(aaa) SILVER	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		36.5	35.1	34.0	
(bbb) SOUTH	<u>BREVARD</u>	<u>TEMPORARILY FLOODED</u> <u>TYPICALLY SATURATED</u> <u>SEMIPERMANENTLY FLOODED</u>		<u>16.9</u>	<u>16.0</u>	<u>14.6</u>	
(ccc) STAR	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		77.5	75.4	74.0	
(ddd) STELLA	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		<u>39.4</u> 39.9	<u>38.6</u> 39.6	<u>37.2</u> 38.0	
(eee) SUNSET	LAKE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		85.9	83.5	81.0	
(fff) SWAN	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED		93.0	90.3		
(ggg) SYLVAN	SEMINOLE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		40.4	38.9	37.5	
(hhh) TARHOE	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		37.0	36.0	35.2	

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
<u>(iii)</u> THREE ISLAND LAKES	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		23.4	21.8	18.8	
<u>(iii)</u> TRONE	PUTNAM	SEASONALLY FLOODED TYPICALLY FLOODED SEMIPERMANENTLY FLOODED		37.5	35.7	34.3	
<u>(kkk)</u> TROUT	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		23.3	20.9	17.7	
<u>(III)</u> UPPER LAKE LOUISE	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		35.3	34.6	33.2	
<u>(mmmm)</u> WASHINGTON	BREVARD	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		15.6	14.2	12.8	
<u>(nnnn)</u> WAUBERG	ALACHUA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		67.4	67.1	65.6	
<u>(oooo)</u> WEIR	MARION	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		57.2	56.4	54.9	
<u>(pppp)</u> WINNEMISSETT	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		59.5	57.8	56.0	
<u>(qqqq)</u> WINONA	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		36.1	33.5	32.0	

(3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 272.0421, 373.103, 373.415 FS. History--New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE TITLE: Approved Forms
 RULE NO.: 60S-9.001

PURPOSE AND EFFECT: The Department of Management Services proposes to develop two new forms and fifteen revised forms related to Florida Retirement System participation, service credit, and benefits.

SUBJECT AREA TO BE ADDRESSED: Form DP-TEOC is a new Deferred Retirement Option Program (DROP) form to be used by elected officers with membership in the Elected Officers' Class (EOC) of the Florida Retirement System (FRS) who terminate their DROP participation, implementing the provisions of Section 121.053(1), F.S. The member's name and social security number will be electronically printed on the form prior to mailing. Form FST-11so2 is a new form to be used by a contingent beneficiary to apply for benefits from a deceased FRS member's account. It was created to accommodate workflow recommendations of the Division of Retirement's Reengineering, Improvement and Modernization (RIM) project. Form HIS-1 is being revised to reflect a change in the minimum monthly Health Insurance Subsidy (HIS) payment as provided in Section 112.363(3)(e), F.S. Form SB-13b is being revised to clarify the definition of joint annuitant as provided in Section 121.021(28)(b), F.S. Forms FRS-402 and FRS-405 are being revised to implement a change of membership in the Special Risk Class, as provided in Chapter 01-235, Laws of Florida. Form EOC-1 is being revised to add a section for the member's class code. Form FRS-M81 is being revised to reflect a change in the vesting law to implement Chapter 00-169, Laws of Florida and to include the IRS rule regarding after-tax contributions. Form DP-TERM is being revised to clarify a statement regarding contractual services. The Rollover Form is being revised so that members who elect to rollover a refund of their retirement contributions may use it. Forms DP-11, DP-ELE and DT-11 are being revised to reflect changes in the DROP provisions for elected officers in the EOC and instructional personnel as provided in Chapters 01-235 and 01-47, Laws of Florida, respectively. Form FR-9 is being revised to implement a change in the DROP provisions for instructional personnel as provided in Chapter 01-47, Florida Statutes. Form FC-1 is being revised to indicate a change in fax number. Form FR-13 is being revised to eliminate wording that refers to "the reverse side of the form", which is obsolete as a result of the Division of Retirement's RIM project. Form DP-PAYT is being revised to include new rollover options as provided in the recently passed federal legislation, the Economic Growth and Tax Reconciliation Act of 2001- "EGTRRA".

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.021, 121.0515, 121.053, 121.091, 121.363 FS.

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

TIME AND DATE: 10:00 a.m., November 14, 2001

PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fred Springer, Department of Management Services, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)487-1898, springf@dms.state.fl.us.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Inspection Criteria
 RULE NO.: 61G8-21.003

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

SUBJECT AREA TO BE ADDRESSED: Inspection Criteria for Funeral Establishments.

SPECIFIC AUTHORITY: 470.005, 470.024(10) FS.

LAW IMPLEMENTED: 470.024(10) 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: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Criteria
 RULE NO.: 61G8-24.042

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

SUBJECT AREA TO BE ADDRESSED: Centralized Embalming Facility Inspection Criteria.
 SPECIFIC AUTHORITY: 470.005, 470.024(10), 470.0301 FS.
 LAW IMPLEMENTED: 470.024(10), 470.0301 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: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE:	RULE NO.:
Operating Procedures (Centralized Embalming Facilities)	61G8-24.0425

PURPOSE AND EFFECT: Require system to track and identify remains.
 SUBJECT AREA TO BE ADDRESSED: Tracking System Requirements.
 SPECIFIC AUTHORITY: 470.005, 470.0301(2)(h) FS.
 LAW IMPLEMENTED: 470.0301(2)(h) 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: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE:	RULE NO.:
Funeral Establishments	61G8-33.001

PURPOSE AND EFFECT: The purpose for the rule development is to establish a system of identification to be used in handling and storing human remains in Funeral Establishments.
 SUBJECT AREA TO BE ADDRESSED: Funeral Establishments.
 SPECIFIC AUTHORITY: 470.005(3), 470.024(10), 470.0315(4) FS.
 LAW IMPLEMENTED: 470.005(3), 470.024(10), 470.0315(4) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE 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: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE:	RULE NO.:
Direct Disposal Establishments	61G8-33.002

PURPOSE AND EFFECT: The purpose for the rule development is to provide procedures relating to identification of human remains at Direct Disposal Establishments.
 SUBJECT AREA TO BE ADDRESSED: Direct Disposal Establishments.
 SPECIFIC AUTHORITY: 470.005(3), 470.0315(4) FS.
 LAW IMPLEMENTED: 470.005(3), 470.0315(4) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE 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: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Aggravating and Mitigating Factors
RULE NO.: 61G19-5.003
PURPOSE AND EFFECT: The Board proposes to update the above rule.

SUBJECT AREA TO BE ADDRESSED: Aggravating and Mitigating Factors.

SPECIFIC AUTHORITY: 468.606, 455.2273 FS.

LAW IMPLEMENTED: 455.2273 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: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: School Records; Class Roster
RULE NO.: 61J2-17.012
PURPOSE AND EFFECT: The purpose of the proposed rule development is to comply with the Department's technology advancements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to data submissions by education providers for the purpose of monitoring compliance with education requirements.

SPECIFIC AUTHORITY: 475.451 FS.

LAW IMPLEMENTED: 475.2177(1) FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 19, 2001

PLACE: Division of Real Estate, Hurston Building, Commission Meeting Room, Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Florida Real Estate Commission, Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-44R

RULE CHAPTER TITLE: Stationary Sources – General Requirements
RULE CHAPTER NO.: 62-210

RULE TITLE: Administrative Permit Corrections
RULE NO.: 62-210.360

PURPOSE AND EFFECT: The Department is proposing to delete Rule 62-210.360(5), F.A.C., in accordance with the proposal to delete Rule 62-213.410(2), F.A.C. This Chapter 62-210 rule section provides for incorporating requirements of new or revised air construction permits into an existing Title V air operation permit by administrative permit correction. The Department is proposing to replace the deleted sections with new Rule 62-213.405, F.A.C., Concurrent Processing of Applications for Air Construction Permit and Title V Air Operation Permit.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments would affect Title V air permitting.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.061, 403.087 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, November 14, 2001

PLACE: Douglas Building, First Floor, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or (800)955-8771 (TDD), at least seven days before the meeting.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-45R

RULE CHAPTER TITLE: Operation Permits for Major Sources of Air Pollution
RULE CHAPTER NO.: 62-213

RULE TITLES: Concurrent Processing of Applications for Air Construction Permit and Title V Air Operation Permit
RULE NOS.: 62-213.405

Changes Without Permit Revision 62-213.410
 Permit Applications 62-213.420

PURPOSE AND EFFECT: The Department is proposing to create Rule 62-213.405, F.A.C., Concurrent Processing of Applications for Air Construction Permit and Title V Air Operation Permit, to provide the option of processing an application for air construction permit and Title V air operation permit concurrently upon applicant request. The Department is proposing to delete Rule 62-213.410(2), F.A.C., which erroneously provides for implementing requirements of new or revised air construction permits through an existing Title V air operation permit without permit revision. Finally, the Department is proposing to add the requirement to list ammonia on an air operation permit application for each emission unit that emits or has the potential to emit equal to or greater than 12.5 tons/year of ammonia, if the Title V source emits or has the potential to emit greater than 250 tons/year of ammonia.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments would affect Title V air permitting procedures.

SPECIFIC AUTHORITY: 403.061, 403.0872 FS.

LAW IMPLEMENTED: 403.061, 403.0872 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, November 14, 2001

PLACE: Douglas Building, First Floor, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or (800)955-8771 (TDD), at least seven days before the meeting.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Standards of Practice in Certain Office Settings 64B8-9.0075

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address practice in clinics registered under Section 456.0375, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Clarification of requirements for practice in clinics registered under Section 456.0375, Florida Statutes.

SPECIFIC AUTHORITY: 456.0375, 458.309, 458.331(1)(v) FS.

LAW IMPLEMENTED: 456.0375, 458.331(1) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.0075 Standards of Practice in Certain Office Settings.

(1) through (2) No change.

(3) Licensed physicians and physician assistants in a clinic registered under section 456.0375, Florida Statutes ~~practice setting that is not identified in section (2) above, nor under the ownership and control of an actively licensed Florida physician who is responsible for ensuring that the requirements in section (2) are complied with,~~ may reasonably rely upon a Florida licensed medical director ~~physician in charge~~ to ensure compliance with the responsibilities set out in section (2), only if the medical director ~~physician in charge~~ has filed a notarized statement on a form approved by the Board of Medicine, specifically agreeing to accept the following responsibilities on behalf of one or more named licensed physicians or physician assistants in the practice setting:

(a) through (e) No change.

Specific Authority 456.0375, 458.309, 458.331(1)(v) FS. Law Implemented 456.0375, 458.331(1) FS. History--New 11-13-00, Amended _____.

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Emergency Medical Services 64E-2

PURPOSE AND EFFECT: Emergency Medical Technician/Paramedic Certification/Examination Application: To comply with Section 401.273, F.S., by including a question on the application to determine if certificateholders are available to help staff special needs shelters and Disaster Medical Assistance Teams (DMATs) during disasters. The proposed form will eliminate duplicative information on the requirements for certification and will clarify reporting requirements related to the applicant's felony status and the testing requirements for National Registry of Emergency Medical Technician certificateholders.

Certificate of Public Convenience and Necessity: To amend the rule to eliminate Bureau oversight of county ordinances.

Cardiopulmonary Resuscitation/Advanced Cardiac Life Support: To develop rules to comply with Section 401.27, F.S., which was amended during the 2001 Legislative Session directing the department to provide for a rule identifying advanced cardiac life support training equivalent to that offered by the American Heart Association and cardiopulmonary resuscitation training equivalent to that offered by the American Heart Association and American Red Cross.

Trauma Registry: To develop a minimum set of data definitions, data submission instructions and reporting requirements for trauma registry data collection.

Advanced Life Support Nontransport: To address inconsistencies that exist between different types of ALS nontransport vehicles; to reduce excess unnecessary expenditures and to allow more medical director control.

SUBJECT AREAS TO BE ADDRESSED: Emergency Medical Technician and Paramedic Certification Examination Applications, Certificates of Public Convenience and Necessity, Cardiopulmonary Resuscitation/Advanced Cardiac Life Support, and Trauma Registry, Advanced Life Support Nontransport.

SPECIFIC AUTHORITY: 395.405, 401.25, 401.27, 401.35 FS.

LAW IMPLEMENTED: 395.404, 395.4025, 401.25, 401.27, 401.273, 401.34 FS.

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

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

PLACE: Florida College of Emergency Physicians, 3717 S. Conway Road, Orlando, Florida

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

PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Government Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2733.

DRAFT MATERIALS WILL BE AVAILABLE, UPON REQUEST, ONE WEEK PRIOR TO THE FIRST WORKSHOP.

P.O. G10454

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Food Stamp Employment and Training
RULE NO.: 65A-1.605

PURPOSE AND EFFECT: The proposed rule amendment will implement the requirements of s. 445.004, F.S., which consolidates all major workforce programs, including the Food Stamp Employment and Training Program (FSET), under the Agency for Workforce Innovation (AWI) and the policy direction of Workforce Florida, Inc. (WFI). The Department of Children and Families is the single state agency responsible for Food Stamp Programs and the FSET Program, and as such receives federal funds annually from the United States Department of Agriculture for program operation. Prior to the consolidation of workforce programs under AWI, the department contracted with the Department of Labor and Employment Security (DLES) to provide FSET Program Services. The rule amendment will remove reference to the (DLES) and designate AWI as the agency responsible for the provision of FSET services through an Interagency Agreement between the Florida Department of Children and Family Services and AWI. The department retains responsibility for determining Food Stamp Program eligibility, for imposing penalties for mandatory participants who fail to comply with FSET work requirements without good cause, and for lifting penalties upon notification of compliance with federal food stamp requirements.

SUBJECT AREA TO BE ADDRESSED: The amendment will remove reference to DLES and designate AWI as the state agency responsible for the provision of FSET Program services in accordance with federal Food Stamp Program regulations in 7 CFR s. 273.7. It also will provide for form revisions to be incorporated by reference to reflect statutory changes.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.31, 445.004 FS.

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

TIME AND DATE: 10:00 a.m., November 16, 2001

PLACE: Bldg. 3, Room 455, 1317 Winewood Blvd., Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, 1317 Winewood Blvd., Bldg. 3, Room 421, Tallahassee, FL 32399-0700, Telephone (850)488-3090

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-49.001
Procurement of Commodities or Contractual Services	67-49.002
Withdrawal of Invitation to Bid, Request for Proposals or Request for Qualifications	67-49.003

Modification of Terms of Invitation to Bid,
 Request for Proposals or Request
 for Qualifications 67-49.004
 Responsibility of Bidders and Offerors 67-49.005
 Evaluation of Bids or Proposals 67-49.006
 Selection Process 67-49.007
 Minority Business Enterprise 67-49.008
 Notice of Award 67-49.009
 Selection Protest Procedures 67-49.010

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall procure commodities or contractual services.

SUBJECT AREA TO BE ADDRESSED: If requested in writing a Rule Development workshop will be held to receive comments and suggestions from interested persons relative to proposed amendments to this Rule.

SPECIFIC AUTHORITY: 420.507(12) FS.

LAW IMPLEMENTED: 420.507(13),(27) FS.

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

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

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Rick Seltzer Conference Room, 6th Floor, Tallahassee, FL 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robin L. Grantham, Contracts Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system, which can be reached at 1(800)955-8771 (TDD).

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

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Attorney Services **RULE NO.:** 2-37.010

PURPOSE AND EFFECT: The Department intends to incorporate revised forms entitled "Request for Attorney General Approval of Private Attorney Services" and "Office of the Attorney General Attachment A for Private Attorney Services" into the rule.

SUMMARY: The proposed rule amendments incorporate the revised forms entitled "Request for Attorney General Approval of Private Attorney Services" and "Office of the Attorney General Attachment A for Private Attorney Services" into the rule.

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

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

SPECIFIC AUTHORITY: 287.059 FS.

LAW IMPLEMENTED: 16.015, 287.059 FS.

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

TIME AND DATE: 10:00 a.m., November 20, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Daugherty, Senior Management Analyst II, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2-37.010 Attorney Services.

(1) The Department of Legal Affairs adopts a form to be filled out by agencies who wish to request representation by private attorneys. Form OAG-001 (rev. 9/2001), entitled "Request for Attorney General Approval of Private Attorney Services," effective ~~5-18-00~~, is hereby incorporated by reference.

(2) All contracts for private attorney services shall contain an addendum entitled "Office of the Attorney General Attachment A for Private Attorney Services," Form OAG-002, (rev. 9/2001), effective ~~(rev. 2/2001)~~, which is hereby incorporated by reference.

(3) Copies of the forms may be obtained from the General Legal Division, Office of the Attorney General, The Capitol PL-01, Tallahassee, Florida 32399-1050.

Specific Authority 287.059 FS. Law Implemented 16.015, 287.059 FS. History—New 10-7-90, Formerly 2-1.013, Amended 7-12-93, 10-29-97, 5-18-00, 6-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Daugherty, Senior Management Analyst II

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gerald B. Curington, Assistant Deputy Attorney General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 28, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER TITLE: Permitting and Inspection
 Requirements for Amusement
 Devices and Attractions

RULE CHAPTER NO.: 5F-8

RULE TITLES: Definitions 5F-8.001
 Fees 5F-8.012

PURPOSE AND EFFECT: Applicable law, Section 616.242(8), Florida Statutes, requires that the fees charged for inspection and permitting of amusement rides must cover the program costs that are not covered by general revenue appropriations and that those fees shall be established by rule. The purpose of this rule revision is to implement an increase in the fee charged for permitting of amusement rides and to define and create a new ride category for super rides and develop an associated fee for the new amusement ride category.

SUMMARY: Rule 5F-8.001, FAC., the department Rule adopting definitions for use in Chapter 5F-8, FAC., and Rule 5F-8.012, FAC., the department rule establishing fees for inspecting and permitting amusement rides.

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

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

SPECIFIC AUTHORITY: 616.165, 616.242 FS.

LAW IMPLEMENTED: 616.242(8) FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, November 20, 2001
 PLACE: Division of Standards Conference Room, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

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

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-8.001 Definitions.

The definitions in ss. 616.001 and 616.242(3), Florida Statutes, and the following definitions shall apply.

(1) through (3) No change.

(4) Super Amusement Ride – Means an amusement ride which, because of its design, size, passenger capacity, restraint system or operating characteristics, requires an extensive or extraordinary amount of inspection time to assure compliance with requirements of law and rule, when compared with kiddie or non kiddie amusement rides. The following amusement rides, and all like rides are classified as super amusement rides.

- | | |
|------------------------------------|---|
| <u>Amusement Ride Manufacturer</u> | <u>Amusement Ride Name</u> |
| <u>Arrow Dynamics</u> | <u>Flume Ride</u> |
| <u>Blackmon Engineering</u> | <u>Vertical Accelerator</u> |
| <u>Bruno Rixen</u> | <u>Cable Water Ski, Knee Ski</u> |
| <u>Bungee Adventure</u> | <u>Ejection Seat, Ripline</u> |
| <u>Chance Rides</u> | <u>Century Wheel, Giant Wheel, Chaos, Falling Star, Gentle Giant, Gondola Wheel, Inverter, Slingshot, Sky Wheel</u> |
| <u>Euro Rides</u> | <u>Double Shock, Shock Wave</u> |
| <u>FarFabri/Fabbri</u> | <u>Backlash, Banzi, Bonzai, Crazy Dance, Evolution, Flipper, Footloose, Force 10, Megadrops, Space Loop</u> |
| <u>Funtime</u> | <u>Ejection Seat</u> |
| <u>Funtime Handles</u> | <u>Slingshot</u> |
| <u>Future Amusements</u> | <u>Wild Thang</u> |
| <u>Gravity Works</u> | <u>Blender, Ejection Seat, Skyscraper</u> |
| <u>Harper & Parsons</u> | <u>Vertical Accelerator</u> |
| <u>Heinrich Mack</u> | <u>Runaway Trains</u> |
| <u>Inta Fair Holland</u> | <u>Giant Wheel</u> |
| <u>Huss Heiner</u> | <u>1001 Nachts, Enterprise, Ship, Rainbow, Top Spin, Tornado</u> |
| <u>Pirate, Pirate</u> | <u>Island In the Sky, Parachute Ride</u> |
| <u>Intamin Inc.</u> | <u>Devastator</u> |
| <u>K.T. Emmitt</u> | <u>Twister</u> |
| <u>K.T. Enterprises</u> | <u>Fireball, Wild Claw</u> |
| <u>K.M.G.</u> | <u>Wild Claw</u> |
| <u>Leap of Faith</u> | <u>Giant Wheel, Gondola Wheel</u> |
| <u>MCL Park</u> | <u>Space Roller</u> |
| <u>Modail</u> | <u>Giant Wheel, Gondola Wheel</u> |
| <u>Mulligan Enterprises</u> | <u>Sky Lift, Sky Ride, Sky Glider</u> |
| <u>O.D. Hopkins</u> | <u>Roller Coaster</u> |
| <u>Philadelphia Toboggan</u> | <u>Looping Roller Coaster, Zyclon</u> |
| <u>Pinfari</u> | <u>Nitro Alley Dragster</u> |
| <u>Pro Drag LLC</u> | |

<u>Reverchon</u>	<u>Explorer, Log Flume, White Water, Niagra Flume, Roc-N-Rapids, White Water Flume, Wild River</u>
<u>Rides R Us</u>	<u>Human Slingshot</u>
<u>S & S Power</u>	<u>Double Shot Towers, Snow Shot, Space Shot</u>
<u>Schiff</u>	<u>Roller Coaster</u>
<u>Schwarzkopf</u>	<u>Dopple Loop, Log Flume, Wildcat Coaster</u>
<u>S.P.C.</u>	<u>Moonraker, Mark I, Gondola Wheel, Pirate Ship, Hang 10</u>
<u>Sky Fun I</u>	<u>Sky Coaster</u>
<u>Sky Venture</u>	<u>Sky Venture</u>
<u>Soriani Moser</u>	<u>Crazy Flip, Dream Machine, Drop of Fear, Extacy, Flip N Out, G Force, Star Force, Wild River Raft, Wind Shear</u>
<u>Coaster Works</u>	<u>Dania Beach Hurricane</u>
<u>The Joseph Co.</u>	<u>Vertical Accelerator</u>
<u>Top Fun</u>	<u>Rerminator</u>
<u>Tivoli</u>	<u>Force 10, Spinout, Orbitor,</u>
<u>Predator,</u>	<u>Scorpion, Typhoon</u>
<u>Tower Specialties</u>	<u>Ricky's Rocket, Vertical Accelerator</u>
<u>Universal</u>	<u>Sky Ride</u>
<u>Zierer</u>	<u>Flitzer, Racing Flitzer, Wave Swinger</u>
<u>Zamperla</u>	<u>Energy Storm, Mixer, Power Surge,</u>
	<u>Turbo Force, Windstorm</u>
	<u>Roller Coaster,</u>
	<u>Wave Swinger</u>

(h)(g) Fee to replace a lost U.S. Amusement Identification (USAID) plate:	\$100.00
(i)(h) Fee per amusement ride for late inspection request:	\$100.00
(j)(i) Fee per amusement ride for failure to cancel inspection request:	\$100.00
(k)(j) Fee per amusement ride for inspection on weekend or state holiday:	\$25.00

Specific Authority 616.165, 616.242(7),(8),(13) FS. Law Implemented 616.242(8) FS. History--New 9-15-92, Amended 2-23-94, 5-27-96, 9-23-97, 2-14-99, 3-21-00, 12-4-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Isadore Rommes, Bureau Chief, Bureau of Fair Rides Inspection 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, Phone (850)488-9790, Fax (850)488-9023

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Phone (850)488-0645, Fax (850)922-8971

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2001, Vol. 27, No. 36

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examinations

RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purposes of this rule amendment are to define and establish a fee for the new general knowledge test which will replace the use of the College Level Academic Skills Test (CLAST) for purposes of teacher certification; to adopt an updated examination application form and revise test registration fees to become effective July 2002; to adopt and publish a revised set of competencies and skills required for professional teacher certification; and to make technical corrections. These changes are prompted by a comprehensive restructuring of the state's certification system.

SUMMARY: An updated examination application form will be adopted, the general knowledge test will be defined and a fee established for the test, and revised competencies and skills will be adopted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

Specific Authority 616.165, 616.242(4)(b) FS. Law Implemented 616.100, 616.242 FS. (1998) History--New 9-15-92, Amended 9-21-93, 2-23-94, 5-27-96, 9-23-97, 2-14-99, 11-14-00, _____.

5F-8.012 Fees.

(1) The following fees are adopted:

(a) Annual permit for any amusement ride:	<u>\$300.00</u> 220.00
(b) Annual permit for any Bungy jump:	\$500.00
(c) Inspection fee for each inspection of a kiddie amusement ride:	\$25.00
(d) Inspection fee for each inspection of a non-kiddie amusement ride:	\$50.00
<u>(e) Inspection fee for each inspection of a super amusement ride:</u>	<u>\$100.00</u>
(f)(e) Inspection fee per go cart, in addition to the track inspection fee:	\$5.00
(g)(f) Reinspection fee:	\$300.00

SPECIFIC AUTHORITY: 231.002, 231.15(1), 231.17(8), 231.30(1) FS.

LAW IMPLEMENTED: 231.17 FS.

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

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

PLACE: Supreme Court Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) Scope. This rule governs the written examinations for teacher certification. Additional requirements for certification are specified in Chapter 6A-4, FAC.

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

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

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

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

1. General knowledge. The ability to write in a logical and understandable style with appropriate grammar and sentence structure;

a. The ability to write in a logical and understandable style with appropriate grammar and sentence structure.

b. The ability to read, comprehend, and interpret professional and other written material.

c. The ability to compute, think logically and solve problems.

~~2. The ability to read, comprehend, and interpret professional and other written material;~~

~~3. The ability to comprehend and work with fundamental mathematical concepts;~~

~~4. The ability to comprehend patterns of physical, social and academic development in students, including exceptional students in the regular classrooms, and to counsel students concerning their needs in these areas;~~

~~5. The ability to recognize and be aware of the instructional needs of exceptional students;~~

~~6. The ability to recognize signs of severe emotional distress in students and to apply techniques of crisis intervention with emphasis on suicide prevention and positive emotional development;~~

~~7. The ability to recognize signs of alcohol and drug abuse in students, and counseling techniques with emphasis on intervention and prevention of future abuse;~~

~~8. The ability to recognize the physical and behavioral indicators of child abuse and neglect, to know rights and responsibilities regarding reporting, to know how to care for a child's needs after a report is made and to know recognition, intervention, and prevention strategies pertaining to child abuse and neglect that can be related to children in a classroom setting in a nonthreatening, positive manner;~~

~~2.9. Before July 1, 2002, the~~ The professional competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Sixth Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 1, 2002, the professional competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Seventh Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these ~~this~~ publications may be obtained from the Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399 at a price to be established by the Commissioner not to exceed actual cost, and

~~3.4. Before July 1, 2002, the~~ The subject area competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Sixth Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 1, 2002, the subject area competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Seventh Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these ~~this~~ publications may be obtained as described in subparagraph (2)(c)~~2.9.~~ of this rule.

(d) ~~Before July 1, 2002, the~~ The College Level Academic Skills Test or the Praxis I: Academic Skills Assessment as described in subsection ~~(13)(14)~~ of this rule shall be used to demonstrate mastery of general knowledge for an individual who holds a bachelor's or higher degree as specified in Rules 6A-4.004, 6A-4.050, and 6A-4.066, FAC.

(e) ~~Alternative procedures to demonstrate mastery of general knowledge. An applicant for a teaching certificate who has successfully completed all prerequisites for issuance of the professional certificate except passing one (1) specific subtest of the College Level Academic Skills Test and who has taken and failed to achieve a passing score on that specific subtest at least four (4) times may meet the general knowledge requirements of paragraph (1)(c) of this rule, including the ability to read, write, or compute, through two (2) alternative procedures. The alternative procedures include substitution of scores from other tests and substitution of course work and classroom demonstration of general knowledge skills as follows:~~

1. An applicant may substitute demonstration of general knowledge mastery in the failed College Level Academic Skills Test subtest through passing scores on the following tests from the Praxis Series tests. The Praxis Series tests are further described, and the passing scores are defined, in subsection (13) and paragraph (14)(a) of this rule.

a. Praxis I Pre Professional Skills Test: Mathematics #0730 or Praxis I Computer Based Academic Skills Assessment: Mathematics #0731 may be used as an alternative to the College Level Academic Skills Test: Mathematics.

b. Praxis I Pre Professional Skills Test: Reading #0710 or Praxis I Computer Based Academic Skills Assessment: Reading #0711 may be used as an alternative to the College Level Academic Skills Test: Reading.

e. Praxis I Pre Professional Skills Test Writing #0720 or Praxis I Computer Based Academic Skills Assessment: Writing #0721 may be used as an alternative to the College Level Academic Skills Test: Essay and English Language Skills; or

2. An applicant may substitute demonstration of general knowledge mastery in the failed College Level Academic Skills Test subtest through verification by the district superintendent that the applicant has achieved the general knowledge competencies. The superintendent shall base the verification on a review of the applicant's classroom teaching experience and an analysis of the applicant's college transcript of course work as described below:

a. The district superintendent shall verify that the applicant has demonstrated successful experience in the professional application of generic subject area competencies in the subject area for which an alternative demonstration is sought. This successful experience will be determined by a team composed of the applicant's principal, a peer teacher, and a district level supervisor in that subject area. Mastery will be based on observation, structured interviews, or performance portfolios that demonstrate the applicant's proficiency in each of the following generic subject area skills:

(I) Mathematics. Adds, subtracts, multiplies, and divides whole numbers, decimals, and fractions; demonstrates the meaning and use of fractions and percents; represents and interprets data using charts, tables, graphs, and maps; solves measurement problems involving length, area, volume, capacity, weight, time and temperature using U.S. customary and metric units; applies mathematical skills to solve real world problems; identifies geometric forms and relationships.

(II) Reading. Identifies and evaluates relevant professional material; understands basic statistical terminology (such as mean, median, mode); demonstrates literal reading skills (such as recognizing main idea, details, sequencing, comparison and contrast); demonstrates interpretative reading skills (such as predicting outcomes, drawing conclusions, making generalizations); demonstrates critical reading skills (such as recognition of relevant and irrelevant information, propaganda

techniques, and fallacies in reasoning); produces a logical summary interpretation of the results of research in professional material.

(III) English Language Skills and Essay. Differentiates between formal and informal written English and demonstrates ability to use both forms; uses language at the level appropriate to the topic and reader; comprehends and applies basic mechanics of writing: spelling, capitalization, and punctuation; comprehends and applies appropriate sentence structure; comprehends and applies basic technique for the organization of written material; comprehends and applies standard English usage in written communication.

b. The applicant must have successfully completed course work within the last sixty (60) months in the subject area for which an alternative demonstration is sought. For the College Level Academic Skills Test: Mathematics test, the applicant must demonstrate the successful completion of six (6) college credit hours with a grade of "B" or higher in mathematics classes equivalent to or higher than college algebra or finite mathematics. For the College Level Academic Skills Test: English Language Skills, Essay, and Reading test, the applicant must demonstrate the successful completion of six (6) college credit hours with a grade of "B" or higher in English classes equivalent to or higher than ENC 1101 or ENC 1102 in Florida's Statewide Course Numbering System.

e. In cases in absence of the B grade or absence of the recency of credit, a peer review could recommend to the State Commissioner of Education that the person be certified.

(3) Administration of the examinations.

(a) The examinations shall be administered by a test administration agency or agencies under contract with the Florida Department of Education.

(b) The examinations shall be administered at least four (4) times each year. The Commissioner of Education shall establish the examinations dates each year which may include supplemental test administrations. The Commissioner of Education shall designate the registration deadlines, administration sites, and examinations test available for the supplemental administrations.

(c) The examinations shall be administered at centers designated by the Commissioner of Education.

(d) An examinee may retake a failed examination test provided at least thirty (30) days have elapsed since the previous administration of the failed examination test.

(4) Registration, late registration and refunds.

(a) Registration for the examinations shall be for the initial examinations or for one (1) or more examinations subtests not previously passed. To register to take the examinations, an applicant shall submit a completed application which shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. Before July 1, 2002, a A complete application shall consist of the following:

a. A completed application Form CG-20-01, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-01, Registration Application: Certification Examinations for Florida Educators is hereby incorporated by reference and made a part of this rule to become effective July 2001. This form may be obtained without cost from the Bureau of Educator Certification, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

b. A twenty-five (25) dollar fee for each registration for a subject area specialty examination and for each registration for the professional skills examination test; ~~each registration for the professional skills test; and each registration for any combination of the general knowledge tests of reading, writing, and mathematics to nondegree vocational certification candidates.~~

c. A charge of one hundred (100) dollars in addition to the fees described in Rule 6A-4.0021(4)(a)1.b., FAC., for certification applicants taking a supplemental examination.

2. Beginning July 1, 2002, a completed application shall consist of the following:

a. A completed application Form CG-20-02, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-02 is hereby incorporated by reference and made a part of this rule to become effective July 2002. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

b. A thirty-three (33) dollar fee for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination; each registration for the professional skills examination; and each registration for the general knowledge examination or any combination of the general knowledge subtests.

c. A charge of one hundred twenty-five (125) dollars in addition to the fees described in Rule 6A-4.0021(4)(a)2.b., FAC., for certification applicants taking a supplemental examination.

~~3.2.~~ An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in Rule 6A-4.0021(4)(b), FAC.

(b) Late registration for the examinations shall be for the initial examinations or for one (1) or more examinations ~~subtests~~ not previously passed. An applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in Rule 6A-4.0021(4)(a)1., FAC., and submitting a fifteen (15) dollar late charge for each registration for a subject area specialty examination test; each registration for the professional skills

examination test; each registration for any combination of the general knowledge tests of reading, writing, and mathematics to nondegree vocational certification candidates; and each registration for any combination of the College Level Academic Skills Test subtests. Beginning July 1, 2002, an applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examinations by completing the requirements listed in Rule 6A-4.0021(4)(a)2., FAC., and submitting a fifteen (15) dollar late charge for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination; each registration for the professional education examination; and each registration for the general knowledge examination or any combination of the general knowledge subtests. All items shall be received by the test administration agency at least thirty (30) days preceding the examination date. Late registrations shall be accepted on a space available basis.

(c) Refunds. Fees shall be refunded provided written requests for refunds are received by the test administration agency at least thirty (30) days preceding the examination date. Failure to appear for or to complete an examination shall result in forfeiture of fees.

(5) Admission. The test administration agency shall provide each applicant with an admission ticket specifying the examination center and the time of the examination. The admission ticket and other identification are required for entrance into the examination center. The other identification shall be specified on the admission ticket. An applicant who arrives after the examination has begun shall not be admitted until the start of the next ~~subtest of the examination~~ or subtest.

(6) Examinee with a disability. An applicant who is unable to complete the examinations under standard testing conditions because of a disability may request special arrangements. Such a request shall be made when the examination application is submitted. Lack of proficiency in the English language shall not alone be acceptable as a justifiable reason for requesting a reader for an examinee. Special arrangements shall be provided for applicants with disabilities.

(a) Definition of terms.

1. A person with a disability means any person who:

- a. Has a physical or mental impairment which substantially limits one (1) or more major life activities;
- b. Has a record of such an impairment; or
- c. Is regarded as having such an impairment.

2. The definitions for the phrases used in paragraph (6)(a) of this rule – physical or mental impairment, major life activities, has a record of such an impairment and regarded as having an impairment – are the same as in the definition of disability included in the Americans With Disabilities Act, Section 35.104(1)(2)(3)(4).

(b) Persons requesting special arrangements must be certified as having a disability by a licensed psychologist or physician. Such documentation shall have been completed within the previous three (3) years and must be received on official letterhead stationery. In the absence of such certification, the applicant may submit documentation of accommodations provided for a disability during the applicant's baccalaureate or graduate degree program. Any documentation submitted must describe the disability and the accommodations made necessary by the disability.

(c) Special test arrangements may include but are not limited to the following:

1. Flexible scheduling. The person may be administered an examination ~~a subtest~~ during several brief sessions, so long as that examination ~~subtest~~ is completed on the test administration date. Double time may be allowed.

2. Flexible setting. The person may be administered an examination ~~subtest~~ individually or in a small group setting by a proctor rather than in a classroom or auditorium setting.

3. Recording of answers. The person may mark answers in a test booklet, type the answers by machine, or indicate selected answers to a test proctor. The proctor may then transcribe the person's responses onto a machine-scorable answer sheet. In instances where the proctor is required to mark the responses on behalf of the examinee, there will be a tape recording of the examinee's selected responses. A large-block answer sheet may be provided. The person may use a word processor or typewriter to prepare any required essay or other written response. Technical support to operate the word processor or typewriter will be provided.

4. Revised format. The person may use a large-print booklet, a Braille test booklet, or a magnifying device.

5. Auditory aids. A tape recorded version of the examination ~~test~~ may be provided, the examination ~~test~~ may be read by a narrator, or the examination ~~test~~ may be provided via video tape with a narrator using oral language or sign language.

6. Assistive personnel. Test personnel may be provided by the test administrator to record answers, sign test instructions, or read instructions and text.

(d) Appropriate special arrangements for testing shall be provided, where necessary, to afford an individual with a disability an equal opportunity to participate. In determining the type of special arrangement to be provided, primary consideration shall be given to the requests of the individual with the disability. However, if it can be demonstrated that special arrangements that are equally effective as those requested are available at less cost or are more readily available, the Department may provide the less expensive or more readily available means of special arrangements for testing.

(e) In no case shall the modifications authorized herein be interpreted or construed as an authorization to provide a person with assistance in determining the answer to any examination ~~test~~ item.

(f) Nothing in this rule shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under this rule which the individual chooses not to accept.

(g) This rule does not require the Department to provide individuals with disabilities with personal devices, such as wheelchairs, individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use for study; or services of a personal nature including assistance in eating, toiletry, or dressing.

(h) Appeals procedure. An examinee who is denied test accommodations may appeal the denial to the Commissioner of Education. Such appeal may necessitate a later test date.

(7) Scoring of the professional skills examination ~~reading, writing, mathematics, and professional skills subtests~~.

(a) A passing score on each of the multiple-choice subtests shall be a scaled score of at least 200.

(b) Performance equivalent to a scaled score of 200 is expressed as a Rasch logit value. The minimum acceptable performance equivalent to a scaled score of 200 as determined from the field test conducted by the Department in April, 1980 is a logit value of 0.70 on the professional skills examination:

~~1. A logit value of 1.30 on the mathematics subtest.~~

~~2. A logit value of 1.70 on the reading subtest.~~

~~3. A logit value of 0.70 on the professional skills subtest.~~

(c) The passing score on subsequent forms of each of the mathematics, reading and professional skills examination ~~subtests~~ shall be equated to a score of 200 on the score scale derived from the field tests identified in Rule 6A-4.0021(7)(b), FAC.

~~(d) Acceptable performance on the writing subtest shall be a total score of four (4) or more based on the summed ratings of two (2) trained judges using a scale of one (1) which is an unsatisfactory score to four (4) which is an outstanding score. In the event the two (2) ratings are two (2) or more points different, or in the event the summed ratings equal three (3), the writing sample will be rated by a referee and the referee's score will replace the most discrepant of the original ratings.~~

~~(8) Writing subtest standards:~~

~~(a) Judges. The Commissioner shall appoint persons to judge the writing subtest who have the following minimum qualifications:~~

~~1. Academic preparation. At least a bachelor's degree with an emphasis in English, writing, and composition.~~

~~2. Experience. A minimum of two (2) years experience in teaching and evaluating writing. Examples of qualifying experience are: teaching English or language arts in secondary~~

schools, teaching college composition courses, serving as a teaching assistant for college classes in composition, or working as a professional copy editor.

3. Specific training. Successful completion of a training program provided by the Department or its contractors.

(b) Referees. The referees shall be judges who have demonstrated in the training program and through prior experience unusual success as composition teachers or raters.

(c) Rating scale. The four-level scale for judging the writing subtest is defined as follows:

1. A rating of one (1) indicates the essay lacks unity and focus. It is distorted and/or ambiguous, and it fails to treat the topic in sufficient depth and breadth. There is little or no discernible organization and only scant development of ideas, if any at all. The essay betrays only sporadically a sense of paragraph and sentence structure, and it is syntactically slipshod. Usage is irregular and often questionable or wrong. There are serious errors in spelling, capitalization, and punctuation.

2. A rating of two (2) indicates the essay has some degree of unity and focus, but each could be improved. It is reasonably clear, though not invariably so, and it treats the topic with a marginal degree of sufficiency. The essay reflects some concern for organization and for some development of ideas, but neither is necessarily consistent nor fully realized. The essay reveals some sense, if not full command of paragraph and sentence structure. It is syntactically bland and, at times, awkward. Usage is generally accurate, if not consistently so. There are some errors in spelling, capitalization, and punctuation that detract from the essay's effect if not from its sense.

3. A rating of three (3) indicates the essay is focussed and unified, and is clearly if not distinctively written. It gives the topic an adequate though not always thorough treatment. The essay is well organized, and much of the time it develops ideas appropriately and sufficiently. shows a good grasp of paragraph and sentence structure, and its usage is generally accurate and sensible. Syntactically, it is clear and reliable. There may be a few errors in spelling, capitalization, and punctuation, but they are not serious.

4. A rating of four (4) indicates the essay is unified, sharply focussed, and distinctively effective. It treats the topic clearly, completely, and in suitable depth and breadth. It is clearly and fully organized, and it develops ideas with consistent appropriateness and thoroughness. The essay reveals an unquestionably firm command of paragraph and sentence structure. Syntactically, it is smooth and often elegant. Usage is uniformly sensible, accurate, and sure. There are very few, if any, errors in spelling, capitalization, and punctuation.

~~(8)~~(9) Scoring of the subject area specialty examinations subtests.

(a) The Commissioner of Education shall recommend to the Florida State Board of Education for its approval a passing score or scores required for each subject area specialty examination subtest. Such required scores shall take effect when designated by the State Board.

(b) For subject area specialty examinations tests listed below, a score earned prior to May 1, 1990, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective August 1, 1990, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the October, 1988 test administration:

SUBJECT	SCORE
Biology 6-12	70 correct items
Computer Science K-12	72 correct items
Earth-Space Science 6-12	70 correct items
Emotionally Handicapped K-12	87 correct items
Geography 6-12	105 correct items
Guidance and Counseling PK-12	83 correct items
History 6-12	89 correct items
Journalism 6-12	89 correct items
Mentally Handicapped K-12	63 correct items
Physical Education K-8	66 correct items
Physical Education 6-12	72 correct items
Physically Impaired K-12	79 correct items
Political Science 6-12	84 correct items
Reading K-12	69 correct items
School Psychologist PK-12	61 correct items
Specific Learning Disabilities K-12	78 correct items
Speech-Language Impaired K-12	79 correct items
Varying Exceptionalities K-12	80 correct items

(c) For subject area specialty examinations tests listed below, a score earned prior to October 1, 1990, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective October 1, 1990, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the April, 1989 test administration:

SUBJECT	SCORE		
Art K-12	63 correct items	German K-12	A score of Intermediate High or more on the oral interview and a score of 82 on a scale that weights the multiple choice section eighty (80) percent and the writing section twenty (20) percent.
Elementary Education 1-6	84 correct items		
English 6-12	71 on a scale that weights the multiple choice section eighty (80) <u>seventy (70)</u> percent and the essay section twenty (20) <u>thirty (30)</u> percent.	Middle Grades English 5-9	57 on a scale that weights the multiple choice section seventy (70) <u>eighty (80)</u> percent and the essay section thirty (30) <u>twenty (20)</u> percent.
Hearing Impaired K-12	66 correct items		
Mathematics 6-12	60 correct items		
Music K-12	64 correct items		
Primary Education K-3	88 correct items		
Social Science 6-12	102 correct items		

(d) For subject area specialty examinations tests listed below, a score earned prior to May 1, 1991, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. After May 1, 1991, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200). The scaled score shall be equivalent to the following scores on the October 1989 test administration:

SUBJECT	SCORE
Chemistry 6-12	57 correct items
Drama 6-12	96 correct items
Economics 6-12	70 correct items
Educational/Media Specialist PK-12	102 correct items
Health K-12	71 correct items
Latin K-12	70 correct items
Middle Grades General Science 5-9	70 correct items
Middle Grades Mathematics 5-9	59 correct items
Middle Grades Social Science 5-9	87 correct items
Physics 6-12	51 correct items
French K-12	87 on a scale that weights the multiple choice section fifty (50) percent, the speaking section forty (40) percent, and the writing section ten (10) percent.

Speech 6-12

Prior to October 1, 1996, 119 on a scale that weights the multiple choice section fifty (50) percent and the speech section fifty (50) percent. Beginning October 1, 1996, a score of fifty-six (56) on the multiple choice section and a score of four (4) or more on the speech section based on the summed ratings of two (2) trained judges using a scale of one (1) low to four (4) high.

(e) For subject area specialty examinations tests listed below, a score earned prior to January 1, 1992, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective January 1, 1992, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the April 1990 test administration:

SUBJECT	SCORE
Humanities K-12	88 correct items
Psychology 6-12	94 correct items
Sociology 6-12	95 correct items
Visually Impaired K-12	99 correct items

(f) For the subject area specialty examination test listed below, a score earned prior to January 1, 1992, shall be considered a passing score and shall be valid for certification in the subject area for a period of two (2) years from the test administration date. Effective January 1, 1992, through September 30, 1993, a passing score for this subject area examination test will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following score on the April 1990 test administration:

Preschool Education N-PK 94 correct items

(g) For subject area specialty examinations tests listed below, a score earned prior to April 1, 1992, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective September 1, 1992, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the October 1990 test administration:

SUBJECT	SCORE
Business Education 6-12	69 correct items
Home Economics 6-12	83 correct items
Occupational Specialist	87 on a scale that weights the multiple choice section forty-five (45) percent and the short answer section fifty-five (55)percent.

(h) For the subject area specialty examinations tests listed below, a score earned prior to April 1, 1995, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective April 1, 1995, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200).

English to Speakers of Other Languages K-12
Prekindergarten/Primary PK-3

For the subject area specialty examination test listed below, this scaled passing score will be equivalent to the following score on the October 1992 test administration:

Subject	Score
English to Speakers of Other Languages K-12	54 correct items

For the subject area specialty examination test listed below, this scaled passing score will be equivalent to the following score on the October 1993 test administration:

Subject	Score
Prekindergarten/Primary PK-3	73 correct items

(i) For the subject area specialty examinations tests listed below, a score earned prior to October 1, 1996, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date:

Subject
Agriculture 6-12
Industrial Arts-Technology Education 6-12
Marketing 6-12
Preschool Education Birth-Age 4

Effective October 1, 1996, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the April 1995 test administration:

SUBJECT	SCORE
Agriculture 6-12	83 correct items
Industrial Arts – Technology Education 6-12	83 correct items
Marketing 6-12	72 correct items
Preschool Education Birth – Age 4	81 correct items

(j) For the subject area specialty examination test listed below, passing for a score earned prior to August 1, 2000, shall be a scaled score of at least two hundred (200). This scaled passing score shall be equivalent to the following score on the October 1989 test administration:

Spanish K-12	87 on a scale that weights the multiple choice section seventy-five (75) percent and the speaking section twenty-five (25) percent.
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Effective August 1, 2000, a passing score for this examination test will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following score on the October 1998 and January 1999 test administrations:

Spanish K-12	88 on a scale that weights the multiple choice section sixty (60) percent, the speaking section twenty-five (25) percent, and the writing section fifteen (15) percent.
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~~(k) A score earned on a subject area specialty test shall not be used for the purposes listed below until a minimum numerical passing score has been approved by the Florida State Board of Education.~~

1. ~~Renewal of a professional certificate or retention of a subject on a certificate. However, an individual who takes a subject area test for renewal of a professional certificate prior to the approval of a minimum numerical passing score may apply for a one (1) year extension of the professional certificate to allow time to complete renewal requirements.~~

2. ~~Addition of a middle grades coverage to a professional certificate when all specialization course requirements have not been completed. However, an individual who was issued a two year temporary certificate for the 1988-90 school fiscal years covering a middle grades subject when all specialization course requirements were not completed may apply for issuance of another temporary certificate for the 1990-92 school fiscal years covering the same middle grades subject.~~

~~(k)(4) Before July 1, 2002, the~~ The subject area specialty examinations subtests approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Sixth Edition."

~~(l) Beginning July 1, 2002, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication "Competencies and Skills Required for Teacher Certification in Florida, Seventh Edition."~~

~~(9)(10) Scoring of the College Level Academic Skills Test before July 1, 2002.~~

(a) The scoring of the College Level Academic Skills Test is described in Rule 6A-10.0311(3), FAC.

(b) The passing standards for the College Level Academic Skills Test are described in Rule 6A-10.0312, FAC.

(c) The College Level Academic Skills Test scores shall be reported through a score report mailed to the examinee and through a report to the Department of Education.

(d) If an individual has met the passing standards for the College Level Academic Skills Test, the individual will not be required to retake this examination test to meet the requirements of Rule 6A-4.0021(2)(d), FAC.

~~(10)(11) Score reports for the reading, writing, mathematics, professional skills, and subject area examinations subtests.~~

(a) A properly authenticated score report is defined as the original score report issued directly by the test administration agency without any qualification, reservation, or irregularity.

(b) The examinee shall be sent two (2) authenticated score reports as described in Rule 6A-4.0021~~(10)(11)~~(a), FAC. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on the either the CG-20-01, Registration Application: Certification Examinations for Florida Educators or the

CG-20-02, Registration Application: Certification Examinations for Florida Educators ~~CG-20-01, Registration Application: Certification Examinations for Florida Educators.~~

(c) Official documentation of scores earned on each ~~subtest of the examination~~ for a temporary or for a professional certificate shall be the original authenticated score report as described in Rule 6A-4.0021~~(10)(11)~~(a), FAC., or a duplicate authenticated score report as described in Rule 6A-4.0021~~(10)(11)~~(e), FAC.

(d) Scores shall be reported as Pass or Fail for each subtest of the examination. The Commissioner of Education may provide additional score information to the examinee.

(e) An examinee may obtain a duplicate authenticated score report for a test administration by filing a written request and a fee. A fee is required for each duplicate score report that is requested. The fee shall be that amount necessary for the test administration agency to perform the service as agreed in the contract between the agency and the Florida Department of Education.

~~(11)(12) Review.~~

(a) An examinee who fails one (1) or more examination(s) subtests of the examination may file a written request with the test administration agency for handscoring of the examination(s) reading, mathematics, English language skills, subject area, or professional skills subtest that was failed. The request shall be filed within thirty (30) days of the date the score report was mailed by the test administration agency. The fee for handscoring one (1) or more examinations subtests shall be that amount necessary for the test administration agency to perform the service as agreed in the contract between the agency and the Florida Department of Education. The test administration agency shall notify the examinee of the results of the handscoring within thirty (30) days of receipt of the request and fee.

(b) An examinee who fails one (1) or more subtests of the examination(s) may review each examination subtest that was failed and bring to the Florida Department of Education's attention any scoring errors which may result in a passing score. The procedures for test review are listed below:

1. The examinee shall file a written request with Florida Teacher Examinations, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399, within sixty (60) days of the date the score report was mailed by the test administration agency. The Florida Department of Education shall notify the examinee when a date has been scheduled for the examinee's review of the materials in Tallahassee. On the review day, the examinee shall file with the Florida Department of Education a statement of specific scoring errors which may result in a passing score.

2. The Commissioner of Education shall notify the individual of the action on the statement of scoring errors not later than thirty (30) days from receipt of the statement.

~~(12)~~(13) Administration of the Praxis Series: Professional Assessments for Beginning Teachers before July 1, 2002. These examinations tests shall be administered as described in the Praxis Series Registration Bulletin which may be obtained from Educational Testing Service, Post Office Box 6051, Princeton, New Jersey, 08541-6051.

~~(13)~~(14) Scoring of the Praxis Series: Professional Assessments for Beginning Teachers.

(a) The scores listed below shall be considered minimum passing scores for the following examinations tests of the Praxis I: Academic Skills Assessments. Passing scores on the examinations tests may be used to satisfy the requirement of mastery of general knowledge, including the ability to read, write, and compute, ~~as referenced in Section 231.17(2)(b), Florida Statutes~~. Passing scores are required on one (1) subtest from each of the general knowledge areas of reading, writing, and mathematics. The list below shows the general knowledge areas, followed by the names of the subtests and the minimum passing scale scores. A passing score on either subtest for the area will meet the requirement.

Area/ <u>Subtest</u> Test	Scale Score
Reading	
Praxis I Pre-Professional Skills; Test: Reading #0710	172
Praxis I Computer-Based Academic Skills Assessment: Reading #0711	321
Writing	
Praxis I Pre-Professional Skills; Test: Writing #0720	171
Praxis I Computer-Based Academic Skills; Assessment: Writing #0721	318
Mathematics	
Praxis I Pre-Professional Skills; Test: Mathematics #0730	175
Praxis I Computer-Based Academic Skills Assessment: Mathematics #0731	317

(b) The scale score listed below shall be considered the minimum passing score for the following examination test of the Praxis II: NTE Programs Core Battery. A passing score on this examination test may be used to satisfy the requirement of mastery of professional skills as referenced in Section 231.17~~(5)(2)(b)~~, Florida Statutes.

Professional Education	Scale Score
Professional Knowledge #0520	657

(c) The scale scores listed below shall be considered minimum passing scores for the following examinations tests of the Praxis II: Subject Assessments and NTE Specialty Area examinations tests. Passing scores on the examinations tests may be used to satisfy the requirement of mastery of the subject matter in the certification area as referenced in Section 231.17~~(4)(2)(b)~~, Florida Statutes. The list shows the certification areas for which there are approved examinations

tests, followed by the names of the examinations tests and the minimum passing scale scores. If there is more than one (1) examination test listed for a certification area, a passing score on either examination test will meet the requirement.

Certification Area/ <u>Examination</u> Test	Scale Score
Elementary Education 1-6 Education in the Elementary School #0010	560
Elementary Education: Curriculum, Instruction and Assessment #0011	151
Emotionally Handicapped K-12 Teaching Students with Emotional Disturbance #0370	600
Guidance and Counseling PK-12 School Guidance and Counseling #0420	630
Mathematics 6-12 Mathematics #0060	620
Mentally Handicapped K-12 Education of Students with Mental Retardation #0320	580
Middle Grades English 5-9 English Language, Literature, and Composition: Content Knowledge #0041	165
Middle Grades Mathematics 5-9 Mathematics #0060	600
Physical Education K-8 Physical Education #0090	610
Prekindergarten/Primary PK-3 Early Childhood Education #0020	600
Primary Education K-3 Early Childhood Education #0020	600
School Social Worker School Social Worker #0210	640
Social Science 6-12 Social Studies #0080	560
Social Studies: Content Knowledge #0081	158
Specific Learning Disabilities K-12 Teaching Students with Specific Learning Disabilities #0380	590
Varying Exceptionalities K-12 Special Education #0350	590

~~(14)~~(15) Score reports for the National Teacher Examination Praxis examinations tests. A properly authenticated score report is defined as the original score report issued directly by the Educational Testing Service without any qualification, reservation, or irregularity.

Specific Authority 231.15(1), 231.17(4),(5),(8),(11), 231.30 FS. Law Implemented 231.145, 231.15, 231.17, 231.30 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Charlie Crist, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 16, 2001

DATE NOTICE OF PROPOSED DEVELOPMENT
PUBLISHED IN FAW: September 21, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Educational Leadership Examination

RULE NO.: 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt an updated examination application form and revise the test registration fee effective July 2002. The effect will be to provide an updated registration form for certification applicants.

SUMMARY: The rule adopts by reference the form to be used by persons desiring to register for the Florida Teacher Certification Examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 231.17(8), 231.30 FS.

LAW IMPLEMENTED: 231.17 FS.

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

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

PLACE: Supreme Court Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.00821 Florida Educational Leadership Examination.

(1) through (3) No change.

(4) Registration, late registration, and refunds.

(a) Registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. To register to take the examination, an applicant shall submit a completed application to the test administration agency. The completed application shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. Before July 1, 2002, a ~~A~~ completed application shall consist of the following:

a. A completed application Form CG-20-01, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-01, Registration Application: Certification Examinations for Florida Educators is hereby incorporated by reference and made a part of this rule to become effective July 2001. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

b. A fifty (50) dollar registration fee.

c. A charge of one hundred (100) dollars in addition to the fees described in Rule 6A-4.00821(4)(a)1.b., FAC., for certification applicants taking the examination on a supplemental administration date.

2. Beginning July 1, 2002, a completed application shall consist of the following:

a. A completed application Form CG-20-02, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-02 is hereby incorporated by reference and made a part of this rule to become effective July 2002. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

b. A sixty (60) dollar registration fee.

c. A charge of one hundred twenty-five (125) dollars in addition to the fees described in Rule 6A-4.0021(4)(a)2.b., FAC., for certification applicants taking a supplemental examination.

~~3.2-~~ An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in Rule 6A-4.00821(4)(b), FAC.

(b) Late registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. Before July 1, 2002, an ~~An~~ applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in Rule 6A-4.00821(4)(a)1., FAC., and submitting a thirty (30) dollar late charge. Beginning July 1, 2002, an applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in Rule 6A-4.00821(4)(a)2., FAC., and submitting a thirty (30) dollar late charge. All items shall be received by the test administration agency at least thirty (30) days preceding the examination date. Late registration shall be accepted on a space available basis.

(c) Refunds. Fees shall be refunded provided written requests for refunds are received by the test administration agency at least thirty (30) days preceding the examination date. Failure to appear for or to complete an examination shall result in forfeiture of fees.

(9) Score reports.

(a) No change.

(b) The examinee shall be sent two (2) authenticated score reports. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on either the CG-20-01, Registration Application: Certification Examinations for Florida Educators or the CG-20-02, Registration Application Certification Examinations for Florida Educators.

Specific Authority 231.15(1), 231.17(8),(11), 231.30(1) FS. Law Implemented 231.15, 231.17, 231.30 FS. History--New 12-25-86, Amended 1-11-89, 5-19-98, 10-5-99, 7-17-00, 7-16-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2001

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: September 21, 2001

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Florida Bridge Numbering Plan
RULE TITLE: Numbering Plan

RULE CHAPTER NO.: 14-49
RULE NO.: 14-49.003

PURPOSE AND EFFECT: This rule is considered to be obsolete and, therefore, is being repealed. This is part of an ongoing effort by the Office of the General Counsel to review and repeal any unnecessary rules. The law implemented relates to safety inspection of bridges, not specifically to bridge numbering. The Department bridge numbering plan is executed pursuant to an internal procedure.

SUMMARY: Rule 14-49.003, which shows the method used for numbering bridges, is being repealed. The rule is being repealed because it is considered to be obsolete and unnecessary.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(1), 335.074 FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-49.003 Numbering Plan.

Specific Authority 334.044(2) FS. Law Implemented 334.044(1), 335.074 FS. History--New 1-31-78, Formerly 14-49.03, Amended 1-3-90, 8-5-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Day, State Maintenance Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2001

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Toll Facilities Operations – Rules for Florida Guaranteed Toll Accounts	14-80
RULE TITLES:	RULE NOS.:
Purpose	14-80.001
Definitions	14-80.0011
Processing of the Application	14-80.003
Use of the Toll Cards	14-80.004
Monthly Billing	14-80.005
Termination	14-80.0051
Forms	14-80.006

PURPOSE AND EFFECT: This rule chapter is considered to be obsolete and, therefore, is being repealed. The Department will discontinue the use of guaranteed toll accounts effective November 1, 2001. This repeal is part of the ongoing effort by the Office of the General Counsel to review and repeal any unnecessary rules.

SUMMARY: The rule is being repealed because it is considered to be obsolete.

SPECIFIC AUTHORITY: 334.044(2), 334.187(4), 338.155(1) FS.

LAW IMPLEMENTED: 334.187, 338.155 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-80.001 Purpose.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 334.187, 338.155 FS. History--New 1-12-83, Formerly 14-80.01, Amended 10-11-94, Repealed.

14-80.0011 Definitions.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 334.187, 338.155 FS. History--New 1-12-83, Formerly 14-80.02, Amended 10-11-94, Repealed.

14-80.003 Processing of the Application.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 334.187, 338.155 FS. History--New 1-12-83, Formerly 14-80.03, Amended 10-11-94, 2-6-96, Repealed.

14-80.004 Use of the Toll Cards.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 334.187, 338.155 FS. History--New 1-12-83, Formerly 14-80.04, Amended 10-11-94, Repealed.

14-80.005 Monthly Billing.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 334.187, 338.155 FS. History--New 1-12-83, Formerly 14-80.05, Amended 10-11-94, Repealed.

14-80.0051 Termination.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 334.187, 338.155 FS. History--New 10-11-94, Repealed.

14-80.006 Forms.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 120.53(1), 334.187, 338.155 FS. History--New 1-12-83, Formerly 14-80.06, Amended 10-11-94, 2-6-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robin Naitove, Comptroller

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Close Management
RULE NO.: 33-601.800

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the conditions of confinement and the privileges provided to close management inmates.

SUMMARY: The proposed rule revises procedures related to placement and review of inmates in close management, assessment of needs and behavioral risk of close management inmates, provision of mental health services, inmate property and canteen access, exercise, programs, telephone access, visiting, dayroom access, restraint and escort requirements, and staff assignments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.800 Close Management.

(1) Definitions.

(a) No change.

(b) Medical Staff Clinical health care personnel – a health care professional whose primary responsibility is the provision of physical health care to inmates ~~physician, clinical associate, nurse, Correctional Medical Technician Certified (CMTC), psychologist, psychology intern, psychology resident or psychological specialist.~~

(c) Mental Health Staff – a health care professional whose primary responsibility is the provision of mental health care to inmates.

(d)(e) Close Management (CM) – the confinement of an inmate apart from the general population, for reasons of security or the order and effective management of the institution, where the inmate, through his or her ~~own~~ behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of others.

(e)(d) No change.

(f)(e) Individualized Service Close Management Plan (ISP) – a dynamic, written description of problems, goals, and services which is developed and implemented by the

multi-disciplinary services team (MDST) and the inmate. An ISP shall be developed and implemented for each CM inmate who suffers from mental impairment or is at significant risk for developing such impairment, as determined by mental health staff program plan developed for individual inmates determined to be at risk for deterioration of mental health functioning as a result of prolonged confinement. The plan utilizes a variety of therapeutic activities, prevention, and intervention components from available mental health and program resources to prevent potential deterioration of mental health and adaptive functioning.

(g)(f) Multi-disciplinary Services Close Management Program Team – a team of an interdisciplinary team of representatives from mental health, programs, classification, and security staff which assesses behavioral risk for each CM inmate and develops and implements an individualized service plan for each CM inmate who suffers from mental impairment or is at significant risk for developing such impairment, as This team develops and monitors close management plans for individual inmates in close management determined by mental health staff to be at risk for potential deterioration of mental health or adaptive functioning as a result of prolonged confinement.

(h) Critical Event – inmate involvement, after CM placement, in one or more of the following behaviors: suicide attempt or other action that could have caused serious bodily harm; homicide; attempted homicide; escape; attempted escape; physical assault; attempted physical assault.

(i)(g) Review – where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate's confinement status to determine if changes or modifications are required or recommended.

(j)(h) Visit – where used herein, refers to the official tour and inspection of a close management unit by a staff member.

(k)(i) Institutional Classification Team (ICT) – the team consisting of the warden or assistant warden, classification supervisor, and chief of security, that is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

(l)(j) Institutional Classification Team Docket – the official record of an ICT hearing.

(m)(k) Major Rule Violation – any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

(n)(l) Offender Based Information System (OBIS) – the department's computer offender database system which is utilized to organize and store security, classification, program and other offender information.

(o)(m) Restricted Labor Squad – an armed supervision work squad consisting of individually shackled close management II or III inmates who work outside the secure perimeter on institution grounds.

(p)(n) Senior Correctional Officer – a correctional officer lieutenant or above.

(e) Special risk inmate – any inmate who has demonstrated behavior that is harmful to himself or herself.

(q)(p) No change.

(2) No change.

(3) Procedures for Placement in Close Management.

(a) Close management is the confinement of an inmate apart from the general population, for reasons of security, or the order and effective management of the institution, where the inmate, through his or her own behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of others. The secretary shall designate which institutions are authorized to house close management inmates, based on the needs of the department.

(b) No change.

(c) Prior to docketing an inmate's case for close management, the classification supervisor will submit a referral to the senior psychologist for evaluation of the inmate utilizing the Close Management Referral Assessment, DC6-128. Form DC6-128 is incorporated by reference in subsection (19) ~~paragraph (18)~~ of this rule.

(d) Mental health staff will complete the close management referral assessment ~~mental health record review~~ within ~~five two~~ working days of receipt ~~and return it to of Form DC6-128 from~~ the classification supervisor. ~~If the senior psychologist determines that no further evaluation is needed, he or she will forward Form DC6-128 to the classification supervisor with relevant recommendations. If the senior psychologist determines that further evaluation is needed, either the senior psychologist or psychiatrist will conduct an interview and evaluation with the inmate to determine the treatment needs of the inmate. The senior psychologist or psychiatrist will forward Form DC6-128, Close Management Referral Assessment, to the classification supervisor with the recommendation for the inmate. The recommendation will include the following placement options: unrestricted placement, placement in a close management facility in which there is a provision for out patient mental health services, placement in a close management facility where intensive mental health services are available, or close management not recommended because of the inmate's current mental health condition. A summary of the clinical findings upon which the recommendation is based shall be provided to the classification supervisor.~~

(e) Upon receiving the completed close management referral mental health assessment, the classification supervisor will submit the case for ICT Docket. The ICT will evaluate the recommendations for close management placement and the

mental health assessment, interview the inmate, and document its findings and recommendations on the Report of Close Management, Form DC6-233C. Form DC6-233C is incorporated by reference in subsection (19) paragraph (18) of this rule. The inmate will be given a minimum of forty-eight hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. Form DC6-265 is incorporated by reference in subsection (19) paragraph (18) of this rule. The inmate may present information verbally or in writing for consideration by the ICT. The team will document on Form DC6-233C that the inmate was informed of his or her allotted time to prepare for the review. The ICT is authorized to postpone the case review to allow an inmate additional time to prepare. If an extension of time is given, the team will document such postponement on form DC6-233C.

(3)(f) through (5) No change.

(6) Close Management Facilities.

(a) No change.

(b) The only exception to paragraph Section (6)(a) is during an emergency situation as declared by the warden or duty warden. The emergency will be made known to the regional director and to the emergency action center in the central office. If the exception exists in excess of 24 hours, the warden or duty warden must get specific authorization from the regional director to continue to house inmates beyond the 24 hour period in such conditions.

(c) through (d) No change.

(e) Water Supply to CM Units. All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. Misbehavior is defined as any activity exhibited by an inmate which causes an interruption in the water system and its proper function, such as intentionally clogging a toilet bowl or sink with paper in order to then flood the housing area. It also includes the intentional misuse of the water for such purposes as throwing it on staff or other inmates, or mixing it with another substance for an unauthorized purpose (inmate mixes water with soap or shampoo and apply to the floor or himself or herself to hinder cell extraction). In such event, the inmate will be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to established procedures regarding disciplinary action. Any misbehavior from an inmate and subsequent action by security staff will be documented on the Daily Record of Segregation, Form DC6-229. Form DC6-229 is incorporated by reference in subsection (19) paragraph (18) of this rule.

(f) Prior to placement of an inmate in a close management cell, the cell will be thoroughly inspected by the housing officer to ensure that it is in proper order. The housing officer shall document the cell's condition on Form DC6-221, Cell Inspection. After such time, the inmate housed in that cell will

be responsible for the condition of the cell. Form DC6-221 is incorporated by reference in subsection (19) paragraph (18) of this rule.

(g) No change.

(h) Inmates shall be weighed upon entering close management, at least once a week while in close management, and upon leaving close management. The weight of the inmate shall be documented on Form DC6-229, Daily Record of Segregation.

(7) Individualized Service Close Management Plan (ISP) (CMP).

(a) The multi-disciplinary services close management program team consisting of representatives from mental health, programs, classification, and security will develop an ISP, Form DC4-643A, complete a CMP when deemed necessary by mental health clinical staff. Form DC4-643A is incorporated by reference in subsection (19) of this rule.

(b) The ISP CMP will be developed based on the inmate's needs assessment and will take into consideration the inmate's behavioral risk, as determined by the MDST in accordance with subsection (8) of this rule CM level.

(c) The ISP CMP will incorporate mental health, programs, and other services required to address identified problems and to prevent the development or exacerbation of mental and other adjustment problems therapeutic activities and may include prevention and intervention components. The purpose of the plan will be to increase sensory stimulation using a variety of activities from available mental health and program resources.

(d) An ISP shall be established within 14 days of CM placement of each inmate who suffers from mental impairment, or who is at significant risk for developing such impairment, as determined by mental health staff.

(e) If an ISP exists at the time of CM placement, it shall be updated within 14 days of CM placement to reflect current problems, goals, services, and providers. The ISP shall also be updated within 14 days of an inmate's transfer between CM institutions.

(f) The MDST shall review, and if indicated, revise the ISP as needed, but not less frequently than the following:

1. Within three working days of the inmate's involvement in a critical event.

2. Within 30 days of establishing or updating an ISP.

3. 120 days after the initial (30 day) review.

4. Every 180 days after the 120 day review, until mental health staff determines that ongoing mental health care is no longer necessary, at which time the ISP will be closed.

(g) The ISP shall be signed by each member of the MDST.

(8) Behavioral Risk Assessment.

(a) The MDST shall determine behavioral risk of each CM inmate by completing the Behavioral Risk Assessment, Form DC4-729. Form DC4-729 is incorporated by reference in subsection (19) of this rule.

(b) Behavioral risk shall be determined as follows:

1. Within three working days of the inmate's involvement in a critical event.

2. Within 14 days of CM placement.

3. Each time that the MDST reviews the ISP.

(c) Security shall consider results from the behavioral risk assessment and other information relevant to staff and inmate safety and institutional security in determining the level of restraints required during out-of-cell activities such as individual or group counseling.

(d) The ICT shall consider results from the behavioral risk assessment and other information relevant to institutional adjustment, staff and inmate safety, and institutional security when making recommendations for modification of the inmate's CM status.

(e) The SCO shall consider results from the behavioral risk assessment, results from mental health evaluations that have been completed, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security in its review of ICT recommendations made after CM placement.

(9) Mental Health Services.

(a) Chapter 33-404, F.A.C., Mental Health Services, shall apply to CM inmates except where otherwise specified herein.

(b) CM inmates shall be allowed out of their cells to receive mental health services as specified in an ISP unless, within the past 48 hours, the inmate has displayed hostile, threatening, or other behavior that could present a danger to others. Security staff shall determine the level of restraint required while CM inmates access services outside their cells.

(10)(8) Conditions and Privileges.

(a) through (b) No change.

(c) Personal Property – Inmates shall be allowed to retain personal property including stamps, watches, rings, writing paper, envelopes and health and comfort items unless there is a indication of a security problem. Close management inmates at all levels shall be allowed to possess a “walkman” type radio with approved headphones as is allowed for general population inmates. Exceptions or removal of any item will be documented on the DC6-229. An Inmate Impounded Personal Property List, Form DC6-220, will be completed by security staff and signed by the inmate designating what personal items were removed. The original will then be placed in the inmate's property file and a copy of the form will be given to the inmate for his or her records. If items of clothing, bedding or personal property are removed in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final

determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. Radios are not authorized for an inmate in close management. Form DC6-220 is incorporated by reference in Rule 33-602.220, F.A.C.

(d) No change.

(e) Personal Hygiene – Inmates in close management shall meet the same standards in regard to personal hygiene as required of the general inmate population.

1. No change.

2. Male inmates shall be required to shave at least three times per week. The possession and use of shaving powder in close management is prohibited. An inmate housed in close management who is medically exempt from using shaving razors will be clipper-shaved at least three times per week.

3. Hair care shall be the same as that provided to and required of the general population inmates.

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

(g) Canteen Items.

1. Inmates in CMI and II, following 30 days satisfactory adjustment, will be allowed to make canteen purchases once per week ~~month~~ unless restricted by disciplinary action. ~~Canteen purchases are subject to the following limitations, unless modified by the ICT:~~

~~±~~ Inmates in CMI and II will be allowed to purchase up ~~restricted to a limit of~~ five non-food items and five food items. In making this determination, with the exception of stamps and notebook paper, it is the number of ~~non-food~~ items that is counted not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

2. Inmates in CMIII, following 30 days satisfactory adjustment, will be allowed to make canteen purchases once ~~each every two~~ weeks unless restricted by disciplinary action. ~~Canteen purchases are subject to the following limitations, unless modified by the ICT:~~ Inmates in CMIII will be allowed to purchase up ~~restricted to~~ five non-food items and ~~ten~~ four food items. In making the determination, with the exception of

stamps and notebook paper for food, it is the number of food items that is counted not the type of item. For example, three packages of cookies count as three items, not one item.

3. Any disciplinary reports received by an inmate in which there is a guilty finding and placement in disciplinary confinement or suspension of canteen privileges between the time that he or she requests canteen food items and the delivery of those items will result in disapproval of the requested items.

4. ~~The ICT has the authority to suspend privileges for canteen purchases when the inmate fails to comply with the rules and procedures established for close management. Any action taken by the ICT regarding the suspension or limiting of privileges will be documented on the Daily Record of Segregation, DC6-229.~~

(h) No change.

~~(i) Counseling Interviews – Counseling shall be provided to close management inmates in cell or out of cell when deemed necessary by mental health staff. The ICT will determine whether an inmate in close management may be removed from his or her cell to attend any counseling session when they determine that it is safe to do so, or whether counseling must take place in cell.~~

(i)(+) Legal Access – An inmate in close management will have access to his or her personal legal papers and law books and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate's cell, and access to visits with research aides certified inmate law clerks. Although the inmate may not be represented by an attorney at any administrative hearing under this rule, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes for this purpose by completing Form DC6-251, CMI and II Canteen Order, or Form DC6-252, CMIII Canteen Order, within the stated time frames. Forms DC6-251 and DC6-252 are incorporated by reference in subsection (19) paragraph (18) of this rule. Typewriters or typing services are not considered required items and will not be permitted in confinement cells. Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a research aide certified law clerk for the purpose of preparing legal documents, legal mail, and filing grievances.

(k) through (l) renumbered (j) through (k) No change.

~~(l)(+) Reading materials – Reading materials, including scriptural or devotional materials and books that are in compliance with admissibility requirements, are allowed in close management units unless there is an indication of a threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security or sanitation risk, the~~

items will be removed. Such removal of reading materials will be documented on Form DC6-229, Daily Record of Segregation. If items are removed in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. An inmate who receives services from the Bureau of Braille and Talking Book library will be allowed to have his tape player, devotional or scriptural material tapes, and other books on tape which are in compliance with Rule 33-501.401, F.A.C.

~~(m)(+) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the confinement officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Segregation, Form DC6-229. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. In this instance, a major rule violation is defined as: any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the Daily Record of Segregation, Form DC6-229. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise and take into account the particular inmate's limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.~~

(n) At a minimum, wellness services for close management inmates at all levels shall be provided through cell-front tutoring, wellness puzzles, and the wellness education course.

~~(11)(9)~~ Programs and Privileges in Close Management Units.

(a) While in a close management unit, an inmate's movement within the institution and contacts with other individuals will be restricted. Privileges will also be limited depending on the specific close management level. If an inmate transfers to a less restrictive level due to satisfactory adjustment, the adjustment period required for any privilege shall be waived.

(b) CMI. Privileges for an inmate assigned to CMI who maintains a satisfactory adjustment are as follows:

1. Participation in available approved programs, including in-cell educational opportunities, that the inmate can perform within the cell unless precluded by safety or security concerns after a minimum period of at least 60 days with a clear disciplinary record since assignment to close management;

2. Check out three one soft-back book from the library at least once per week and possess no more than three one soft back books at any given time. An inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to check out three one books on tape per week and possess no more than three books one at any given time, even though the actual number of tapes may be more than three one per book;

3. Conduct routine inmate bank transactions once per month;

4. Subscribe to one magazine and newspaper as provided for in Rule 33-210.101, F.A.C., and possess no more than four issues of each at any given time; and an inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to receive up to four issues of a magazine;

5. Make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every 30 days following 30 days of satisfactory adjustment as well as emergency telephone calls and telephone calls to an attorney as explained in Rule 33-602.205;

6. Receive one two-hour non-contact a personal visit by appointment after completing 30 60 days of satisfactory adjustment in close management status and having no major rule violations maintained a clear disciplinary record during this period since assignment to close management. If found guilty of any major rule violations disciplinary infractions while assigned to CMI, the inmate is eligible to be considered for visits 30 60 days following release from disciplinary confinement or the disciplinary hearing, if a penalty other than disciplinary confinement was imposed;

7. The inmate is eligible to receive one two-hour non-contact personal visits by appointment after each subsequent 30 60 day period with no major rule violations a continued clear disciplinary record and satisfactory adjustment while in the status unless security or safety concerns would preclude a visit. All visits for CMI inmates in CMI will be non-contact visits.

(c) CMII. In addition to the programs provided for CM I inmates and those privileges outlined in ~~(11)(9)(b)1.-4.5.~~ of this rule, the following privileges are authorized: cell front counseling and program offerings shall be made available to inmates who desire to participate.

1. CMII inmates will be eligible to receive one two-hour non-contact personal visits by appointment:

a.1. After completing 30 days of satisfactory adjustment in close management status and having no major rule violations maintained a clear disciplinary record since being assigned to close management.

b.2. If found guilty of any major rule violations disciplinary infraction while assigned to CMII, the inmate is eligible to be considered for a visits 30 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed, with no major rule violations a continued clear disciplinary record.

c.3. The inmate is eligible to receive personal visits by appointment after each subsequent 14 30 day period with no major rule violations a continued clear disciplinary record and satisfactory adjustment while in the status unless security and safety concerns would preclude a visit. All visits for inmates in CMII will be non-contact visits.

2. CMII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every 14 days after 30 days of satisfactory adjustment as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.

3. CMII inmates, following 30 days satisfactory adjustment, shall be allowed access to the day room area for social purposes to include watching television programs for up to two days per week, not to exceed 4 hours per occasion or to extend beyond 10:00 PM. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the shift supervisor in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff as well as staff available for response should a problem develop. CMII inmates will be restrained during the above-described dayroom access unless determined by the chief of security that the inmate can safely participate without restraints.

(d) CMIII. In addition to the programs privileges provided above for CM I inmates, and those privileges outlined in ~~(11)(9)(b)1.-4.5.~~ of this rule, the following privileges are authorized: cell front or out of cell counseling and program offerings shall be made available to inmates who desire to participate.

1. CM III inmates will be entitled to the following:

a.1. One two-hour contact A personal visit by appointment after completing 30 days of satisfactory adjustment in close management status and having no major rule violations

~~maintained a clear disciplinary record since being assigned to close management. CMIII inmates shall be subject to placement on non-contact status as outlined in Rule 33-601.709, F.A.C.~~

~~b.2- If found guilty of a disciplinary infraction while assigned to CM III, the inmate is eligible to be considered for visits 14 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed, and the inmate has no major rule violations a ~~continued clear disciplinary record.~~~~

~~c.3- The inmate is eligible to receive one two-hour contact personal visits by appointment after each subsequent 14 day period with no major rule violations a ~~continued clear disciplinary record and satisfactory adjustment~~ while in the status unless security or safety concern would preclude a visit. The warden will determine ~~the conditions of the visit, whether the visit is to be contact or non-contact,~~ and the level of supervision and restraint required.~~

~~2.4- Day room privileges after 30 days six continuous months with a clear disciplinary record and above satisfactory adjustment shall be allowed access to the day room area for social purposes to include watching television programs for up to five days per week, not to exceed 4 hours per occasion or to extend beyond 10:00 p.m. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the shift supervisor in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff as well as staff available for response should a problem develop within the close management unit unless security and safety concerns would preclude day room activities. This privilege will be limited to once per week for up to two hours in duration. CMIII inmates shall not be restrained for dayroom activities unless security or safety concerns require otherwise.~~

~~3. CMIII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every seven days after 30 days of satisfactory adjustment as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.~~

~~(12)(10) Suspension of Privileges.~~

~~(a) In addition to the suspension of privileges through disciplinary action, the ICT has the authority to suspend privileges for inmates in close management status who fail to comply with the rules and procedures established for close management.~~

~~(b) The ICT shall suspend an inmate's privileges if security and safety concerns would preclude an inmate from receiving certain privileges. Any action taken by the ICT regarding the suspension or limiting of privileges will be~~

documented on the Daily Record of Segregation, Form DC6-229. Privileges suspended by the ICT in excess of ~~30~~ 90 days will require the review and approval of the SCO.

~~(13)(11) No change.~~

~~(14)(12) Restraint and Escort Requirements.~~

~~(a) CMI.~~

~~1. Prior to opening a cell for any purpose, including exercise, health care medical or disciplinary call-outs, telephone calls, recreation, and visiting, the all inmates in the cell shall be handcuffed behind his or her their backs. If documented medical conditions require that the inmates be handcuffed in front, waist chains will be used in addition to the handcuffs and the escort officers shall be particularly vigilant.~~

~~2.(b) No change.~~

~~3.(e) Prior to escorting an inmate from a cell the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit or designated adjacent exercise area, leg irons and other restraint devices shall be applied.~~

~~(b) CMII. The same restraints and escort requirements as provided for CMI inmates above apply to CMII inmates with the exception that the senior correctional officer shall be authorized to approve unrestrained participation in group and individual counseling, dayroom access, and inside work assignments.~~

~~(c) CMIII. Unless precluded by specific safety and security concerns, CMIII inmates shall be escorted within the unit and to exercise areas attached to the unit as well as to all program and privilege activity participation without restraints. The warden shall base any determination to require restraints on the security and safety needs of his or her individual institution and CM unit.~~

~~(d) Due to the unique mission of close management units, it is understood that more than one inmate may be out of his or her cell within the unit at any one time. However, whenever inmates are being escorted in restraints, there shall be one officer with each inmate and the inmates shall be kept at a distance from each other which would preclude any unauthorized physical contact. Extreme care shall be exercised when escorting restrained inmates in areas where unrestrained inmates are present. When possible, unrestrained inmates will be returned to their cells, removed from the wing or, at a minimum, closely supervised by additional staff until the escort of restrained inmates is completed.~~

~~(15)(13) Contact by Staff.~~

~~(a) The following staff members shall be required to officially inspect and tour the close management unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in subsection (19) paragraph (18) of this rule. The staff member shall also document his or her visit on the Daily Record of Segregation, Form DC6-229, if there is any discussion of significance, action or behavior of the~~

inmate, or any other important evidential information which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

1. through 3. No change.
4. Daily by medical staff ~~a clinical health care person.~~
5. through 6. No change.
7. Weekly by ~~a psychologist or his or her mental health staff designee.~~
8. through 9. No change.
10. ~~At least once a month by a member of the ICT to ensure that the inmate's welfare is properly provided for, and to determine the time and method of release or any program changes.~~

(14) Special Risk Inmates.

(a) ~~Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the health services department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated.~~

(b) ~~Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist/Restraint Observation Checklist, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an Incident Report, Form DC6-210. Form DC4-650 is incorporated by reference in paragraph (18) of this rule. Form DC6-210 is incorporated by reference in Rule 33-602.210.~~

(16)(15) Review of Close Management.

(a) An ICT member shall review inmates in close management at least once every week for the first 60 days and once every 30 days thereafter. The purpose shall be toward reducing the inmate's status to the lowest management level or returning the inmate to general population as soon as the facts of the case indicate that this can be done safely. During the review, the ICT shall consider the results of the behavioral risk assessments and mental health evaluations that have been completed prior to the review, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security.

(b) ~~Any inmate assigned to close management for more than 30 days shall be given a psychological screening assessment by mental health professional staff to determine the inmate's mental condition. The assessment shall include a personal interview if deemed necessary by mental health staff. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT with the facts of the case. The ICT~~

~~shall then make a decision regarding continuation of confinement. Any recommendations by the psychologist or psychologist specialist that the inmate be released from close management shall be forwarded by the ICT to the SCO. If the decision is to continue confinement, a new psychological screening assessment shall be completed at least every 90-day period.~~

(c) ~~The close management program team (CMPT) will review each CMP at least 30 days after the implementation of the plan and at least every 60 days thereafter. However, the CMPT shall meet within 7 days if mental health staff determine that more immediate attention is required. All changes and modifications will be documented on the inmate's CMP. The CMPT's review (and interview, if necessary) will include the following:~~

1. ~~A status assessment of the inmate's participation;~~
2. ~~A status evaluation of the close management plan's objectives and goals, and the ability to meet the inmate's needs;~~
3. ~~A determination if changes or modifications to the current plan are needed.~~
4. ~~The CMP will be available in the CM unit. The original will be placed in the mental health record. All changes to the plan will be attached to the original mental health record and the copy maintained in the CM unit.~~

(b)5. ~~All services provided by any mental health or program staff member shall be recorded on the Daily Record of Segregation, Form DC6-229 Close Management Activity Participation Log, Form DC6-129, which shall be kept in the officers' station of the CM unit. When the form has been completely filled-out or the inmate has been released from the CM unit, a copy shall be placed in the inmate file and the original shall be filed in the mental health record. Form DC6-129 is incorporated by reference in (18) of this rule.~~

(c)(d) ~~No change.~~

(d)(e) The ICT shall review the report of close management prepared by the classification officer, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security, and insert any other information regarding the inmate's status and interview the inmate. The ICT's recommendation shall be documented in OBIS and the Report of Close Management, Form DC6-233C. If it is determined that no justifiable safety and security issues exists for the inmate to remain in close management the ICT shall forward their recommendation for release to the SCO for review. For an inmate to remain in close management the ICT shall justify the safety and security issues or circumstances that can only be met by maintaining the inmate at the current level or a lower level of management.

(e)(f) The SCO shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from

close management status is appropriate. The SCO shall review all reports prepared by the ICT concerning an inmate's close management status, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security and may interview the inmate before determining the final disposition of the inmate's close management status. If it is determined that no justifiable safety and security issues exist for the inmate to remain in close management the SCO shall cause the inmate to be immediately released. For an inmate to remain in close management, the SCO shall determine based on the reports and documentation that there are safety and security issues or circumstances for maintaining the inmate at the current level or at a lower level of management. The SCO's decision shall be documented in OBIS and the Report of Close Management, Form DC6-233C. The ICT shall advise the inmate of the SCO's decision.

~~(17)~~(16) Close Management Records.

(a) No change.

(b) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as he is in close management. Form DC6-229 shall be utilized to document any activities, including cell searches, items removed, showers, recreation, haircuts and shaves. If items that inmates in close management are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer must approve the action initially. The Central Office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the chief of security shall make the final decision in regard to the action no later than the next working day following the action. Staff shall re-assess the need for continued restriction every 72 hours thereafter as outlined in subsection (10) of this rule. The confinement housing officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229 shall be maintained in the housing area for 30 days. After each 30 day review of the inmate, Form DC6-229 shall be forwarded to the ICT for review. Once reviewed, these forms shall be forwarded to classification to be filed in the institutional inmate record.

(c) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each close management area. Each staff person shall sign the record when entering and leaving the confinement area. Prior to leaving the confinement area, each staff member shall indicate any specific problems, ~~including any inmate who requires special attention.~~ Upon completion, Form DC6-228 shall be maintained in the housing

area and forwarded to the chief of security on a ~~daily~~ weekly basis where it shall be maintained on file pursuant to the current retention schedule.

~~(18)~~(17) Staffing Issues.

(a) Officers assigned to a confinement unit shall be ~~reviewed~~ ~~rotated to another assignment~~ every 18 months ~~for a period of at least one year by the chief of security to determine whether a rotation is necessary.~~ The chief of security shall review personnel records, to include performance appraisals, incident reports, uses of force, and any other documentation relevant to the officer's assignment and job performance; interview the officer and the officer's supervisors for the period of review; and shall make a recommendation to the warden as to the necessity of a rotation. The warden shall review the recommendation, request additional information, if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another assignment. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) No change.

~~(19)~~(18) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

~~(a) Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date 2-12-01.~~

~~(a)~~(b) Form DC6-128, Close Management Referral Assessment, effective date _____ ~~2-1-01.~~

~~(c)~~ Form DC6-129, Close Management Activity Participation Log, effective date 2-1-01.

(b) Form DC4-643A, Individualized Service Plan, effective date _____.

~~(c)~~(d) Form DC6-221, Cell Inspection, effective date _____ ~~2-12-01.~~

(d)~~(e)~~ No change.

~~(e)~~(f) Form DC6-229, Daily Record of Segregation, effective date _____ ~~2-12-01.~~

~~(f)~~(g) Form DC6-233C, Report of Close Management, effective date _____ ~~2-1-01.~~

~~(g)~~(h) Form DC6-251, CMI and II Canteen Order, effective date _____ ~~2-1-01.~~

~~(h)~~(i) Form DC6-252, CMIII Canteen Order, effective date _____ ~~2-1-01.~~

(i)~~(j)~~ No change.

(j) Form DC4-729, Behavioral Risk Assessment, effective date _____.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-601.801-.813, Substantially Amended 2-1-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Dugger
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 15, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 28, 2001

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE TITLE: Residency Criteria and Admission Procedures
RULE NO.: 58A-5.0181

PURPOSE AND EFFECT: The proposed amendment clarifies paragraph (a) of subsection (2) of Rule 58A-5.0181, F.A.C., and corrects DOEA Form 1823, dated March 1999, to correspond with the definition of physician.

SUMMARY: The Residency Criteria and Admission Procedures rule is amended to include a physician assistant as an examiner and provider of certain medical examination reports and the Resident Health Assessment form signature tag is accordingly corrected and revised.

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: 400.407, 400.426, 400.441 FS.
LAW IMPLEMENTED: 400.402, 400.407, 400.4075, 400.426, 400.441 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 p.m. – 10:00 p.m., Monday, November 19, 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-5.0181 Residency Criteria and Admission Procedures.

- (1) No change.
- (2) HEALTH ASSESSMENT.

(a) Within 60 days prior to the residents admission to a facility but no later than 30 days after admission, the individual shall be examined by a physician, physician assistant, or advanced registered nurse practitioner who shall provide the administrator with a medical examination report, or a copy of the report, which addresses the following:

- 1. through 8. No change.
- (b) through (g) No change.
- (3) through (5) No change.

Specific Authority 400.407, 400.426, 400.441 FS. Law Implemented 400.402, 400.407, 400.4075, 400.411, 400.414, 400.4178, 400.419, 400.4255, 400.426, 400.428, 400.441, 400.447, 400.452 FS. History—New 9-17-84, Formerly 10A-5.181, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0181, Amended 10-30-95, 6-2-96, 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 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 21, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE TITLES:	RULE NOS.:
Purpose of Ambulatory Patient	
Data Reporting	59B-9.010
Submission of Ambulatory Patient Data	59B-9.011
Definitions	59B-9.013
Reporting Instructions	59B-9.015
Ambulatory Patient Data Format – Data	
Elements and Codes	59B-9.018
Ambulatory Patient Data Format –	
Record Layout	59B-9.019
Data Standards	59B-9.020

PURPOSE AND EFFECT: The proposed rule amendments eliminate report requirements for radiation therapy as these requirements substantially duplicate reporting requirements in Rule 64D-3.006.

The proposed rule amendments require that cardiac catheterization laboratories report separately for each separate location. The current rule explicitly requires reporting entities to submit separate reports for each separate location with the exception of cardiac catheterization laboratories. The proposed amendment adds an explicit reference to cardiac catheterization laboratories, requiring separate reports for each separate location.

The proposed rule clarifies that reporting the data element, patient status, is required. The current rule states that patient status is required in Rule 59B-9.018 and 59B-9.020, and the

current rule states that patient status is optional in Rule 59B-9.019. The proposed rule amendment eliminates the reference to optional reporting in Rule 59B-9.019.

SUMMARY: The agency is proposing amendments to Rules 59B-9.010, 59B-9.011(1), 59B-9.013, 59B-9.015, 59B-9.018, 59B-9.019, 59B-9.020 that will eliminate the reporting of patient visits for which the services provided are limited to radiation therapy. The agency is proposing an amendment to Rule 59B-9.011(3) that will require cardiac catheterization laboratories to submit a separate report for each separate location. The agency is proposing an amendment to Rule 59B-9.019(2)(aaaa) that deletes a reference to optional reporting of the data element, patient status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062, 408.063, 408.07 FS.

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

TIME AND DATE: 10:00 a.m., November 20, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Elizabeth Dye, Bureau Chief, State Center for Health Statistics, 2727 Mahan Drive, Mail Stop #16, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

59B-9.010 Purpose of Ambulatory Patient Data Reporting.

The reporting of ambulatory patient data will provide a statewide integrated database of ambulatory surgical procedures ~~and certain radiological procedures~~ and permit assessment of variations in utilization, practice parameters, access to ambulatory care and estimates of cost trends for ambulatory procedures. The amendments appearing herein are effective with the reporting period starting January 1, 2003 ~~January 1, 1999~~.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.010, Amended 6-29-95, 12-28-98, _____.

59B-9.011 Submission of Ambulatory Patient Data.

(1) The following entities shall submit ambulatory patient data and reports to the Agency for Health Care Administration (AHCA or agency):

- (a) All licensed short-term acute care hospitals;
- (b) All licensed ambulatory surgical centers as defined in s. 395.002(3)(4), F.S.;

~~(c) All freestanding radiation therapy centers defined in s. 408.07, F.S.;~~

~~(c)(d) All lithotripsy centers defined in s. 408.07, F.S.;~~

~~(e) All physicians licensed pursuant to Chapter 458, F.S., or Chapter 459, F.S., who practice within the specialty of diagnostic or therapeutic radiology and who wholly own and operate as a freestanding center providing treatment through the use of radiation therapy machines registered under s. 404.22, F.S. "Wholly own" includes ownership of the physician and their immediate family members to include spouse, children, parents, brothers and sisters;~~

~~(d)(f) All cardiac catheterization laboratories defined in s. 408.07, F.S.~~

(2) No change.

(3) Each facility in (1)(a) above shall submit a separate report for each location per 59A-3.203, F.A.C. Each facility in (1)(b) above shall submit a separate report for each location per 59A-5.003, F.A.C. Each facility or provider in (1)(c) or (1)(d) ~~(1)(e), (1)(d) or (1)(e)~~ above shall submit a separate report for each separate location.

(4) through (7) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.07, 408.08 FS. History—New 9-6-93, Formerly 59B-7.011, Amended 6-29-95, 12-28-98, 7-11-01, _____.

59B-9.013 Definitions.

(1) through (5) No change,

(6) Each "Ambulatory Center" is required to report ambulatory patient data. For purposes of this rule, ambulatory center includes freestanding ambulatory surgery centers, short-term acute care hospitals, ~~radiation therapy centers,~~ lithotripsy centers, and cardiac catheterization laboratories ~~and providers of radiation therapy.~~

(7) through (9) No change.

Specific Authority 408.15(8) FS. Law Implemented 395.002, 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.013, Amended 6-29-95, 12-28-98, 7-11-01, _____.

59B-9.015 Reporting Instructions.

(1) No change.

(2) Ambulatory centers shall report data for all non-emergency room ambulatory or outpatient visits in which surgery ~~the following services are provided:~~

~~(a) Surgery services were performed by a licensed physician and to which the following services provided correspond to~~ Current Procedural Terminology (CPT) codes ~~are assigned: CPT codes~~ 10000 through 69999 and 93500 through 93599. Codes must be valid in the current or the immediately preceding year's code book to be accepted.

~~(b) Radiological services listed in the Current Procedural Terminology (CPT) codes 77000 through 77999.~~

(3) No change.

(4) ~~For each patient visit, ambulatory Ambulatory~~-centers shall report all services provided ~~to an ambulatory surgical, cardiac catheterization or radiation therapy patient~~ using CPT or the Health Care Financing Administration Common Procedure Coding System (HCPCS) codes.

(5) through (6) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.015, Amended 6-29-95, 12-28-98, 1-4-00, 7-11-01,_____.

59B-9.018 Ambulatory Patient Data Format – Data Elements and Codes.

(1) No change.

(2)(a) through (xxx) No change.

(yyy) ~~Blank Field Radiation Therapy Visits~~ A two character alpha-numeric field to be left blank. ~~If the primary procedure code is between 77000-77999, inclusive, enter the total number visits included in this record. For Radiation Oncology visits only. If the primary procedure is not between 77000-77999, inclusive, report 01.~~

(zzz) through (cccc) No change.

(3) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.018, Amended 6-29-95, 12-28-98, 7-11-01,_____.

59B-9.019 Ambulatory Patient Data Format – Record Layout.

“Type” means (A)lpha or (N)umeric or combination field. “Justification” is either (R)ight or (L)eft. The data elements for each ambulatory patient data record must have a logical record length of 400 characters with the following record layout:

(1) No change.

(2)(a) through (xxx) No change.

(yyy) ~~BLANK FIELD RADIATION THERAPY VISITS~~ A/N L R 2 323-324

(zzz) No change.

(aaaa) ~~PATIENT STATUS (OPTIONAL)~~ A/N L 2 329-330

(bbbb) through (cccc) No change.

(3) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.019, Amended 6-29-95, 12-28-98, 7-11-01,_____.

59B-9.020 Data Standards.

(1) through (11) No change.

(12) Primary Procedure Code is required. Must be CPT codes between 10000 and 69999, inclusive, or between 93500 and 93599, inclusive, ~~or between 77000 and 77999, inclusive.~~ Space filled fields between two successive codes procedure fields will create an error. Use CPT codes that are current. Codes must be valid in the current or immediately preceding

year’s code book to be accepted. Use of HCPCS codes (other than CPT codes in the ranges cited above) in this field are an error.

(13) through (32) No change.

~~(33) Blank Field is a blank fill entry. Radiation therapy visits field must equal 01 unless the primary procedure code is between 77000-77999, inclusive. If the primary procedure code is between 77000-77999, inclusive, enter the total number of visits included in this record.~~

(34) through (37) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.020, Amended 6-29-95, 12-28-98, 7-11-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elizabeth Dye, State Center for Health Statistics Administrator, State Center for Health Statistics

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: RULE NO.:

Qualification for Certification 61G4-15.001

PURPOSE AND EFFECT: This rule amendment establishes the elements of a sixty (60) hour course of instruction in order to meet the qualifications for eligibility to take the swimming pool/spa servicing contractor’s examination.

SUMMARY: Chapter 2001-117, Laws of Florida, amended §489.111(2)(c)6.d., Fla. Stat., to provide that an applicant would be eligible to take the swimming pool/spa servicing contractor’s examination if he or she completed 60 hours of instruction in courses related to the scope of work covered by that license and approved by the Construction Licensing Industry Board by rule. This rule amendment would provide standards for approval of such courses and their content.

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

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

SPECIFIC AUTHORITY: 489.111(2)(c), 489.115, 489.119, 489.129(3) FS.

LAW IMPLEMENTED: 489.105(3), (6), 489.111(2)(c), 489.119, 489.129(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Suzanne Lee, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.001 Qualification for Certification.

(1) through (4) No change.

(5) An applicant wishing to sit for the swimming pool/spa servicing contractor certification examination must submit proof that he meets the requirements of Section 489.111(2)(c)6.d., F.S., by demonstrating one year of proven experience related to the scope of work of a swimming pool/spa servicing contractor as defined in Section 489.105(3)(l), F.S., performed under the supervision of a certified or registered commercial pool/spa, residential pool/spa, or pool/spa servicing contractor, and demonstrating satisfactory completion of a sixty-hour course of instruction, approved by the Board pursuant to Rule 61G4-18.004, F.A.C., and conducted by a course provider registered pursuant to Rule 61G4-18.003, F.A.C., that consists of the following:

(a) One (1) hour each of instruction covering workers' compensation insurance, workplace safety, contracting business practices, and the pool safety equipment provisions of Chapter 515, Florida Statutes, and the Florida Building Code;

(b) Sixteen (16) hours of instruction consisting of the Certified Pool Operator Course of the National Swimming Pool Foundation or a substantially equivalent course. Training courses approved by the Department of Health pursuant to Rule 64E-9.018, F.A.C., shall be deemed substantially equivalent courses; and

(c) Forty (40) hours of instruction utilizing the National Spa and Pool Institute "Basic Pool and Spa Technology Textbook" (2001 edition), or substantially equivalent materials, and including instruction on the following topics: Structures – Pool Structures & Finishes; Spa & Hot Tub Structures, Finishes & Equipment Packs; Circulation System – Circulation & Piping; Hydraulics – Pumps, Pump Motors & Air Blowers, Filters, Heaters, Chemical Feeders & Generators; Chemistry – Chemical Safety, Water Testing & Water Treatment; Water Treatment – Chlorine; Water Treatment – Other; Water Balance; Electrical System – Basic Electricity, Safety Requirements & Pool/Spa Electrical Equipment, Lighting, Controls, Controllers & Control Systems; Maintenance – Routine Maintenance, Season & Special Care, Covers; and Dewatering.

Specific Authority 489.111 FS. Law Implemented 489.111 FS. History—New 1-6-80, Amended 12-16-80, 6-30-82, 4-11-83, Formerly 21E-15.01, Amended 12-11-90, 8-21-91, 4-16-92, Formerly 21E-15.001, Amended 7-18-94,

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Safety Guidelines RULE NO.: 61G14-15.003

PURPOSE AND EFFECT: The purpose of the substantially rewording of this rule is to clarify the obligations of licensed harbor pilots and certified deputy pilots as they relate to matters of safety.

SUMMARY: The Board is substantially rewording this rule to make it gender-neutral, replace the precatory "should" or "may" with obligatory "shall", improve syntax, eliminate redundancy and surplusage and make the rule more susceptible of clear understanding.

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

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

SPECIFIC AUTHORITY: 319.15 FS.

LAW IMPLEMENTED: 319.0015(3)(a), 310.075(4), 310.101(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G14-15.003 follows. See Florida Administrative Code for present text.)

61G14-15.003 Safety Guidelines.

As used in this rule, "pilot" shall mean both a state licensed pilot and a state certified deputy pilot.

(1) If a pilot determines that circumstances render transit by a vessel unsafe, the pilot shall not be required to board or direct the movement of the vessel until conditions permit safe transit. He/she shall advise the vessel's master of his/her action, request that it be noted in the vessel's log, and document it in his/her records. If the pilot becomes aware that master insists on moving the vessel without a pilot, the pilot shall attempt, by any appropriate means, to give notice of such movement, to other vessels in the area, tugs assigned to assist, the Coast Guard and a law enforcement officer of the Fish and Wildlife Conservation Commission.

(2) If, after any pilot has boarded a vessel, circumstances change so as to render the proposed transit unsafe, he/she shall advise the master to postpone or halt the transit until it can be safely undertaken. If the master insists that the vessel continue as originally intended, the master shall thereby have assumed complete responsibility for the direction of the movement of the vessel. Thereupon, the pilot shall advise the master that the master has taken the conn and that the pilot is standing by and will, unless ordered otherwise, render advice to assist in attaining such level of safety as may be practicable under prevailing circumstances. He/she shall request that his/her action be noted in the vessel's log and shall document it in his/her records. The pilot shall attempt, by any appropriate means, to give notice of his/her action, to other vessels in the area, tugs assigned to assist, the Coast Guard and a law enforcement officer of the Fish and Wildlife Conservation Commission.

(3) If a pilot has boarded a vessel and circumstances change rendering docking or undocking of the vessel unsafe, he/she shall so advise the master. If the master insists that the vessel dock or undock in spite of advice to the contrary, the master shall thereby have assumed complete responsibility for the direction of the movement of the vessel. Thereupon, the pilot shall advise the master that the master has taken the conn and that the pilot is standing by and will, unless ordered otherwise, render advice to assist in attaining such level of safety as may be practicable under the prevailing circumstances. The pilot shall request that his/her action be noted in the vessel's log and shall document it in his/her records. The pilot shall attempt, by any appropriate means, to give notice of his/her action to other vessels in the area, tugs assigned to assist, the Coast Guard and a law enforcement officer of the Fish and Wildlife Conservation Commission.

(4) Each association of pilots in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall submit to the

Board for its review and approval, the current maximum allowable draft of vessels calling at the port and restrictions on bottom clearance for each berth and channel, as required by Sections 310.075(4) and 310.101(1)(d), Florida Statutes.

(5) In order to assist the board in serving the public interest in maintaining efficient and safe piloting services as required by s. 310.061, Florida Statutes, each association of pilots, in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall annually submit for the board's review and approval or rejection, pilot work schedules for the port which are best suited to meet local conditions and demands and which:

(a) Insure that an adequate number of pilots is always available to handle any vessel requiring the services of a pilot;

(b) Provide sufficient off-duty time for rest, and;

(c) Outline procedures which provide for backup support which may become necessary due to disability or loss of available pilots.

Specific Authority 310.185 FS. Law Implemented 310.0015(3)(a), 310.075(4), 310.101(1)(d) FS. History--New 11-6-89, Amended 6-26-90, 12-30-91, 10-25-92, Formerly 21SS-9.001, 21SS-15.003, Amended 11-15-93, 1-26-99, 10-4-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: _____ RULE NO.:

Approval of Courses 61G19-9.004

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

SUMMARY: The purpose of the rule amendments is to update the rule text with regard to Approval of Courses.

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

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

SPECIFIC AUTHORITY: 468.606, 468.627 FS.

LAW IMPLEMENTED: 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.004 Approval of Courses.

(1) Any provider registered pursuant to this Chapter may apply for approval of a continuing education course. The application must be submitted on a Board-approved form, BPR/BCAI/11 Rev. 7/97, B.C.A.I. Course Approval Application, which is hereby incorporated by reference and will be effective 10-1-97, copies of which may be obtained from the Board office. Applications must be submitted a minimum of ninety (90) days prior to the date the offering begins.

(2) through (13) No change.

Specific Authority 468.606, 468.627 FS. Law Implemented 468.627 FS. History--New 5-23-94, Amended 5-21-95, 10-1-97, 8-17-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

DOCKET NO.: 01-27R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line and Fifty-Foot Setback) 62B-33

RULE TITLES: RULE NOS.:
Definitions 62B-33.002

Structural and Other Requirements Necessary for Permit Approval 62B-33.007

Permit Application Requirements and Procedures 62B-33.008

PURPOSE AND EFFECT: To amend definitions and address statutory changes made during the 2001 legislative session. The proposed amendments will implement changes to Chapter 161.053, Florida Statutes, and will establish certain requirements necessary for permit approval.

SUMMARY: Chapter 62B-33, F.A.C., provides the rules and procedures for coastal construction and excavation seaward of the coastal construction control line and 50-foot setback.

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

Any person who wishes to provide a proposal for a lower regulatory cost must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 161.053 FS.

LAW IMPLEMENTED: 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085 FS.

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

TIME AND DATE: 3:00 p.m., November 20, 2001

PLACE: Room 153 of the Marjorie and Archie Carr Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES AND FOR A COPY OF THE HEARING AGENDA IS: Rosaline Beckham, Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, extension 186. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 72 hours before the hearing by contacting the Bureau of Personnel Services at (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800)955-8771(TDD).

THE FULL TEXT OF THE PROPOSED RULES IS:

OFFICE DIVISION OF BEACHES AND COASTAL SYSTEMS SHORES – RULES AND PROCEDURES FOR COASTAL CONSTRUCTION AND EXCAVATION (PERMITS FOR CONSTRUCTION SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE AND FIFTY-FOOT SETBACK)

62B-33.002 Definitions.

(1) through (24) No change.

(25) "Florida Building Code" refers to Part VII of Chapter 553, Florida Statutes, the Florida Building Codes Act, effective January 1, 2002.

~~(26)~~(25) No change.

~~(26) "Groin" is a structure built (usually perpendicular to the shoreline) to trap or alter alongshore movement of sediment or to retard erosion of the beach and dune system.~~

(27) through (58) No change.

~~(59) "Uplift Pressure" is any upward hydrostatic, hydrodynamic, or wind pressure on a surface of a structure.~~

~~(59)~~(60) No change.

~~(61) "Wave" is a ridge, deformation, or undulation of the surface of a fluid.~~

Specific Authority 161.053 FS. Law Implemented 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.02, Amended 5-12-92, Formerly 16B-33.002, Amended 9-12-96, 1-26-98, 8-27-00, 7-1-01,_____.

62B-33.007 Structural and Other Requirements Necessary for Permit Approval.

(1) For a building permit for which an application is submitted to the Department prior to the effective date of the Florida Building Code, the standards contained within this section shall govern the permitted work for the life of the permit and any extension granted to the permit. All structures shall be designed so as to minimize any expected adverse impact on the beach dune system, marine turtles, or adjacent properties and structures and shall be designed consistent with Rule 62B-33.005, Florida Administrative Code.

(2) All building permit applications submitted to the appropriate local building department prior to the effective date of the Florida Building Code shall be treated by the Department in accordance with the standards contained within this section and shall be governed by the Department for the life of the permit and any extension granted to the permit.

(3) Pursuant to Sections 553.73 and 553.79, F.S., except as noted in subsections 62B-33.007(1) and (2) above, and upon the effective date of the Florida Building Code, the provisions of subsections 62B-33.007(4), (5)(c), (d), (e), (f), (h), (i), and (j), below, which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities will be enforced by the local governments, in accordance with the Florida Building Code.

~~(4)~~(2) No change.

~~(5)~~(3) No change.

(a) Habitable major structures shall be designed in accordance with the Florida Building Code, minimum building code adopted for the area pursuant to Sections 553.70-898.895, Florida Statutes, the Florida Building Codes Act. In the event of conflict between the requirements of this

chapter and the above building codes or other state or federal laws, the requirements resulting in the more restrictive design for wind, wave, hydrostatic and hydrodynamic loads and erosion conditions shall apply.

~~(b) All major structures shall be designed in accordance with the applicable wind standards contained in Chapter 16, of the Florida Building Code Section 6, American National Standards/American Society of Civil Engineering 7 88 "Minimum Design Loads for Buildings and Other Structures", which is adopted herein by reference,; except that for major habitable structures the minimum basic wind speed shall be 110 miles per hour (mph) (115 mph in the Florida Keys) unless building codes adopted by the applicable county or municipality require a higher velocity, and all major structures shall be designed so that the structure and its components do not become airborne missiles. An engineer or an architect registered in the State of Florida shall provide separate certifications that the main wind force resisting system has been designed in accordance with this standard, and that the components and cladding have been selected and their use incorporated into the design and specifications to withstand the wind loads determined in accordance with this standard.~~

(c) through (f) No change.

(g) The requirements specified in paragraph 62B-33.007~~(5)~~(3)(f), Florida Administrative Code, are not applicable if the Department determines that the substantial wall or partition is landward of the predicted erosion limits of a one-hundred-year storm, that the one-hundred-year storm stillwater depth at the substantial wall or partition is less than 1.5 feet, and that the applicant complies with all other requirements of this chapter.

(h) through (m) No change.

~~(n) All other nonhabitable major structures need not be designed for the erosion, scour, and loads associated with a one hundred year storm event; however, they shall be designed to minimize the impact resulting from their structural failure.~~

~~(n)~~(o) No change.

~~(6)~~(4) All Minor structures need not meet specific structural requirements for wind and wave forces, but they shall be designed to produce the minimum adverse impact on the beach and dune system and adjacent properties and to reduce the potential for generating aerodynamically or hydrodynamically-propelled missiles.

Specific Authority 161.053 FS. Law Implemented 161.052(2), 161.053 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.07, Amended 5-12-92, Formerly 16B-33.007, Amended 9-12-96, 1-26-98, 8-27-00,_____.

62B-33.008 Permit Application Requirements and Procedures.

(1) Applications received by the Department prior to the effective date of the Florida Building Code shall contain all of the information required in subsection 62B-33.008(4), F.A.C.

(2) Applications received by the Department after the effective date of the Florida Building Code shall not be required to comply with the provisions of subsections 62B-33.008(4)(j), (n), and (5), except as noted in subsection (3) below.

(3) Applications received by the Department for which a local building permit has been applied for prior to the effective date of the Florida Building Code shall contain all of the information required in subsection 62B-33.008(4), F.A.C.

(4)(+) Any person desiring to obtain a permit for construction seaward of the coastal construction control line or fifty-foot setback from the Department, except those persons applying pursuant to Rule 62B-33.014, Florida Administrative Code, shall submit two copies of a completed application form, only one of which is to include the required attachments, to the Office at the address below. The permit application form, which is entitled "Application for a Permit for Construction Seaward of the Coastal Construction Control Line or Fifty-Foot Setback" – DEP Form 73-100 (Revised 10/01 ~~6/00~~), is hereby incorporated by reference. Copies of the form may be obtained from the Department of Environmental Protection, Office of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station #300, Tallahassee, Florida 32399-3000; or by telephone at (850)488-3180, extension 100. The application shall contain the following specific information:

(a) through (i) No change.

(j) Two copies of detailed final construction plans and specifications for all proposed structures or excavation including all planned appurtenant structures, permanent exterior lighting, and utilities. For major structures and rigid coastal structures these documents shall be signed and sealed by the design engineer or architect (as appropriate), who must be registered in the State of Florida, and shall bear the certification specified in paragraphs 62B-33.0051(2)(c), and 62B-33.007(5)(3)(b) and (n), Florida Administrative Code, and the site plan shall include all information required in paragraphs 62B-33.008(4)(+)(g) and (i), Florida Administrative Code.

(k) Two copies of a dimensioned detailed site plan and grading plan, as necessary, to an appropriate scale showing the location of the proposed structure or structures with respect to the coastal construction control line and the location and volume of any proposed excavation or fill, and all distances and locations as referenced in Section 62B-33.008(4)(f), Florida Administrative Code.

(l) For rigid coastal structures, two copies of detailed final construction plans and specifications for all proposed structures or excavation including all planned appurtenant structures, permanent exterior lighting, and utilities. These documents shall be signed and sealed by the design engineer, who must be registered in the State of Florida, and shall bear the certification specified in paragraph 62B-33.0051(2)(c),

Florida Administrative Code, and the site plan shall include all information required in paragraphs 62B-33.008(4)(g) and (i), Florida Administrative Code.

(m)(*) Details, including engineering design computations, for any proposed waste or storm water discharge onto, over, under or across the beach and dune system, including but not limited to, storm water runoff, swimming pool drainage, air conditioner cooling water discharge, well discharge, domestic waste systems, or outfalls.

(n)(+) An anticipated construction schedule.

(5)(2) No change.

(6)(3) No change.

(7)(4) The Department recognizes that the requirements specified in paragraphs 62B-33.008(4)(+)(b), (f), (g), (h), (i), (j), (k), and (l), (m), and (n), Florida Administrative Code, may not, due to the project specific circumstances, be applicable or necessary to ensure protection to the beach and dune system. In such cases, the applicant shall, as part of the application, identify those requirements and state the reason why they are inapplicable. The Department shall waive inapplicable requirements that do not apply shall be waived by the Department.

(8)(5) No change.

(9) Notwithstanding the provisions under subsection (8) above, an applicant whose permit application was received prior to the effective date of the Florida Building Code shall have 90 days from the effective date of the Florida Building Code in which to submit the information to the Department. If an applicant requires more than 90 days in which to provide the information, the applicant may notify the Department in writing of the circumstances, at which time the application shall be held in active status for one additional period of up to 90 days. No additional extensions shall be granted. Failure of the applicant to provide the timely requested information by the applicable deadline shall result in a denial of the application.

(6) through (10) renumbered (10) through (14) No change.

Specific Authority 161.053 FS. Law Implemented 161.052, 161.053 FS. History—New 11-18-80, Amended 7-7-81, 3-17-85, 11-10-85, Formerly 16B-33.08, Amended 8-7-86, Formerly 16B-33.008, Amended 1-26-98, 8-27-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alfred B. Devereaux, Director, Office of Beaches and Coastal Systems

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:

Continuing Education Credits 64B16-26.103

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to continuing education credits.

SUMMARY: The Board is amending this rule to add a new subsection (4) which will include language regarding an approved continuing education course on medical errors and an amendment is being made to paragraph (6)(c) with regard to the maximum CE hours allowable per biennium.

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

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

SPECIFIC AUTHORITY: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.033, 465.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.103 Continuing Education Credits.

(1) through (3) No change.

(4) No biennial renewal of license shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the licensee has participated in a CE course approved by the Board or the American Council on Pharmaceutical Education on medication errors. The course shall be not less than 2 hours and must contain the following components:

(a) Root-cause analysis

(b) Error reduction and prevention

(c) Patient safety.

Hours obtained pursuant to Section (4) may be applied to the requirements of section (1).

(5) In lieu of completing an HIV/AIDS course as required in Section (3), the applicant may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved HIV/AIDS course in the immediately preceding biennium.

~~(6)(5)~~ Five hours of continuing education in the subject area of risk management may be obtained by attending one full day or eight (8) hours of a board meeting at which disciplinary hearings are conducted by the Board of Pharmacy in compliance with the following:

(a) through (b) No change.

(c) The licensee must sign out with the Executive Director or designee of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CE credit in risk management for attending the board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose. The maximum CE hours allowable per biennium under this paragraph shall be ten (10).

(6) through (7) renumbered (7) through (8) No change.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.033, 465.009 FS. History—New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001 and September 28, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:

Manner of Application – Examination 64B16-26.203

PURPOSE AND EFFECT: The purpose of the rule amendments is to change the rule's title and update the requirements for licensure.

SUMMARY: The Board finds it necessary to amend the title to this rule and add new language to reflect that applicants must take a course on medication errors prior to licensure.

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

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

SPECIFIC AUTHORITY: 456.033, 465.005 FS.

LAW IMPLEMENTED: 456.013(1), 456.033, 465.07, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.203 Manner of Application – Examination.

All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in 64B16-26.103(3), F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on HIV/AIDS will be accepted by the Board as an educational course under this section, provided such course work is no less than 3 contact hours and that it covers the subjects listed in rule 64B16-26.103(3), as evidenced by a letter attesting to subject matter covered from the Dean of the University. All applicants for licensure shall complete a course on medication errors prior to licensure. The course shall be no less than 2 contact hours and shall cover the subjects listed in 64B16-26.103(4).

(1) through (3) No change.

Specific Authority 465.005, 456.033 FS. Law Implemented 465.007, 456.033, 456.013(1), 465.022 FS. History—New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Standards of Practice – Continuous Quality Improvement Program

RULE NO.:

64B16-27.300

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to quality improvement programs.

SUMMARY: The Board is amending this rule to add new rule text to further clarify the procedure a pharmacist must follow when documenting quality-related events and unnecessary rule text is being deleted.

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

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

SPECIFIC AUTHORITY: 465.0155 FS.

LAW IMPLEMENTED: 465.0155 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.300 Standards of Practice – Continuous Quality Improvement Program.

(1) through (2) No change.

(3)(a) Each pharmacy shall establish a Continuous Quality Improvement Program which program shall be described in the pharmacy’s policy and procedure manual and, at a minimum, shall contain:

1. through 3. No change.

4. The procedure for reviewing Quality Related Events.

(b) As a component of its Continuous Quality Improvement Program, each pharmacy shall assure that, following a Quality-Related Event, all reasonably necessary steps have been taken to remedy any problem for the patient. ~~Records shall be maintained for two years of all remedial measures undertaken following a Quality Related Event.~~

(c) No change.

(4) Each Quality-Related Event that occurs, or is alleged to have occurred, as the result of activities in a pharmacy, shall be documented in a written record or computer database created solely for that purpose. The Quality-Related Event shall be initially documented by the pharmacist to whom it is described, and it shall be recorded on the same day of its having been described to the pharmacist. Documentation of a Quality-Related Event shall include a description of the event that is sufficient to permit categorization and analysis of the event. Pharmacists shall maintain such records ~~for~~ at least until the event has been considered by the committee and incorporated in the summary required in subsection (5) below two years from the date of their creation.

(5) Records maintained as a component of a pharmacy Continuous Quality Improvement Program are confidential under the provisions of section 766.101, F.S. In order to determine compliance the Department may review the policy

and procedures and a Summarization of Quality-Related Events. The summarization document shall analyze remedial measures undertaken following a Quality-Related Event. At a minimum, the review shall consider the effects on quality of pharmacy systems due to staffing levels, workflow, and technological support. No patient name or employee name shall be included in this summarization. The summarization shall be maintained for two years. Records are considered peer-review documents and are not subject to discovery in civil litigation or administrative actions.

~~(6) Only those pharmacies located in a facility that is operating a medical review committee under the provisions of section 766.101(1)(a), Florida Statutes, shall be subject to the requirement of this section.~~

Specific Authority 465.0155 FS. Law Implemented 465.0155 FS. History–New 7-15-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: Change of Ownership
Institutional Permit – Consultant
Pharmacist of Record

RULE NOS.: 64B16-28.1135

64B16-28.501

PURPOSE AND EFFECT: The purpose of the amendments in rule 64B16-28.1135 is to update the rule text with regard to a change of ownership. The purpose of the rule amendments in rule 64B16-28.501 is to rename the rule’s title and to clarify the various permits.

SUMMARY: The Board proposes to amend rule 64B16-28.1135 by adding new rule text which will clarify the requirements for a change in ownership. The Board proposes to amend 64B16-28.501 by changing the rule title and clarifying the types of permits for which a consultant pharmacist must ensure compliance.

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

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

SPECIFIC AUTHORITY: 465.005, 465.0125, 465.022 FS.
LAW IMPLEMENTED: 465.003(11)(a), 465.0125, 465.018, 465.018, 465.019, 465.0193, 465.0196, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-28.1135 Change of Ownership.

(1) A pharmacy permit is not transferable. Upon the sale of an existing pharmacy, a new application must be filed. In those cases where the permit is held by a corporation, the transfer of all the stock of said corporation to another person or entity does not constitute a change of ownership, provided that the initial corporation holding the permit continues to exist.

(2) A change in ownership (and issuance of a new permit number) requires that new records be started and old records closed. The process for closing a pharmacy, including the transfer of prescription files and medicinal drugs, as outlined in Rules 64B16-28.201; 64B16-28.202; and 64B16-28.203 must be followed for the old permit. If the old permit has controlled substances, the new permit must record an “opening inventory” for DEA purposes. Both the new permit and the old permit must keep appropriate records for two (2) years for the transfer of legend drugs and controlled substances.

(3) A change in the company or person who leases the building where the permit is housed does not constitute a change in ownership. A change in the management company which contracts with the owner of the permit for the operation of the permit does not constitute a change in ownership.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.003(11)(a), 465.018, 465.019, 465.0193, 465.0196, 465.022(7) FS. History–New 4-19-00, Amended _____.

64B16-28.501 ~~Class I~~ Institutional Permit – Consultant Pharmacist of Record.

Each facility holding a Class I, a Class II, or a Modified Class II Institutional permit shall designate a consultant pharmacist of record to ensure compliance with the laws and rules governing the permit. The Board office shall be notified in writing within 10 days of any change in the consultant pharmacist of record. The consultant pharmacist of record for a Class I or a Modified Class II permit shall inspect the facility and prepare a written report to be filed at the permitted facility at least monthly.

Specific Authority 465.005, 465.0125, 465.022 FS. Law Implemented 465.0125, 465.019, 465.022 FS. History–New 7-18-94, Formerly 61F10-28.501, 59X-28.501, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Prescription Refills
RULE NO.: 64B16-28.114

PURPOSE AND EFFECT: The Board is amending this rule to clarify when a prescription may not be refilled.

SUMMARY: The Board finds it necessary to amend this rule to clarify that prescriptions may not be refilled if the issuance of the written prescription exceeds one year.

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

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

SPECIFIC AUTHORITY: 465.005, 465.016(1), 465.022(1)(a), 893.04 FS.

LAW IMPLEMENTED: 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.114 Prescription Refills.

No prescription may be refilled for a period in excess of one (1) year from the date of issuance of the original writing dispensing of the prescription.

Specific Authority 465.005, 465.016(1), 465.022(1)(a), 893.04 FS. Law Implemented 465.022 FS. History--New 12-18-74, Formerly 21S-1.28, 21S-1.028, Amended 7-31-91, Formerly 21S-28.114, 61F10-28.114, 59X-28.114, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
RULE NO.: 64B16-30.001

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to probation and new violations are being added which may be imposed upon practitioners.

SUMMARY: The Board is amending this rule to further clarify probation and to set forth new violations and penalty amounts which may be imposed upon practitioners.

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

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

SPECIFIC AUTHORITY: 456.072, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-30.001 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapter 465, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 465. The minimum penalty range is based upon a first time single count violation of each provision listed. The maximum penalty range is based upon repeated violations of the same provision of Chapter 465 or the rules promulgated thereto. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the board's discretion. Probation may be subject to conditions, including restriction

from practice in certain settings, restricting the licensee to working only under designated conditions or in certain settings, requiring continuing or remedial education, or any other restriction found to be necessary for the protection of the public health, safety and welfare. In addition to any other discipline imposed under these guidelines, the board shall assess costs relating to the investigation and prosecution of the case.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees and permittees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) through (n) No change.		
(o) Violating 456.072, F.S. 1. through 2. No change.		
3. Being convicted or found guilty of, or entering a plea of <u>guilty or nolo contendere</u> to, regardless of adjudication a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.	Misdemeanor: \$1,000 fine Felony: \$3,000 fine and one (1) year probation	\$5,000 fine and one (1) year suspension Revocation
4. through 11. No change.		
12. 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.	\$10,000 \$3,000 fine and two (2) years probation	\$10,000 \$5,000 fine and one (1) year suspension
13. through 17. No change.		
18. <u>Failing to report to the board in writing within 30 days after the licensee has been convicted or found guilty or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.</u>	<u>\$1,000 fine</u>	<u>\$2,500 fine and one (1) year probation</u>
19. <u>Testing positive for any drug, as defined in s. 112.0455 on any confirmed preemployment or employer ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug.</u>	<u>\$2,500 fine and two (2) year probation</u>	<u>\$5,000 fine and one (1) year suspension</u>
(3) through (4) No change.		

Specific Authority 456.072, 456.079, 465.005 FS. Law Implemented 456.072, 456.079 FS. History—New 3-1-87, Amended 5-11-88, Formerly 21S-17.001, 21S-30.001, 61F10-30.001, Amended 6-26-95, 1-30-96, Formerly 59X-30.001, Amended 12-3-97, 11-15-98, 5-3-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Citations

RULE NO.: 64B16-30.003

PURPOSE AND EFFECT: The purpose of the rule amendments is to add new violations.

SUMMARY: The Board is amending this rule by adding several new violations and fines which may be disposed of by citation.

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

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

SPECIFIC AUTHORITY: 456.073, 456.077, 465.005 FS.

LAW IMPLEMENTED: 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-30.003 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) through (c) No change.

In addition, licensees shall take two additional hours of continuing education for each of the continuing education deficiencies. Said hours shall not count for continuing education renewal requirements for the next biennium.

(d) Failure to timely pay a fine or costs imposed by a final order. \$500 per month late to a maximum of \$5,000 (penalty will require permittee or licensee to also pay the original fine and/or costs).

(e) Failure to display any sign, license or permit required by statute or rule. \$500

(f) Failure to have any reference material required by statute or by statute or rule available. \$500

(g) Failure to notify the board of a change in a prescription department manager or consultant pharmacist. Fine based on the length of time prior to notifying board. \$200 a month to \$5,000 maximum.

(4) through (5) No change.

Specific Authority 456.077, 456.073, 465.005 FS. Law Implemented 456.077 FS. History—New 12-22-91, Formerly 21S-30.003, 61F10-30.003, 59X-30.003, Amended 4-3-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2001

**DEPARTMENT OF HEALTH
 Board of Respiratory Care**

RULE TITLE: Unprofessional Conduct; Definition
 RULE NO.: 64B32-5.003

PURPOSE AND EFFECT: The Board proposes to revise the existing rule text after considering statutory revisions to chapter 456, F.S., to make the rule consistent with statutory intent.

SUMMARY: The Board is deleting conduct that should not be considered as unprofessional conduct because it should be classified differently and is adding conduct that should be considered unprofessional.

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: 468.353(1), 468.365(1)(f) FS.

LAW IMPLEMENTED: 468.365(1)(f) 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 Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.003 Unprofessional Conduct; Definition.

A licensee is guilty of unprofessional conduct when he commits any of the following:

(1) Violates the confidentiality of information or knowledge concerning a patient.

~~(2) Has inaccurately recorded, falsified, or altered patient records, including, but not limited to, patient charts or medication administration records.~~

~~(2)(3) Has falsely misrepresented the facts on an application for employment as a respiratory therapist, or a respiratory therapy technician.~~

~~(3)(4) Leaves a respiratory therapy assignment before properly advising appropriate personnel.~~

~~(5) Discriminates on the basis of race, creed, religion, sex, age, or national origin in the rendering of respiratory therapy services as it relates to human rights and the dignity of an individual.~~

~~(6) Impersonates or acts as a proxy for an applicant in any examination required for certification or registration.~~

~~(7) Impersonates another certified or registered practitioner or permits another person to use his certificate or registration for the purpose of practicing respiratory therapy for compensation.~~

~~(4)(8) Has provided false or incorrect information to an employer regarding the status of the certification or registration.~~

(5) Fails to report another licensee in violation of the laws and/or rules pertaining to the profession.

(6) Uses foul or abusive language in patient care or public areas.

Specific Authority 468.353(1), 468.365(1)(f) FS. Law Implemented 468.365(1)(f) FS. History—New 4-29-85, Formerly 21M-37.02, 21M-37.002, 61F6-37.002, 59R-74.002, 64B8-74.002, Amended _____.

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: April 20, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2001

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: RULE NO.:

Citations 64B32-5.007

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

SUMMARY: The Board proposes to revise the existing rule text after considering statutory revisions to Chapter 456, F.S., to make the rule consistent with statutory intent.

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: 456.077 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 Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.007 Citations.

(1) No change.

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

(a) Violations of Sections 468.361(2),(3), or (4), ~~or 468.357(3), Florida Statutes~~; within six months of the date citation is issued, licensee must submit certified documentation of completion of all the CE requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, licensee must document compliance with the CE requirements for the relevant period; AND

- 1. Failure to document HIV/AIDS continuing education requirement \$100 fine
- 2. Documentation of some but not all of the 24 hours of required continuing education for license renewal \$50 fine for each hour not documented
- 3. ~~Documentation of some but not all each of the 20 hours of continuing education required by Section 468.357(3)~~ \$50 fine for each hour not documented

(b) Violation of any portion of Rule 64B32-5.003 for unprofessional conduct: \$300 fine.

~~(c)(b)~~ Practicing on a delinquent license, if the license is renewed to active status within 120 days of the date the license should have been renewed: \$50 fine for each month or part thereof.

~~(d)(e)~~ Failure to notify the Board of current address as required by Rule 64B32-1.006, F.A.C.: \$50 ~~\$25~~ fine.

~~(e)(d)~~ Failure to keep written respiratory care records justifying the reason for the action taken by the certificateholder or registrant on only one patient: \$100 fine.

~~(e) Obtaining certification or registration renewal by fraud or misrepresentation in violation of Section 468.365(1)(a), Florida Statutes:~~ \$1,000 fine.

(f) Circulating misleading advertising in violation of Section 468.365(1)(e): \$500 fine.

(g) Exercising influence on a patient to exploit the patient for financial gain by promoting or selling services, goods, appliances or drugs, where the patient has received a refund within 30 days of purchase: \$1,000 fine.

(h) Failure to submit compliance documentation within 45 days from the receipt of the continuing education audit notification: \$150 fine.

(i) Failure to provide satisfaction including the costs incurred within 45 days of receipt of the Department's notification of a check dishonored for insufficient funds: \$150 fine.

(3) through (6) No change.

Specific Authority 456.077 FS. Law Implemented 456.072(3), 456.077 FS. History—New 5-19-96, Formerly 59R-74.006, 64B8-74.006, Amended _____.

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: April 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES: RULE NOS.:

Training 65C-22.003

Health Related Requirements 65C-22.004

PURPOSE, EFFECT AND SUMMARY: The rule modifications contained in this document will establish minimum child care licensing standards for before-school and after-school care; will establish the Florida School-Age

Credential Training Program; will allow for a credentialed director to supervise multiple before-school and after-school sites; and will delete the requirement for documentation of a negative tuberculosis test for child care personnel.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 402.305 FS.

LAW IMPLEMENTED: 402.305 FS.

PUBLIC HEARINGS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

(1ST PUBLIC HEARING)

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

PLACE: Tampa Bay Technical High School, Auditorium, 6410 Orient Road, Tampa, Florida 33610

(2ND PUBLIC HEARING)

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

PLACE: Nova Southeastern University, East Campus, Auditorium, Building A, Room 5074, 3100 S.W. 9th Avenue, Ft. Lauderdale, Florida 33315

(3RD PUBLIC HEARING)

TIME AND DATE: 10:00 a.m., November 29, 2001

PLACE: Department of Children and Families, Building 4, 1317 Winewood Blvd., Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzanne Bellamy Woodcock, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 392, Tallahassee, FL 32399, (850)488-4900

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-22.003 Training.

(1) Definitions.

(a) through (e) No change.

(f) “Before-school and after-school sites,” for the purposes of this section means, programs, no matter their location, providing child care for children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, during the school district’s calendar year. This is limited to programs providing care before and after the school day, teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year.

(2) through (5) No change.

(6) Staff Credentials.

(a) Every licensed child care facility must have one member of its child care personnel for every 20 children with one of the following qualifications:

1. No change.

2. Formal Educational Qualifications. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined on CF-FSP Form 5211, Oct. 01 Sept. 98, Child Care Personnel Education/ Employment History Verification Form, which is incorporated by reference.

3. through 4. No change.

5. Graduate of the approved Florida School-Age Credential Training Program.

a. Early Childhood Education Training organizations seeking to provide the Florida School-Age Credential training, must utilize the Florida School-Age Credential Training Program as approved by the department. Organizations seeking to provide the Florida School-Age Credential training must apply for approval on CF-FSP Form 5257, Oct. 01, Application to Provide the Florida School-Age Credential Training Program, which is incorporated by reference.

b. In order to receive the Florida School-Age Credential, a candidate must have completed the department’s Florida School-Age Credential Training program, which consists of the following:

(I) A total of 120 hours of training consisting of Part I of the Introductory Child Care Course, the department approved Developmentally Appropriate Practices For School-Age Children training module, and a minimum of 80-clock hours of training using departmentally approved curriculum which focuses on the following six competency areas:

(A) Establishment and maintenance of a safe and healthy learning environment.

(B) The advancement of physical and intellectual competence.

(C) The support of social and emotional development and provision of positive guidance.

(D) The establishment of positive and productive relationships with families.

(E) Ensuring a well-run, purposeful program responsive to participant’s needs.

(F) The maintenance of a commitment to professionalism.

(II) A portfolio containing an autobiographical statement, written examples demonstrating mastery of each of the school-age competency subject areas, and a collection of resource materials as identified in the department’s Florida School-Age Credential Training Portfolio and Resource Materials Checklist, CF-FSP Form 5258, Oct. 01, which is incorporated by reference.

(III) Formal observation working with children in a school-age setting during the course of the program by a qualified observer.

(IV) 480 hours of work with children in a child care setting within the past five years.

c. Individuals who are enrolled in an existing school-age credential training program in Florida, prior to January 1, 2002, and who graduate from this training program by January 1, 2003, will be recognized as having met the Florida School-Age credentialing requirement.

d. Training organizations that provide the Florida School-Age Credential training must complete a CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School-Age Credential Training Program, which is incorporated by reference, for each graduate. The completed form must be submitted to the local training coordinating agency for processing upon graduation.

e. The training coordinating agency will issue CF-FSP Form 5256, Oct. 01, Florida School-Age Credential Certificate, which is incorporated by reference, to all graduates of the Florida School-Age Credential Training Program.

f. To maintain a valid Florida School-Age Credential, every five years candidates must provide documentation of 4.5 Continuing Education Units (CEUs) or one three-hour course in any school-age child care curriculum area.

(b) Periods of Transition. Child care personnel meeting the credentialing requirements in (a) 1.-~~5.4.~~ of this section must work at the facility during normal periods of time excluding opening, closing, nap time, lunch and free time. A credentialed person must be on-site a minimum of 20 hours per week.

(c) Verification of Education and Employment History

1. Child care personnel seeking satisfaction of the credentialing requirements, in (a) 1.-~~5.4.~~ of this section, must submit all documentation to the child care owner or operator for whom they are presently employed. Child care owners or operators are responsible for completing, verifying and having notarized CF-FSP Form 5211, Oct. 01 Sept. 98, Child Care Personnel Education and Employment History Verification Form. Child care owners and operators seeking satisfaction of the credentialing requirement must submit all documentation to their local training coordinating agency for processing.

2. Upon receipt of the completed forms, the training coordinating agency will issue CF-FSP Form 5206, Oct. 01, Child Care Personnel Professional Development Confirmation Form, which is incorporated by reference, to the child care personnel, owner or operator who submitted the application.

3. No change.

(d) Calculation of Number of Personnel Necessary

1. through 4. No change.

5. In addition to CF-FSP Form 5206, Oct. 01 Sept. 97, Child Care Personnel Professional Development Confirmation Form, child care facilities must have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

6. No change.

(7) Director Credential.

(a) Pursuant to s. 402.305(2)(f), F.S., every child care facility director must have a director credential by January 1, 2003, which consists of the foundational level or the advanced level. Pursuant to s. 402.305(1)(c), a credentialed director holding a foundational or advanced level Florida director's credential may supervise multiple before-school and after-school sites.

(b) No change.

1. through 3. No change.

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; an approved Florida CDA Equivalency; the approved Florida School-Age Credential; a formal education exemption qualification (waiver); or a documented employment history recognition exemption; and

5. through 6. No change.

(c) The advanced level applicants must meet the following educational and experiential requirements:

1. through 3. No change.

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; an approved Florida CDA Equivalency; the approved Florida School-Age Credential; formal education exemption qualification (waiver); or a documented employment history recognition exemption; and

5. through 6. No change.

(d) through (h) No change.

(i) Before-school and after-school sites.

1. A director holding a foundational or advanced level Florida director's credential may supervise multiple before-school and after-school sites as follows:

a. Three sites regardless of the number of children enrolled, or

b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350.

2. When a Florida credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet all minimum age and training requirements of a child care facility operator to include the following:

a. Be at least 21 years of age;

b. Completed the department-approved Introductory Child Care Course (Parts I and II);

c. Completed basic training in serving children with special needs, either as part of the Introductory Child Care Course, Part II, specialized training module, Developmentally Appropriate Practices for Children with Special Needs, or the annual 8 hours of inservice training.

3. By July 2005, when a Florida credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet one of the staff credential qualifications as outlined in 65C-22.003(6)(a)1.-5., F.A.C.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 9-20-01, _____.

65C-22.004 Health Related Requirements.

~~(1) Tuberculosis:~~

~~(a) Upon hire each employee must provide documentation of a tuberculosis test administered within the past two years and this documentation must be in the employee's personnel file within 10 days of employment. If results are positive, the employee must provide written medical authorization to work in a child care facility.~~

~~(b) All child care facilities' personnel must be tested for tuberculosis at least every two years and provide documentation for their personnel file. If results are positive, the employee must provide written medical authorization to work in a child care facility.~~

(2) through (4) renumbered (1) through (3) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-26-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Suzanne Bellamy Woodcock, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 392, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, Building 6, Room 389-A, 1317 Winewood Blvd., Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NOS:	RULE TITLES:
1S-2.027	Clear Indication of Voter's Choice on a Ballot
1S-2.031	Recount Procedures

NOTICE OF ADDITIONAL HEARINGS

ADDITIONAL HEARINGS WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 5:00 p.m. – 8:00 p.m., November 7, 2001

PLACE: Jacksonville City Hall, St. James Building, Renaissance Room, 1st Floor, 117 West Duval Street, Jacksonville, Florida 32202

TIME AND DATE: 5:00 p.m. – 8:00 p.m., November 8, 2001

PLACE: Tampa Port Authority, 1101 Channelside Drive, Tampa, Florida 33602

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Department of State, Room 1801, The Capitol, Tallahassee, Florida 32399-0250, (850)488-1402

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Amy K. Tuck, (850)488-1402, at least three days in advance of the meeting.

NOTICE OF FULL TEXT OF RULES: Published in the Florida Administrative Weekly, October 5, 2001, Vol. 27, No. 40.

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-220.051	Conduct of Public Adjusters
4-220.201	Ethical 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. 21, May 25, 2001, of the Florida Administrative Weekly:

4-220.051 Conduct of Public Adjusters.

Section 626.854 is deleted from Specific Authority.

4-220.201 Ethical Requirements.

Paragraph (4)(c) is changed to read:

~~(c) An adjuster shall never approach investigations, adjustments, and settlements in a manner prejudicial to the insured. An adjuster shall treat all claimants equally; an adjuster shall not provide favored treatment to any claimant. An adjuster shall adjust all claims strictly in accordance with the insurance contract.~~

Paragraph (4)(l), the second sentence is changed to read:

Further, the adjuster shall not conclude a settlement when such settlement would be disadvantageous or to the detriment of a claimant who is in the traumatic or distressed state described above.

Subsection (5) is changed to read:

(5) Public Adjusters, Other Ethical Constraints. In addition to considerations set out above for adjusters. The following ethical considerations are specific to public adjusters, and shall be binding upon public adjusters, in addition to considerations set out elsewhere in this rule for adjusters.

~~(a) A public adjuster shall not prevent, or attempt to dissuade or prevent, a claimant from speaking privately with the insurer, company or independent adjuster, attorney, or any other person, regarding the settlement of the claim.~~

~~(b) A public adjuster's contract with a client shall be revocable or cancellable, without penalty or obligation, by the insured or claimant, for at least three business days after the contract is entered into for the insured to elect to settle the claim directly with an adjuster representing the insurer. If the insured elects to cancel the contract, prompt notice must be received by the adjuster. The public adjuster must disclose to the insured that the insured has the right to cancel with prompt notice within the revocation period. Nothing in this provision shall be construed to prevent an insured from pursuing any civil remedy after the three day cancellation period.~~

~~(a)(e) A public adjuster shall advise the insured and claimant in advance of their right to choice of counsel to represent the insured or claimant, and that such choice is to be made solely by the insured or claimant. The full compensation to the public adjuster shall be stated in the contract with the client. If the compensation is based on a share of the insurance settlement, the exact percentage shall be specified. Any cost to be reimbursed to the public adjuster out of the proceeds, or to be paid by the consumer otherwise, must be specified by type, with dollar estimates set forth in the contract.~~

~~(b)(d) The public adjuster shall notify the insured or claimant in advance of the name and location of any proposed contractor, architect, engineer, or similar professional, before any bid or proposal by any of these persons may be used by the public adjuster in estimating the loss or negotiating settlement, and the insured or claimant may exercise veto power of any of these persons in which case that person shall not be used in estimating costs. Choice of counsel to represent the insured or claimant is to be made solely by the insured or claimant.~~

~~(c)(e) The public adjuster shall ensure that if a contractor, architect, engineer, or other licensed professional is used in formulating estimates or otherwise participates in the adjustment of the claim, the professional must be licensed by the Florida Department of Business and Professional Regulation. A public adjuster shall not enter into a contract or accept a power of attorney which vests in the public adjuster the effective authority to choose the persons who shall perform repair work.~~

~~(f) A public adjuster shall assure that all contracts for the public adjuster's services are in writing and set forth all terms and conditions of the engagement.~~

~~(d)(g) A public adjuster shall not prevent, or attempt to dissuade or prevent, a claimant from speaking privately with the insurer, company or independent adjuster, attorney, or any other person, regarding the settlement of the claim. A public adjuster shall not acquire any interest in salvaged property, except with the consent and permission of the insured.~~

~~(e)(h) A public adjuster shall not acquire any interest in salvaged property, except with the written consent and permission of the insured.~~

~~(f)(i) A public adjuster shall not accept referrals of business from any person with whom the public adjuster may conduct business where there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster. Except as between licensed public adjusters, or licensed public adjusters and members of the Florida Bar, no public adjuster may compensate any person, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.~~

Section 626.989(6) is added to Specific Authority and Law Implemented.

The remainder of the rules reads as previously published.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-37	Firefighter Standards and Training
RULE NOS.:	RULE TITLES:
4A-37.0335	Qualification of New Employee
4A-37.0385	Termination of Employee
4A-37.039	Prescribed Forms for Training and Certification
4A-37.055	Minimum Curriculum Requirements for Training Firefighter Recruits or Firefighters
4A-37.059	Types of Instructor Certificates Issued
4A-37.060	Certification as an Approved Firefighter Recruit Training Facility
4A-37.064	Florida State Fire College
4A-37.065	Programs of Study and Vocational Courses

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 26, June 29, 2001 edition of the Florida Administrative Weekly.

PART III QUALIFICATION FOR CERTIFICATE OF COMPLIANCE

4A-37.0335 Qualification of New Employee.

(1) No change.

(2) Upon the employment of a firefighter, the employing agency shall forward to the Bureau of Fire Standards and Training a completed Form DI4-1032 entitled "Notice of Employment as a Firefighter" which evidences that the new employee is certified as a firefighter and has met the requirements necessary to maintain the certification as

specified in Section 633.35(2)(3), Florida Statutes. This form shall be forwarded within 10 business days after the first day of employment. Form DI4-1032 is incorporated by reference in subsection 4A-37.039(2), Florida Administrative Code, and can be obtained where indicated in subsection 4A-37.039(1), Florida Administrative Code.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2), 633.45(2)(i) FS. History—New 6-30-91, Amended 3-20-95, _____.

4A-37.0385 Termination of Employee.

Upon the termination of employment of a firefighter, the employing agency shall forward to the Bureau of Fire Standards and Training a completed Form DI4-1033, entitled “Notice of Termination as a Firefighter.” This form shall be forwarded within ten business days after date of termination. Form DI4-1033 is incorporated by reference in subsection 4A-37.039(2), Florida Administrative Code, and can be obtained where indicated in subsection 4A-37.039(1), Florida Administrative Code.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(2)(i) FS. History—New 6-30-91, Amended 3-20-95, _____.

4A-37.039 Prescribed Forms for Training and Certification.

(1) No change.

(2) The following forms are hereby adopted and incorporated by reference in this rule:

(a) through (i) No change.

(j) DI4-1308 rev. 10/00 ~~8/96~~ (formerly FST-1C) “Application for Practical Examination for Retention of Firefighter Certification”

(k) through (t) No change.

(u) ~~DI4-1444 rev. 01/01 “2001 Firefighter One Testing Schedule”~~

(v) through (mm) renumbered (u) through (ll) No change.

(mm) DI4-1023 rev. 07/00 “Application for Firesafety Inspector I Certification Examination.”

Specific Authority 633.45(2)(a) FS. Law Implemented 633.101(1), 633.34, 633.35, 633.38, 633.45 FS. History—New 9-7-81, Formerly 4A-37.20, 4A-37.39, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 9-13-98, _____.

4A-37.055 Minimum Curriculum Requirements for Training Firefighter Recruits or Firefighters.

(1) through (5) No change.

(6) Firefighter I:

(a) No change.

1. No change.

2. NFPA Standard 1001, “Fire Fighter Professional Qualifications”, ~~1997~~ ~~1992~~ edition, and NFPA 1582, “Standard on Medical Requirements for Fire Fighters”, ~~2000~~ ~~1997~~ ~~1992~~ edition, are hereby adopted and incorporated by reference. Copies of the NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

PART IV TRAINING AND CERTIFICATION

4A-37.059 Types of Instructor Certificates Issued.

This rule provides that the Bureau of Fire Standards and Training shall certify individuals to conduct training and education classes for fire service personnel. Upon satisfaction of the requirements listed under the respective categories, an applicant shall be awarded instructor certification appropriate to the applicant’s attainments and may teach designated subjects in the courses of training and education coming within the purview of the Bureau of Fire Standards and Training. The certificates to be awarded are as follows:

(1) Requirements for Instructor I Examination and Certification.

(a) through (d) No change.

(e) Successful completion of an approved Fire Service Course Delivery class of not less than 40 hours duration, as offered by the Florida State Fire College ~~or other approved and recognized schools or colleges~~, or the equivalent as approved by the Bureau of Fire Standards and Training.

(f) No change.

(2) Requirements for Instructor II Examination and Certification.

(a) through (d) No change.

(e) Successful completion of an approved Fire Service Course Delivery class of not less than 40 hours duration, as offered by the Florida State Fire College ~~or other approved and recognized schools or colleges~~, or the equivalent as approved by the Bureau of Fire Standards and Training and successful completion of an approved Fire Service Course Design class of not less than 40 hours duration, as offered by the Florida State Fire College ~~or other approved and recognized schools or colleges~~, or the equivalent as approved by the Bureau of Fire Standards and Training.

(f) No change.

(3) Requirements for Instructor III Certification.

(a) through (d) No change.

(e) Successful completion of an approved Fire Service Course Delivery class of not less than 40 hours duration, as offered by the Florida State Fire College ~~or other approved and recognized schools or colleges~~, or the equivalent as approved by the Bureau of Fire Standards and Training and successful completion of an approved Fire Service Course Design class of not less than 40 hours duration, as offered by the Florida State Fire College ~~or other approved and recognized schools or colleges~~, or the equivalent as approved by the Bureau of Fire Standards and Training.

Persons holding this certification may teach any class which is recognized as part of the curriculum established and developed by the Bureau of Fire Standards and Training, provided the instructor can verify successful completion of the same course by certificate or transcript.

(4) Requirements for Single Course Exemption Certification.

(a) through (d) No change.

(e) Extensive experience consisting of documentable proof of subject matter expertise as a result of at least 5 years of experience directly related to the subject or a bachelor's degree related to the subject, or a combination of both such experience and education to equal the required documentable proof set forth in this paragraph in a field directly related to the subject. ~~Minimum combination of education and experience as set by the Standards section.~~

Persons holding this exemption are eligible to teach only the single course specified. This exemption will be granted upon review for recognition of extensive experience or education/training in the subject area.

(5) through (6) No change.

(7) Probation and Revocation of Instructor Certification.

(a) The Bureau of Fire Standards and Training of the Division of State Fire Marshal may place on probation any instructor whose students exhibit a lack of knowledge or skill in subject courses taught by such instructor, which shall be evidenced by a high student failure rate during participation in state administered examinations. A high student failure rate which comes to the attention of the Bureau will be analyzed to determine relationships between an individual instructor and his students' performance. If an instructor's students continue to exhibit high failure rates on state examinations in the subject matter taught by the instructor, a letter of concern will be provided to the instructor allowing an opportunity for explanation. In the absence of an explanation which accounts for the high student failure rate, the instructor will be placed on probation during which the instructor will be required to teach students at a level high enough to increase the pass rate.

(b) through (c) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented ~~633.46~~ 633.45(1)(d) FS. History—New 9-7-81, Formerly 4A-37.15, 4A-37.59, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, _____.

4A-37.060 Certification as an Approved Firefighter Recruit Training Facility.

(1) To be certified as an approved training facility, an installation or facility shall;

(a) through (f) No change.

(g) Have pumper apparatus, owned, or leased, or otherwise contracted for, rated at not less than 750 G.P.M. at 150 p.s.i., with hose compartments sufficient to practice appropriate hydrant lay evolutions, fully equipped as prescribed in National Fire Protection Association (NFPA) Standard 1901, 1999 1996 edition, Chapter 4. The following changes to the equipment specified shall be adhered to:

1. through 4. No change.

5. All ladders used for training shall conform to the requirements of NFPA Standard 1931, 1999 1994 edition and NFPA Standard 1932, 1999 1994 edition.

(h) through (k) No change.

(l) Have two Class II life safety harnesses which includes,

1. No change.

2. Two rescue carabiners that meet the requirements of NFPA Standard 1983, 2001 1997 edition, which is hereby adopted and incorporated by reference and may be obtained by writing to the association, whose address is: National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 as adopted in Rule 4A 37.037, Florida Administrative Code.

3. No change.

(m) through (s) No change.

(t) Have protective hoods that meet the requirements of NFPA 1971, Standard on Protective Clothing for Structural Fire Fighting, 2000 1997 edition, provided by the training center or made available for purchase, and shall be used by each student engaged in live fire training.

(u) through (v) No change.

(2) through (3) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35, 633.38, 633.45 FS. History—New 9-7-81, Amended _____.

4A-37.064 Florida State Fire College.

(1) through (3) No change.

(4) College Registration and Fees.

(a) through (b) No change.

(c) If a course is canceled, each student enrolled in the canceled course shall receive a refund ~~in accordance with refund policies of the Department of Insurance.~~

(d) If a student fails to appear for a course at its first meeting, all prepayment for that course shall be forfeited. If the student provides advance written notice of nonattendance, the student shall receive a refund ~~in accordance with refund policies of the Department of Insurance.~~

(e) through (f) No change.

~~(5) College Catalog.~~

~~(a) The College shall publish a catalog and course schedule not less than annually.~~

~~(b) The College catalog contains all course descriptions, programs of study, academic policies, grade scales, student services, tuition and fees, and any other necessary information to inform the public and prospective students of the College and its services.~~

~~(c) By payment of fees and attendance of classes, each student agrees to abide by, and be bound by, the College catalog which binds both the student and the College in terms of expectations and performance.~~

~~(6) College Facilities.~~

~~(a) The campus of the College is property of the State of Florida and, as such, all statutes and regulations regarding use of government facilities apply in all cases and times to its activities.~~

~~(b) If required, the College shall set forth additional rules and regulations as well as internal policies and procedures for use of its facilities to promote safety, accountability of state property, and general order pursuant to its authority under state law.~~

~~(5)(7) College Faculty.~~

(a) Each full-time and part-time instructor, either teaching at the College or teaching on behalf of the College at a remote location, shall possess appropriate teaching credentials for the course being delivered.

(b) The College maintains credential records on all full-time and part-time instructors. These credential records include copies of degrees, college transcripts, instructor certificates, and other documentation required to show subject matter expertise.

~~(6)(8) Programs of Study.~~

(a) The College shall establish and revise programs of study leading to various levels of certification.

(b) The college shall also develop and revise individual courses to meet the needs of the state's fire and emergency service providers.

(c) Such programs of study and individual courses shall be in compliance with the rules of the State Fire Marshal.

Specific Authority 633.45(1)(h) ~~633.45(2)(a)~~ FS. Law Implemented 633.43 ~~633.45(1)(d)~~ FS. History–New _____.

4A-37.065 Programs of Study and Vocational Courses.

The following programs of study are developed and revised by the Florida State Fire College, pursuant to Sections 633.45 and 633.081, Florida Statutes:

(1) Fire Apparatus Pump Operator Program. This program is intended to prepare students for service as fire department driver-engineers or equivalent positions.

(a) through (c) No change.

(d) Requirements for Certificate of Competency:

1. through 2. No change.

3. Submission of the required application (Form DI4-1457), which is incorporated by reference in paragraphs 4A-37.039(2)(~~hh~~)(~~bb~~), (~~cc~~), and (~~dd~~), Florida Administrative Code, and can be obtained where indicated in subsection 4A-37.039(1), Florida Administrative Code, with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(2) through (4) No change.

(5) Special State Firesafety Inspector Program.

(a) No change.

(b) Content of Program. This program includes coursework in fire prevention practices, codes and standards, and a mutually agreeable elective as approved by the standards

section of the Bureau of Fire Standards and Training. Such mutually agreeable elective shall be an elective which has been proposed by the student to the faculty, reviewed by the faculty to determine relevance of content and duration of delivery, and approved by the faculty to be taken by the student.

(c) through (d) No change.

(6) through (9) No change.

Specific Authority 633.45(1)(h)(2)(a) FS. Law Implemented 633.43, 633.45(1)(d), 633.46 FS. History–New _____.

4A-39.010 Required Forms for Training and Certification of Firesafety Inspectors.

The required forms for training and certification of firesafety inspectors are DI4-1020, Rev. 03/00; DI4-1023, Rev. 07/00; DI4-1459, Rev. 01/01; and DI4-1463, Rev. 01/01, all as adopted in Section 4A-37.039, Florida Administrative Code.

(1) DI4-1023 Form – “Application for Firesafety Inspector I Certification Examination.”

(2) DI4-1459 Form – “Application for Special Firesafety Inspector Certification Examination.”

(3) DI4-1463 Form – “Inspector Certification Renewal Application.”

(4) DI4-1020 Form – “Personal Inquiry Waiver.”

(5) The above-referenced forms are incorporated herein by reference and will be effective on the effective date of this rule. Copies of these forms are available from the Bureau of Fire Standards and Training, 11655 N.W. Gainesville Road, Ocala, Florida 34482-1486 or may be obtained from the Bureau website at www.fsfc.ufl.edu.

Specific Authority 633.01 FS. Law Implemented 633.081 FS. History–New 11-21-83, Formerly 4A-39.10, Amended 8-2-88, 3-1-89, Repealed _____.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-39	Firesafety Inspector Certification
RULE NO.:	RULE TITLE:
4A-39.005	Minimum Curriculum Requirements for Firesafety Inspector Certification
4A-39.010	Required Forms for Training and Certification of Firesafety Inspectors

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 26, June 29, 2001 edition of the Florida Administrative Weekly.

4A-39.005 Minimum Curriculum Requirements for Firesafety Inspector Certification.

(1) through (2) No change.

(3) Special State Firesafety Inspector Training Course. The course curriculum shall consist of the following courses:

(a) through (b) No change.

(c) A mutually agreeable 40 hour elective to be approved by the Bureau of Fire Standards and Training. Such mutually agreeable elective shall be an elective which has been proposed by the student to the faculty, reviewed by the faculty to determine relevance of content and duration of delivery, and approved by the faculty to be taken by the student. If no elective is submitted for approval by the agency employing Special Firesafety Inspectors, the Fire College course which teaches 20 hours of Fire Protection Systems and 20 hours of Building Construction shall be the only acceptable alternative.

(4) No change.

Specific Authority 633.01 FS. Law Implemented 633.081(2),(3),(4) FS. History—New 11-21-83, Formerly 4A-39.05, Amended 8-2-88, 3-1-89, 10-23-90, _____.

4A-39.010 Required Forms for Training and Certification of Firesafety Inspectors.

The required forms for training and certification of firesafety inspectors are DI4-1020, DI4-1023, DI4-1459, and DI4-1463, the revisions as adopted in Section 4A-37.039, Florida Administrative Code.

~~(1) DI4 1023 Form —“Application for Firesafety Inspector I Certification Examination.”~~

~~(2) DI4 1459 Form —“Application for Special Firesafety Inspector Certification Examination.”~~

~~(3) DI4 1463 Form —“Inspector Certification Renewal Application.”~~

~~(4) DI4 1020 Form —“Personal Inquiry Waiver.”~~

~~(5) The above referenced forms are incorporated herein by reference and will be effective on the effective date of this rule. Copies of these forms are available from the Bureau of Fire Standards and Training, 11655 N.W. Gainesville Road, Ocala, Florida 34482-1486 or may be obtained from the Bureau website at www.fsfc/ufl.edu.~~

Specific Authority 633.01 FS. Law Implemented 633.081 FS. History—New 11-21-83, Formerly 4A-39.10, Amended 8-2-88, 3-1-89, _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER NO.: RULE CHAPTER TITLE:
9B-7 Florida Building Commission –
Handicapped Accessibility
Standards

RULE NO.: RULE TITLE:
9B-7.003 Procedures

NOTICE OF ADDITIONAL PUBLIC HEARING

The Florida Building Commission hereby gives notice that an additional public hearing on the above-referenced rule will be held on November 6, 2001, 9:00 a.m., Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida. This hearing is being held to consider public comments. The rule was originally published in Vol. 27, No. 36 of the September 7, 2001 issue of the Florida Administrative Weekly.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. 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) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER NO.: RULE CHAPTER TITLE:
9B-7 Florida Building Commission –
Handicapped Accessibility
Standards

RULE NO.: RULE TITLE:
9B-7.0042 Florida Accessibility Code for
Building Construction

NOTICE OF ADDITIONAL PUBLIC HEARING

The Florida Building Commission hereby gives notice that an additional public hearing on the above-referenced rule will be held on November 6, 2001, 9:00 a.m., Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida. This hearing is being held to consider public comments. The rule was originally published in Vol. 27, No. 36, of the September 7, 2001 issue of the Florida Administrative Weekly.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. 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) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-208.506 Staff Housing Agreement Form

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. 26, No. 43, October 27, 2000 issue of the Florida Administrative Weekly:

The incorporated form DC2-803A, Staff Housing Agreement, is being amended to delete the requirement that staff provide their social security numbers in order to obtain staff housing, and to delete language requiring an agreement to comply “.with all applicable laws, rules, procedures, and institutional operating procedures..”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
 61C-4.023 Food Protection Manager
 Certification and Public Food
 Service Employee Training

NOTICE OF CORRECTION

Notice is hereby given that the following corrections have been made to the notice of change to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 33, August 17, 2001, issue of the Florida Administrative Weekly. An incorrect Notice of Change was published in Vol. 27, No. 39, September 28, 2001. The changes are in response to comments made at a public rule hearing held on September 10, 2001, written comments received from the public, and written comments made by the Joint Administrative Procedures Committee. The corrected Notice of Change reads as follows:

61C-4.023 Food Protection Manager Certification and Public Food Service Employee Training.

(4) Public Food Service Employee Training.

(a) All public food service employees must receive training on professional hygiene and foodborne disease prevention through a food safety training program administered by the division’s contracted training provider or another food safety training program approved by the division. Any food safety training program established and administered to food handler employees utilized at a public food service establishment prior to July 1, 2000 may provide food handler employee training and certification if the program is reviewed and approved by the division. For purposes of division approval, the program provider shall submit its training program to the division for review by providing a completed application using, which is DBPR Form HR 5026-011, entitled Food Safety Training Certification Program Application, incorporated herein by reference and effective 10-01-01 11-08-00, a copy of which is available by writing the Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, identifying the training components covered by the program in the application, as well

~~as an executed copy of the division’s applicant affidavit attesting to the accuracy of the application.~~ The division will approve programs that the division determines to be in substantial compliance with the division’s adopted minimum food safety standards and related rules. A provider’s approval is subject to the program provider’s continued compliance with the division’s minimum food safety standards and related rules. The division may conduct random audits of approved programs to determine compliance and may audit any program if it has reason to believe a program is not in compliance with the division’s minimum food safety standards. The division shall revoke its approval of any program which, upon examination, fails to substantially comply with the minimum food safety standards and related rules established by the division, as amended from time to time.

(b) Approved program providers must maintain training information for a period of at least three years from the date training is provided. If the program provider directly administers training to a food service employee, this information must include the name of the trained food service employee, the name of establishments where training has been provided, the date of training, and the specific course that was used for the training. If the program provider furnishes program materials but does not directly administer training to a food service employee, this information must include the name of establishments where program materials have been provided, the date these material were provided, and the specific course which was provided. The division shall revoke its approval of any program where ~~which~~, upon examination, the program provider is found to have failed to keep this required information or to have knowingly participated in falsifying any training record.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
 61D-2.021 Aggravating and Mitigating
 Circumstances

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 27, No. 31, August 3, 2001 issue of the Florida Administrative Weekly. The changes are in response to comments made at a public rule hearing held on August 28, 2001.

61D-2.021 Aggravating and Mitigating Circumstances.

Circumstances which may be considered for the purposes of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

(1) The ~~severity impact~~ of the offense ~~to the integrity of the pari-mutuel industry.~~

(2) through (3) will remain as originally published.

(4) The number of complaints filed against the licensee ~~or permitholder, which have resulted in prior discipline.~~

(5) The length of time the licensee ~~or permitholder~~ has practiced.

(6) will remain as originally published.

~~(7) The effect of the penalty upon the licensee's livelihood.~~

~~(7)(8)~~ Any efforts at rehabilitation.

~~(8)(9)~~ Any other mitigating or aggravating circumstances.

Specific Authority 550.0251(3), 550.2415(13) FS. Law Implemented 550.0251, 550.1155, 550.2415 FS. History--New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NO.: 62B-26.011
 RULE TITLE: Description of the Pinellas County Coastal Construction Control Line

NOTICE OF CONTINUATION OF PUBLIC HEARING

The Office of Beaches and Coastal Systems of the Department of Environmental Protection announces the continuation of the rule adoption hearing for Rule 62B-26.011, F.A.C. published in Vol. 26, No. 51, FAW.

The Notice of Continuation of the public hearing was published in the March 16, 2001, Vol. 27, No. 11, F.A.W. The time, date and place of the continued hearing is November 19, 2001, 7:00 p.m., Pinellas County, Treasure Island Community Center, 1 Park Place, Treasure Island, Florida

Any information regarding this notice or hearing, may be obtained by writing: Office of Beaches and Coastal Systems, Attn: Rosaline Beckham, 3900 Commonwealth Blvd., Mail Station #300, Tallahassee, Florida 32399 or by calling (850)487-1262.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 72 hours before the hearing by contacting the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771(TDD).

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-45.005
 RULE TITLE: Performance of Pro Bono Service

NOTICE OF CORRECTION

The above-proposed rule was published in the October 12, 2001 issue for the Florida Administrative Weekly, Vol. 27, No. 41. The date Notice of proposed Rule Development published

in the Florida Administrative Weekly, which was originally published as March 9, 2001, instead, it should have been March 2, 2001. The foregoing change does not affect the substance of the proposed rule.

The person to be contacted regarding the above change is Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE NOS.:	RULE TITLES:
64B11-2.003	Fees; Application
64B11-2.008	Fees; Initial License
64B11-2.009	Fees; Renewal of License

NOTICE OF PUBLIC HEARING

The Board of Occupational Therapy Practice hereby gives notice of a public hearing on the above-referenced rules to be held on November 5, 2001 at 10:00 a.m., 4042 Bald Cypress Way, Room 301, Tallahassee, Florida. This public hearing is being held in response to a request for a public hearing. The rule notice was originally published in the Vol. 27, No. 39, September 28, 2001 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255. Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD)

DEPARTMENT OF HEALTH

Board of Respiratory Care

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

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. 16, April 20, 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 July 20, 2001.

The rule shall now read as follows:

64B32-3.005 Fees for Application, Examination, Initial and Renewal Registration.

(1) The application fee for a person desiring to be granted licensure as a respiratory therapy technician shall be \$50.00.

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

(3) In addition to all other fees collected from each initial licensee, there shall be a \$5.00 fee collected upon initial licensure and each renewal for the purpose of combating unlicensed activity.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

Section IV Emergency Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: RULE NO.:

Electronic Transmission of Election Materials 1SER01-1

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The buildings comprising the World Trade Center were destroyed by a terrorist attack on September 11, 2001. Since that time, military personnel, including both active and reserve personnel, have been called to active duty. The largest deployment of military troops since Desert Storm has been ordered by the President of the United States. The ability of these Florida citizens to exercise their right to vote in Florida elections will be substantially and adversely affected by this emergency situation. The public welfare requires that the state make every effort to protect the right of its electors to vote. In light of the emergency situation and the large number of Floridians who are involved in this emergency situation, the public welfare requires that an alternative method for voting be extended to Florida's overseas voters.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Adopting an emergency rule is the most equitable method to protect the absentee overseas electors and their voting rights due to the recent national emergency and the rapid deployment of military personnel. Although the Elections Canvassing Commission was able to certify the results of an election for a state office to comply with the distribution of absentee ballots, overseas citizens involved in this emergency situation were not able to receive that distribution of absentee ballots. Through this emergency rule, a ballot will be sent by facsimile to absentee electors overseas. By allowing facsimile transmission of ballots, the right to vote will be protected. The procedure outlined in the rule is the similar to that of the Federal Voting Systems Assistance Project ("FVAP"). The FVAP currently processes electronic transmission of election materials for other states, and this procedure is substantially the same that was followed in Desert Storm, a similar emergency situation.

SUMMARY OF THE RULE: This emergency rule describes the process for a supervisor of elections to accept a request for an absentee ballot and a voted absentee ballot by facsimile machine. This includes faxing the blank absentee ballot by the supervisor to the voter.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Amy K. Tuck, Assistant General Counsel, Department of State, Division of Elections, Room 1801, The Capitol, Tallahassee, Florida 32399, (850)488-1402

THE FULL TEXT OF THE EMERGENCY RULE IS:

1SER01-1 Electronic Transmission of Election Materials.

(1) A qualified overseas voter who is otherwise qualified to apply for and vote by absentee ballot, may request an absentee ballot by facsimile transmission.

(2) A supervisor of elections may send and receive facsimile absentee ballot applications and accept voted ballots from eligible voters via facsimile.

(3) If a voter chooses to cast an absentee ballot by facsimile, that ballot must be received by the supervisor prior to the close of the polls on election day.

(4) An absentee ballot that is completed and returned by the voter via facsimile must contain the voter's signature, date of signature, and the following statement: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot."

(5) For voters and supervisors electronically transmitting election materials, unless otherwise noted, the procedures of electronic transmission for the Federal Voting Assistance Project shall be followed.

Specific Authority 101.62(5) FS. Law Implemented 101.62(5) FS. History—New 10-12-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 12, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:

Instant Game Number 400, "HOLIDAY BINGO" 53ER01-69

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 400, "HOLIDAY BINGO" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-69 Instant Game Number 400, "HOLIDAY BINGO."

(1) Name of Game. Instant Game Number 400, "HOLIDAY BINGO."

(2) Price. HOLIDAY BINGO lottery tickets sell for \$2.00 per ticket.

(3) HOLIDAY BINGO lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning HOLIDAY BINGO lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any HOLIDAY BINGO lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The "Caller's Card" play symbols are as follows:

ADD SYMBOLS

(5) The player's cards play symbols are as follows:

ADD SYMBOLS

(6) Determination of Prize Winners. There are four player's cards numbered 1 through 4 and one Caller's Card on each HOLIDAY BINGO ticket. A "FREE" space will appear in the center of each player's card. A "FREE" space can substitute as a number in a pattern of which it is a part. A ticket whose Caller's Card numbers match the numbers on one of the four player's cards in one of the following designs shall entitle the claimant to the prize shown for that design on the card:

(a) Horizontal line of five numbers (or four numbers and one "FREE" space).

(b) Vertical line of five numbers (or four numbers and one "FREE" space).

(c) Diagonal line of four numbers and one "FREE" space.

(d) Four corners (consisting of four numbers).

(e) "X" (consisting of eight numbers and one "FREE" space).

(7) Prize amounts for a particular design are different on each player's card.

(8) Players may win on one or more player's cards per ticket.

(9) Prizes which appear in the player's card play area are: FREE TICKET, \$3, \$10, \$25, \$50, \$150, \$250, \$1,000, and \$10,000.

(10) A claimant who is entitled to a prize of a "FREE TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a HOLIDAY BINGO lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(11) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 400 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS	
		IN 63 POOLS OF 120,000 TICKETS	PER POOL
LINE - CARD 1	\$2 TICKET	907,200	1 in 8.33
LINE - CARD 2	\$3	856,800	1 in 8.82
LINE - CARDS 1, 2	\$3 + \$2 TICKET	252,000	1 in 30.00
LINE - CARD 3	\$10	201,600	1 in 37.50
LINE - CARDS 1, 3	\$10 + \$2 TICKET	100,800	1 in 75.00
4 CORNERS - CARD 1	\$25	15,120	1 in 500.00
LINE - CARD 4	\$25	15,120	1 in 500.00
LINE - CARDS 1, 2, 4	\$28 + \$2 TICKET	1,575	1 in 4,800.00
LINE - CARDS 1, 2, 3, 4	\$38 + \$2 TICKET	1,323	1 in 5,714.29
4 CORNERS - CARD 2	\$50	945	1 in 8,000.00
"X" - CARD 1	\$150	20	1 in 378,000.00
4 CORNERS - CARDS 1,3			
+ LINE - CARD 4	\$200	15	1 in 504,000.00
4 CORNERS - CARD 2 +			
"X" - CARD 1	\$200	15	1 in 504,000.00
4 CORNERS - CARDS 1,			
2, 3 + LINE - CARD 4	\$250	10	1 in 756,000.00
"X" - CARD 2	\$250	10	1 in 756,000.00
4 CORNERS - CARD 4	\$250	10	1 in 756,000.00
"X" - CARD 3	\$1,000	10	1 in 756,000.00
"X" - CARD 4	\$10,000	3	1 in 2,520,000.00

(12) The overall odds of winning any prize in Instant Game Number 400 are 1 in 3.21.

(13) For reorders of Instant Game Number 400, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(14) By purchasing a HOLIDAY BINGO lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(15) Payment of prizes for HOLIDAY BINGO lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(10)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a), (b), (c), 24.115(1) FS. History--New 10-12-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 12, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 401, HOT 7'S
 RULE NO.: 53ER01-70

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 401, "HOT 7'S," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-70 Instant Game Number 401, HOT 7'S.

(1) Name of Game. Instant Game Number 401, "HOT 7'S."

(2) Price. HOT 7'S tickets sell for \$1.00 per ticket.

(3) HOT 7'S lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning HOT 7'S lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any HOT 7'S lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

ADD SYMBOL

(5) Determination of Prize Winners.

A ticket having three "7's" in the play area in any one row, column or diagonal shall entitle the claimant to the corresponding prize shown. The prizes are: FREE TICKET, \$2, \$3, \$7, \$27, \$77, and \$777. A claimant who is entitled to a prize of a "FREE TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a HOT 7'S lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(6) The value, number of prizes, and odds of winning in Instant Game Number 401 are as follows:

		NUMBER OF WINNERS IN 84 POOLS OF 180,000 TICKETS	
GAME PLAY	WIN	PER POOL	ODDS
RIGHT COLUMN	\$1 TICKET	1,814,400	1 in 8.33

MIDDLE COLUMN	\$2	957,600	1 in 15.79
LEFT COLUMN	\$3	453,600	1 in 33.33
TOP ROW	\$7	302,400	1 in 50.00
CENTER ROW	\$27	55,608	1 in 271.90
BOTTOM ROW	\$77	3,360	1 in 4,500.00
DIAGONAL	\$777	40	1 in 378,000.00

(7) The overall odds of winning any prize in Instant Game Number 401 are 1 in 4.22.

(8) For reorders of Instant Game Number 401, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(9) By purchasing a HOT 7'S lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(10) Payment of prizes for HOT 7'S lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(10)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a), (b), (c), 24.115(1) FS. History—New 10-12-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 12, 2001

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on October 9, 2001, from Pameco Corporation. The petitioner seeks a waiver of reporting requirements and late fees imposed pursuant to sections 252.81-252.90, Florida Statutes, as implemented by Chapter 9G-14, Florida Administrative Code. A copy of the Petition, which has been assigned the number DCA01-WAI-155, may be obtained by writing: Paula P. Ford, Agency Clerk, Florida Building Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on October 12, 2001, from the City of Miami. The petitioner seeks a waiver of ss. 9K-7.004(1) and 9K-7.004(5), Fla. Admin. Code, for Florida Communities Trust Project No. 01-157-FF1 Dupuis/Magic City Neighborhood Park.

A copy of the Petition, which has been assigned the number DCA01-WAI-154, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on October 10, 2001, the South Florida Water Management District (SFWMD) received a request from Jeff Viselli & Christine Berghof, to withdraw the petition for waiver filed with the SFWMD on September 10, 2001, for utilization of Works and Lands of the SFWMD known as the C-51 Canal, Palm Beach County.

A copy of the petition or withdrawal may be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Board of Electrical Contractors' Licensing hereby gives notice that it has received a petition, filed on October 15, 2001, by John B. Gresham, seeking a waiver and/or variance of Rule 61G6-5.008, which requires an applicant to submit evidence the applicant has obtained public liability and property damage insurance, in the amounts stated in the form of a Certificate of Insurance.

Written comments on this petition should be filed with Board of Electrical Contractors' Licensing, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Anthony Spivey, Executive Director, Board of Board of Electrical Contractors' Licensing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection hereby gives notice that the Petition for Temporary Waiver of F.A.C. Sections 62D-5.059(2) and (3) and 62D-5.056(2)(b), pursuant to section 120.542, Florida Statutes, was withdrawn by the Petitioner, City of Orlando, on June 29, 2001. The Petition was filed on April 11, 2001. The Notice of Receipt of Petition for Variance was published in the Florida Administrative Weekly on May 4, 2001. No determination was made on said Petition due to the withdrawal.

For further information, call or write Suzanne Brantley, Department of Environmental Protection, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)488-9314.

On June 20, 2001, the Department received a request, pursuant to Section 120.542, F.S. (2000), from the Miami Dade Aviation Department, seeking a temporary waiver from the requirement for the installation of secondary containment under Rule 62-761.510(3)(d), F.A.C., for Tank Farm Number 2 at the Miami International Airport in Miami, Fl. The petition was assigned OGC case #01-1012. A Notice of Receipt of Petition for Variance/Waiver was published in the June 29, 2001, F.A.W. On October 5, 2001, the request was approved. No comments from the public were received.

Copies may be obtained from: Department of Environmental Protection, Bureau of Petroleum Storage Systems, Mail Station 4525, 2600 Blair Stone Rd., Tallahassee, Florida 32399-2400; Attn: John Svec.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on October 8, 2001, Florida Housing Finance Corporation received a Petition for Waiver of Rule 67-47.120, .130, .140 and .150, Florida Administrative Code, from Lake Forest Glen, Inc. (the "Petition"). The Petition is seeking a variance from the rule which provides that the HOME Homeownership Construction Funds be used during the construction for down payment and closing cost assistance only.

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 11, 2001, Florida Housing Finance Corporation received a Petition for Variance from or Waiver of Rule 67-44.004(3), Florida Administrative Code, from Hope Properties, Inc. (the "Petition"). The Petition is seeking a variance from the rule which provides that no additions, deletions, or changes to an application will be accepted for consideration once the application has been received.

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 12, 2001, Florida Housing Finance Corporation received a Petition for Variance or Waiver of Rule from Cross Creek Joint Venture (the "Petition"). The Petition is seeking a variance from Rule 9I-47.140(5), Florida Administrative Code, which provides that the all units receiving HOME Second Mortgage loan financing to have closed by September 4, 2001.

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

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
 Department of Veterans' Affairs
 Department of Highway Safety and Motor Vehicles
 Department of Law Enforcement
 Department of Revenue
 Department of Education
 Administration Commission
 Florida Land and Water Adjudicatory Commission
 Board of Trustees of the Internal Improvement Trust Fund
 Department of Environmental Protection

DATE AND TIME: November 14, 2001, 9:00 a.m.

PLACE: Room 212, Knott Building, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report

on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Old Capital, Senate Chambers, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Division of Historical Resources** announces a public notice of the Florida Historic Marker Council Meeting.

DATE AND TIME: Thursday, November 8, 2001, 10:00 a.m.

PLACE: Room 409, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications for Florida State Historic Markers.

A copy of the agenda may be obtained by writing: Florida State Historic Marker Program, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, FL 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The Board of Directors of the **Central West Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 8, 2001, 2:00 p.m.

PLACE: Columbia Restaurant, 2117 E. 7th Avenue, Tampa, FL 33605

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Tampa Regional Office, 1802 East 9th Avenue, Tampa, Florida 33605. 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 agency at least 48 hours prior to the meeting in order to request special assistance.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces public Committee meetings to which all persons are invited:

COMMITTEE: Governmental Affairs

DATE AND TIME: Wednesday, November 14, 2001, 9:00 a.m. – conclusion

PLACE: Curtis M. Phillips Center for the Performing Arts, Mezzanine Level, 315 Hull Road, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss any outstanding issues and the upcoming Legislative Session.

COMMITTEE: Quarterly Assistance/UACAP

DATE AND TIME: Wednesday, November 14, 2001, 9:00 a.m. – conclusion

PLACE: University of Florida Campus, Harn Auditorium, 34th Street and Hull Road, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and make recommendations regarding the applications received for the Quarterly Assistance Grant and Underserved Arts Communities Assistance Programs.

COMMITTEE: Cultural Facilities Program Grant Review Panel

DATES AND TIMES: Wednesday, November 14, 2001, 1:30 p.m. – 5:00 p.m.; Thursday, November 15, 2001, 8:30 a.m. – conclusion

PLACE: University of Florida Campus, Harn Auditorium, 34th Street and Hull Road, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and make recommendations regarding the applications received for the Cultural Facilities Program.

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250 or by calling Wendy G. Moss, (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meetings, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the agency at least 48 hours before the meeting by contacting Wendy G. Moss, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Legislative Advocacy Committee of the **Florida Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: November 13, 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 Annual Report Committee of the **Florida Commission on the Status of Women** will hold a conference call on:

DATE AND TIME: November 15, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF BANKING AND FINANCE

The Florida **Board of Funeral and Cemetery Services** announces a telephone conference Board Meeting and all persons are invited to attend.

DATE AND TIME: November 14, 2001, 9:00 a.m. – 11:00 a.m.

PLACE: Telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

To obtain further information on how to participate contact: Frances Restifo, Administrative Assistant II, Division of Securities and Finance, Room 649B, Fletcher Bldg., 101 East Gaines St., Tallahassee, FL 32399-0350, (850)410-9853. An agenda will be available seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Alligator Marketing and Education Advisory Committee.

DATE AND TIME: November 15, 2001, 9:30 a.m.

PLACE: Fruit and Vegetable Association, 4401 East Colonial Drive, Orlando, Florida, (407)894-1351

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss marketing and educational activities beneficial to the Florida Alligator Industry.

A copy of the agenda may be obtained by contacting: Phyllis McCrainie, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-0163.

If special accommodations are needed to attend this meeting because of disability, please contact Phyllis McCrainie as soon as possible.

Notice is hereby given that the Florida **Department of Agriculture and Consumer Services** will conduct a public workshop on the Alligator Harbor Aquaculture Use Area.

DATE AND TIME: November 14, 2001, 6:00 p.m. – 8:00 p.m.
 PLACE: Franklin County Senior Citizen Center, 201 Avenue F, Carrabelle, Florida 32322

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Agriculture and Consumer Services will assign submerged land aquaculture lease parcels to qualified applicants whose lease applications are currently pending in the Alligator Harbor Aquaculture Use Area. Individual 1.5 acre parcels will be assigned based on the sequence of file numbers that reflects the dates and times that applications were received and on the residence preference for qualified applicants. Applicants are encouraged to attend the workshop to participate in the lease assignment process. Applicants who cannot attend the workshop may delegate an agent for the sole purpose of participating in the workshop on their behalf, provided that the authorized agent presents picture identification and a notarized affidavit from the applicant to the workshop coordinator when the applicant's name and file number are called. In the event that neither the applicant nor an authorized agent are present at the workshop, then those applicants will be placed in an applicant pool, and parcel assignments will be based on the available parcels and the sequence of file numbers in the pool. The assignment of parcels to applicants in the pool may or may not take place at the workshop.

A copy of the agenda may be obtained by writing: Division of Aquaculture, Fifth Floor, 1203 Governor's Square Blvd., Tallahassee, Florida 32301.

ADA NOTICE: If an accommodation is needed for a disability in order to participate in the public workshop, please notify the Division of Aquaculture by calling (850)488-4033, at least seven days prior to the public workshop.

NOTICE OF CANCELLATION – The Florida **State Fair Authority**, Finance Committee, Marketing Committee and Long Range Planning Committee Meetings originally scheduled for October 25, 2001, 11:00 a.m. have been cancelled. New meeting dates have not been set.

NOTICE OF CANCELLATION – The Florida **State Fair Authority** Meeting of the Full Authority originally scheduled for October 25, 2001, 1:00 p.m. has been cancelled. A new meeting date has not been set.

DEPARTMENT OF EDUCATION

The State of Florida, **Education Standards Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, November 8, 2001, 8:30 a.m. – 5:00 p.m.; Friday, November 9, 2001, 8:30 a.m. – 12:00 Noon

PLACE: University of Central Florida, UCF Arena, 4000 Central Florida Boulevard, Orlando, Florida 32816, (407)823-5529

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Florida Education Standards Commission will meet and discuss issues related to the Commission's charge.

To obtain a copy of the agenda, please call or write: Florida Education Standards Commission, Room 224, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399, (850)488-1523 or Suncom 278-1523.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact Dr. Adeniji Odotola at the above address or telephone number.

The Florida **Department of Education (DOE)** announces a meeting of the Partnership for School Safety and Security to which all persons are invited.

DATES AND TIME: November 15-16, 2001, 8:00 a.m. – 5:00 p.m.

PLACE: The Department of Education, Room 1721-1725, 325 W. Gaines Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Partnership for School Safety and Security Members, appointed by Governor Jeb Bush in October, 2000. The Partnership for School Safety and Security welcomes participation from any interested members of the public.

Any persons requiring special accommodation at this meeting because of a disability or physical impairment should contact Yvonna Allen, Office of Safe Schools, (850)414-0237, at least five calendar days prior to the meeting.

Additional information may be obtained by writing: Department of Education, Office of Safe Schools, Room 301, 325 West Gaines Street, Tallahassee, Florida 32399 or by telephoning Yvonna Allen, (850)414-0237.

The Florida **Community College System** announces a conference call of the Foundation for Florida's Community Colleges, Inc., to which all persons are invited.

DATE AND TIME: November 8, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Call (850)488-5778 or Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business meeting of the Board of Directors.

NOTE: If you need special services to attend the meeting or need additional information, write: Division of Community Colleges, Suite 1314, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

The Florida Community College Distance Learning Consortium of the **State Board of Community Colleges** announces the following public meeting to which all persons are invited to participate:

DATES AND TIMES: Thursday, November 8, 2001, 1:00 p.m. – 5:00 p.m.; Friday, November 9, 2001, 8:00 a.m. – 3:00 p.m.

PLACE: Lake Sumter Community College, 9501 US Highway 441, Leesburg, FL 34788

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Business Meeting.

NOTE: If you need additional information or special services to participate in the meeting, please contact: Florida Community College, Distance Learning Consortium, University Center, Suite C-1100, Building C, Tallahassee, FL 32306-2732, (850)645-4826.

The Division of Colleges and Universities of the Florida **Board of Education** announces a meeting to which the public is invited.

DATE AND TIME: Monday, November 5, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Florida Education Center, Room 1701, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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. 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 **Department of Education** announces the following meeting of the Occupational Access and Opportunity Commission State Plan Committee and to which all persons are invited and to which all interested individuals are encouraged to attend.

State Plan Committee

DATE AND TIME: November 7, 2001, 10:00 a.m. – 3:00 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 State Plan Committee.

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.

The **Department of Education** announces a series of public meetings to which all persons are invited and to which all interested individuals are encouraged to attend.

DATES AND TIME: December 4-7, 2001; December 10, 2001 or December 14, 2001, TBA

PLACE: Tallahassee (Workforce Boards 4, 5, and 6); Orlando (Workforce Boards 10 and 12); Palm Beach (Workforce Board 21); Sarasota (Workforce Board 18) Facility locations to be announced

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Plan Public Meeting.

The Occupational Access and Opportunity Commission and the Florida Rehabilitation Council are planning a series of public meetings to review changes to the State Plan for the implementation of additional Demonstration projects and service delivery initiatives.

Please note that the following accommodations will be provided: American Sign Language Interpreters, Assistive Listening Devices, Real-Time Captioning, Large Print and Braille materials.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059 Ext. 207, at least seven days before the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces the following meeting to which all persons are invited.

Meeting of the Building Code Training Program, Quality Management Task Group

DATE AND TIME: November 4, 2001, 8:00 a.m.

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida, 1(800)366-9700

A copy of the Task Force meeting agenda may be obtained by sending a request in writing: Ronald E. Nutter, Ph.D., College of Design, Construction and Planning, 331 ARCH, P. O. Box 115701, Gainesville, Florida 32611-5701, (352)392-4836, Fax (352)392-7266.

Any person requiring a special accommodation at the meeting because of a disability or physical impairment should contact Ms. Kathryn Willis, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Building Commission** announces the following meetings to which all persons are invited.

DATE AND TIMES: November 5, 2001, 8:00 a.m. – Meeting of the Elevator Emergency Access Ad Hoc Committee, 8:00 a.m. – Meeting of the Rules of Procedure Ad Hoc Committee;

10:00 a.m. – Meeting of the Rehab Code Ad Hoc Committee;
 1:00 p.m. – Meeting of the Education Ad Hoc Committee; 2:00
 p.m. – Meeting of the Swimming Pool Barriers Ad Hoc
 Committee; 3:00 p.m. – Meeting of the Product Approval Ad
 Hoc Committee

Meeting of the Florida Building Commission

DATE AND TIME: November 6, 2001, 8:30 a.m.

PLACE: Rosen Plaza Hotel. 9700 International Drive,
 Orlando, Florida, 1(800)366-9700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To
 review and take necessary actions on the October 2001
 Commission meeting minutes, and the November 2001
 Commission agenda; Additional Rule Adoption Hearing on
 Accessibility Code Amendments (Rule 9B-7); Rule Adoption
 Hearing on Code Refinements Notice of Change, if requested;
 Rehab Code Ad Hoc Committee Report and
 Recommendations; Rules of Procedure Ad Hoc Report and
 Recommendations; Education Ad Hoc Report and
 Recommendations; Elevator Emergency Ad Hoc Committee
 Report and Recommendations; Swimming Pool Barriers Ad
 Hoc Committee Report and Recommendations; Product
 Approval Ad Hoc Committee Report and Recommendations;
 consideration and action on Petition for Declaratory Statement
 DCA01-DEC-144 from Richard Holstein, President,
 Smartpool, Inc.; Legal Staff Report; Update Report from
 Privatization Task Force; and receive public comment.

A copy of the Committee and Commission meeting agendas
 may be obtained by sending a request in writing: Betty
 Stevens, Building Codes and Standards Office, Division of
 Housing and Community Development, Department of
 Community Affairs, 2555 Shumard Oak Boulevard,
 Tallahassee, Florida 32399-2100, Fax (850)414-8436 or
 looking on the website at www.floridabuilding.org.

If a person decides to appeal any decision made by the
 Commission with respect to any matter considered at this
 meeting, they will need to ensure that a verbatim record of the
 proceedings is made, which record includes the testimony and
 evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings
 because of a disability or physical impairment should contact
 Ms. Kathryn Willis, Department of Community Affairs,
 (850)487-1824, at least ten days before the meetings. If you are
 hearing or speech impaired, please contact the Department of
 Community Affairs using the Florida Dual Party Relay System
 which can be reached at 1(800)955-8770 (Voice) and
 1(800)955-8771 (TDD).

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: Emily Cook,
 Affordable Housing Study Commission, 2555 Shumard Oak
 Boulevard, Tallahassee, Florida 32399-2100, (850)922-1875.

STATE BOARD OF ADMINISTRATION

Notice is hereby given by the Florida **State Board of
 Administration** of a meeting of the Trustees of the Florida
 State Board of Administration to which all persons are invited.

DATE AND TIME: Thursday, November 15, 2001, 9:00 a.m. –
 12:00 Noon

PLACE: Room 212, Knott Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 This meeting of the Trustees of the Florida State Board of
 Administration (FSBA) will include the FSBA's staff's
 recommendations regarding the proposed investment managers
 for the Public Employee Optional Retirement Program
 (PEORP); and a general discussion of the implementation of
 the Public Employee Optional Retirement Program. It is
 anticipated that, if this meeting is held, it will be a continuation
 of the regularly-scheduled Cabinet meeting on November 14,
 2001.

Anyone wishing further information or a copy of the agenda
 should contact: Joan Lazar, Defined Contribution Program,
 P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail
 at: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act,
 anyone needing special accommodation to attend these
 meetings is requested to call Joan Lazar, (850)413-1492, five
 days prior to the meeting so that appropriate arrangements can
 be made.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** will consider at its November 6, 2001, Agenda Conference, Docket No. 011340-EI, Application of Florida Power & Light Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell, and/or exchange any combination of the long-term debt and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$3.3 billion during calendar year 2002. The Company also seeks permission to enter into forward refunding or forward swap contracts during calendar year 2002, in conjunction with which the Company seeks permission to issue and sell up to \$5.4 million of securities through December 31, 2002. In addition, the Company, pursuant to Section 366.04, Florida Statutes, seeks permission to issue and sell short-term securities during the calendar years 2002 and 2003 in an amount or amounts such that the aggregate principal amount of short-term securities outstanding at the time of any such sale will not exceed 25% of the Company's gross revenues during the preceding twelve months of operation.

DATE AND TIME: Tuesday, November 6, 2001, 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. 011340-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 Echnernacht, Division of Legal Services, (850)413-6218.

The Florida **Public Service Commission** will consider at its November 6, 2001, Agenda Conference, Docket No. 011345-GU, Application by Florida Division of Chesapeake Utilities Corporation (Chesapeake or Company) for Authorization to Issue Common Stock, Preferred Stock and Secured and/or Unsecured Debt and to Exceed Limitation Placed on Short-Term Borrowings in 2002. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue up to 6,000,000 shares of Chesapeake common stock, up to 1,000,000 shares of Chesapeake preferred stock, up to \$80,000,000 in secured and/or unsecured debt, and to obtain authorization to exceed the limitation placed on

short-term borrowings by Section 366.04, Florida Statutes, so as to issue short-term obligations in an amount not to exceed \$40,000,000.

DATE AND TIME: Tuesday, November 6, 2001, 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. 011345-GU.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (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 further information, contact: Adrienne Vining, Division of Legal Services, (850)413-6183.

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 980744-WS – Investigation into ratemaking considerations of gain on sale from sale of facilities of Florida Water Services Corporation to Orange County.

DATE AND TIME: November 16, 2001, 9:30 a.m.

PLACE: Betty Easley Conference Center, Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 011177-TP – Complaint of MCImetro Access Transmission Services LLC against Sprint-Florida, Incorporated for improper attempt to terminate interconnection agreement, request for interim relief, and request for expedited processing.

DATE AND TIME: November 16, 2001, 1:30 p.m.

PLACE: Betty Easley Conference Center, Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces a meeting of the Florida Black Business Investment Board, its loan and transition committees to which all interested persons are invited.

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

PLACE: DoubleTree Hotel, 101 S. Adams St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To further discuss the Board’s business plan to identify areas for future Board priorities, loan committee discussion/review/ approval of loan related issues, transition committee discussion and approve actions taken by the Chairman under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meeting, please notify the FBBIB Office, (850)487-4850, at least seven (7) days prior to the meetings. If

you are hearing or speech impaired, please contact the Office of the Governor by using the Citizen Service Office, (850)488-4441.

The **Florida Black Business Support Corporation** announces a meeting of its board of directors, loan and transition committees to which all interested persons are invited.

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

PLACE: DoubleTree Hotel, 101 S. Adams St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To plan and discuss the Board’s business plan to identify areas for future Board priorities, loan committee discussion/review/ approval of loan related issues, transition committee discussion and approve actions taken by the Chairman under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Support Corporation, 1713 S. Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at this meeting, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBSC Office, (850)487-4850, at least seven (7) days prior to the meeting.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: North Central Florida Local Emergency Planning Committee

DATE AND TIME: November 16, 2001, 9:30 a.m.

PLACE: Progress Corp Park, One Progress Boulevard, Alachua, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Local Emergency Planning Committee.

MEETING: Regional Hazardous Materials Response Team

DATE AND TIME: November 16, 2001, 1:15 p.m.

PLACE: North Central Florida Regional Planning Council Office, 2009 N. W. 67th Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Hazardous Materials Response Team.

Any persons deciding to appeal any decision of the Committee or Team with respect to any matter considered at the meetings may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, Suite A, 2009 N. W. 67th Place, Gainesville, FL 32653.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Central Florida Regional Planning Council** will hold its meeting and the Council's Executive Committee meeting to which all persons are invited:

DATE AND TIME: Wednesday, November 7, 2001, 9:30 a.m.

PLACE: Highlands County Health Department, Conference Room, 7205 South George Blvd., Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the District 7, Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, Exercise Sub-Committee and Risk Management Program Sub-Committee to which all persons are invited.

DATE AND TIME: Wednesday, November 14, 2001, 9:00 a.m.

PLACE: Highlands County Extension Building, 4509 West George Boulevard, Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committee Meetings.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may

need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, November 8, 2001, 9:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Blvd., St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agency on Bay Management – Full Agency Meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, November 12, 2001, 8:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Boulevard, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive/Budget Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, November 12, 2001, 10:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Boulevard, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tampa Bay Regional Planning Council.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, November 26, 2001, 9:30 a.m. (Subject to cancellation – please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Blvd., St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Clearinghouse Review Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization for the Orlando Urban Area** announces the following public meetings of its Governing Board and Executive Committee to which all persons are invited:

DATE AND TIMES: Thursday, November 15, 2001, 9:00 a.m. and 11:00 a.m., respectively

PLACE: Metroplan Orlando Boardroom, Suite 355, 315 East Robinson Street, Orlando, FL 32801

PURPOSE: Regularly Scheduled Board Meeting and Executive Committee Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order
2. Agenda Review
3. Approval of Minutes
4. Consent Items
5. Action Items
6. Presentations, if any.
7. Other Business
8. Chairman’s Report
9. Executive Director’s Report
10. Legislative Report

A copy of the detailed agenda may be obtained by contacting: Virginia Lewis-Whittington, Manager of Board Services, METROPLAN ORLANDO, Suite 355, 315 East Robinson Street, Orlando, FL 32801, (407)481-5672, Extension 314.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact METROPLAN ORLANDO, (407)481-5672, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: November 8, 2001, 9:00 a.m.

PLACE: Tommy Usher Center, 506 S. W. 4th Avenue, Highway 345, Chiefland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the C Linden Davidson Tract, 270 acres +/-, Madison and Jefferson Counties, Florida, with funds from the Florida Forever Trust Fund; also the proposed acquisition of the Plum Creek/Manatee Springs Addition, 17,600 acres +/-, Levy County, Florida with funds from the Florida Forever Trust Fund.

DATES AND TIMES: November 8, 2001, 2:00 p.m.; November 9, 2001, 8:30 a.m.

PLACE: Cedar Key Historical Museum, Second Street and Highway 24, Cedar Key, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Workshop on District Programs.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Suwannee River Water Management District** announces the following public hearing to which all interested persons are invited.

DATE AND TIME: November 8, 2001, 9:00 a.m.

PLACE: Chiefland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing is being held to offer interested persons the opportunity to provide comments concerning the annual revision and changes to the District’s Florida Forever Work Plan.

A copy of the Florida Forever Work Plan may be obtained by writing: Gwendolyn Lord, Administrative Assistant, SRWMD, 9225 CR 49, Live Oak, FL 32060.

The **St. Johns River Water Management District** announces a Land Acquisition and Management Committee Meeting and tour to which all persons are invited.

MEETING: Land Acquisition and Management Committee Meeting

DATE AND TIME: Thursday, November 1, 2001, 9:00 a.m. – 11:30 a.m.

PLACE: Clarion Hotel Airport, Conference Center, 2101 Dixie Clipper Drive, Jacksonville, FL 32218, (904)741-1997

TOUR: Land Acquisition and Management Committee, Tour of Julington Durbin Creek

DATE AND TIME: November 1, 2001, 12:30 p.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

The **St. Johns River Water Management District** announces a Central Region Recreation Advisory Council Meeting to which all persons are invited.

MEETING: Central Region Recreation Advisory Council

DATE AND TIME: Wednesday, November 7, 2001, 9:30 a.m. – 12:00 Noon

PLACE: Geneva Wilderness Area Education Center, North of Oviedo on CR 426

TOUR: Lake Monroe Conservation Area

DATE AND TIME: Wednesday, November 7, 2001, 1:00 p.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss recreation on District lands in the Central Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

If, due to disability, you require a special accommodation to participate in this public meeting, contact Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

The **St. Johns River Water Management District** announces the following public meetings and hearings, which may be conducted by means of or in conjunction with communications technology, to which all persons are invited:

GOVERNING BOARD AND PUBLIC HEARING

DATE AND TIME: Tuesday, November 13, 2001, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff will recommend approval of external budget amendments. Discussion and consideration of District business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

NOTE: In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference.

A copy of the agenda for these meetings may be obtained by writing: St. Johns River Water Management District, Attention: Ann Freeman, Executive Office, P. O. Box 1429, Palatka, Florida 32178-1429.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** announces the following joint public workshop with South Florida Water Management District to which all persons are invited:

JOINT GOVERNING BOARD WORKSHOP

DATE AND TIME: Wednesday, November 14, 2001, 9:00 a.m.

PLACE: Harry P. Leu Gardens, 1730 North Forest Avenue, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of regional water supply and water resource management issues. No Governing Board action will be taken at this workshop.

NOTE: A copy of the agenda for this workshop may be obtained by writing: St. Johns River Water Management District, Attention: Ann Freeman, Executive Office, P. O. Box 1429, Palatka, Florida 32178-1429.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to advise the St. Johns River Water Management District at least 48 hours before the workshop by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the St. Johns River Water Management District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision of the St. Johns River Water Management District, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting:
PHOSPHATE MINING TOUR SPONSORED BY CARGILL FERTILIZER, INC.

DATE AND TIME: Tuesday, November 6, 2001, 9:30 a.m.
 PLACE: SWFWMD, Service Office, 170 Century Blvd., Bartow, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Includes visits to reclamation sites, settling ponds and a working dragline operation in Polk County.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: November 2, 2001, 10:00 a.m.
 PLACE: West of Delray Beach, Palm Beach County (exact site to be determined)
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Loxahatchee Mitigation Bank groundbreaking to mark commencement of construction and restoration work.

A copy of the program agenda may be obtained by writing: South Florida Water Management District, Mail Stop 5720, Post Office Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Marjorie Moore, Land Stewardship Department, (561)682-6104, District Headquarters, 3301 Gun Club Road, Mail Stop Code 5720, West Palm Beach, FL 33406.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a conference call meeting of the Conference Committee to which all persons are invited.

DATE AND TIME: Thursday, November 8, 2001, 10:00 a.m. – completion

PLACE: Call (850)488-0979 or Suncom 278-0979, Suite 1A, Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss plans for 2002 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Full Commission Meeting (via conference call) to which all persons are invited.

DATE AND TIME: Friday, November 9, 2001, 11:00 a.m. – completion

PLACE: Call (850)487-8587 or Suncom 277-8587
 PLACE: Suite 1A, Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the regular business of the Commission for the Transportation Disadvantaged.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, November 19, 2001, 10:00 a.m.
 PLACE: Tampa Bay Water, Suite 211-A, 2535 Landmark Drive, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Regular Board Meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

The **Peace River/Manasota Regional Water Supply Authority** announces the following public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, November 7, 2001, 10:00 a.m.

PLACE: Sarasota County Administration Center, 1660 Ringling Boulevard, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River Manasota Regional Water Supply Authority, Suite A, 1645 Barber Road, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

Advisory Council

DATE AND TIME: November 15, 2001, 10:00 a.m. – 2:00 p.m.

PLACE: Orlando Downtown Marriott, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the DOEA Advisory Council.

A copy of the agenda may be attained by contacting: Liz Jameson, (850)414-2152, after November 1, 2001.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Pilotage Rate Review Board** announces the following public hearing to which all persons are invited to attend:

DATE AND TIME: November 5, 2001, 1:00 p.m.

PLACE: Pilot Station – St. Johns Bar Pilot Association, 4910 Ocean Street, Mayport, FL 32233

GENERAL SUBJECT MATTER TO BE CONSIDERED: Site visit to the Port of Jacksonville (No Board business will be transacted.)

DATE AND TIME: November 6, 2001, 9:00 a.m.

PLACE: Sea Turtle Inn, 1 Ocean Boulevard, Atlantic Beach, FL 32233, (904)249-7402

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Rate Hearing for the Port of Jacksonville.

A copy of the application and the report of investigation thereon may be obtained by writing: Pilotage Rate Review Board, 1940 N. Monroe St., Tallahassee, Florida 32399-0773, and paying the appropriate costs.

All interested parties may file an answer, an additional or alternative application, or any other applicable pleading or response, including all documentation in support thereof within 30 days of this publication.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)488-0698, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, November 14, 2001, 2:00 p.m.; Thursday, November 15, 2001, 8:00 a.m.; Friday, October 16, 2001, 8:00 a.m.

PLACE: Sheraton Fort Lauderdale Airport, 1825 Griffin Road, Dania, Florida 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Committee, Disciplinary Actions and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0754.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)921-6983, at least seven calendar days

prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Board of Cosmetology** announces a Board Meeting via Telephone Conference Call open to the public and all persons are invited to participate.

DATE AND TIME: Monday, November 5, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0790, via Telephone Conference. To Connect Dial (850)487-8540 or Suncom 277-8540

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business and Disciplinary Matters.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, Suite 60, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern Using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees to which all persons are invited:

DATE AND TIME: Tuesday, November 13, 2001, 9:00 a.m.

PLACE: Florida Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

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 purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Wednesday, November 14, 2001, 10:00 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

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 purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public telephone conference call which all persons are invited:

DATE AND TIME: Tuesday, November 20, 2001, 2:00 p.m.

PLACE: Florida Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303, Call 1(800)923-4206

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303.

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 purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: December 4, 2001, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

PLACE: The Colony, 155 Hammon Avenue, Palm Beach, FL 33480, (561)655-5430

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)922-2404, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** announces the following EMERGENCY MEETING to be conducted by the Building Code Administrators and Inspectors Board (Board) via telephone conference call to which all persons are invited to attend:

MEETING: Building Code Administrators and Inspectors Board

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

PLACE: Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board Office, 1940 North Monroe Street, Tallahassee, FL 32399-2211, Access Number (850)921-2583 or Suncom 291-2583

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct an official emergency meeting of the Building Code Administrators and Inspectors Board (Board). The Board will reconsider the application file of James G. Griffis, applicant for Provisional Building Code Administrator.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)921-6500, at least forty eight (48) hours prior to the meeting. If you are hearing or speech impaired, please call

Elise Rice, Building Code Administrators and Inspectors Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Real Estate Commission** announces a rule workshop to which everyone is invited at the time, date and place shown below:

DATE AND TIME: November 14, 2001, 8:00 a.m. or as soon thereafter as possible

PLACE: Division of Real Estate, Commission Meeting Room 301, Hurston Building, North Tower, 400 W. Robinson St., Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop session to discuss Florida Administrative Code, Chapter 61J2 for possible changes. The purpose of the workshop is to perform rule review to ensure compliance with Department forms and for Biennial Rule Review to ensure the rules are correct and comply with statutory requirements and do not exceed statutory authority, pursuant to Sections 120.536 and 120.74, Florida Statutes.

Any person requiring a special accommodation at this workshop 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. and 4:00 p.m.), at least five calendar days prior to the workshop. If you are hearing or speech impaired, please call the Florida Real Estate Commission using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Lori Crawford, Deputy Clerk, Division of Real Estate, Suite N308, Hurston Building, North Tower, 400 West Robinson Street, Orlando, Florida 32801.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: November 7, 2001, 9:00 a.m.

PLACE: Florida State Turnbull Conference Center, Room 244, 555 West Pensacola Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of state agencies in Florida to discuss the most effective way to develop a comprehensive plan that coordinates the responsibilities of the agencies to manage and prevent biological invasions.

A copy of the agenda may be obtained by writing: William Torres, Department of Environmental Protection, Division of State Lands, Bureau of Invasive Plant Management, 3900 Commonwealth Boulevard, M.S. #705, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, November 7, 2001, 4:00 p.m. – 6:00 p.m.

PLACE: City of Coconut Creek Government Center, City Commission Chambers, 4800 West Copans Road, Coconut Creek, Florida 33063

GENERAL SUBJECT MATTER TO BE CONSIDERED: To accept public comments and provide status of Department's Intent to Issue an Air Construction Permit to El Paso Merchant Energy Company to construct a nominal 775 megawatt gas-fueled power plant East of the Florida Turnpike, West of Powerline Road, and immediately North of Northwest 48th Street (Hilton Road), Deerfield Beach, Broward County. The location is between the Lakeview/Waterways Community to the North and the Waste Management Landfill to the South. The permitting action is subject to the Department's rules for the Prevention of Significant Deterioration of Air Quality (PSD) and Best Available Control Technology (BACT).

A copy of the agenda and the Department's proposed permit and supporting documents can be obtained by contacting: Debbie Galbraith, Department of Environmental Protection, 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399, (850)921-9537 or by phoning the Bureau of Air Regulation's New Source Review Section, (850)921-9505.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection** announces a public meeting on rule development for the establishment of a phosphorus water quality criterion for the Everglades Protection Area pursuant to the Everglades Forever Act to which all persons are invited:

DATE AND TIME: November 13, 2001, 9:00 a.m.

PLACE: Crown Plaza Hotels and Resorts, 1601 Belvedere Road, West Palm Beach, FL, (561)689-6400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss revisions to Rules 62-302.530 and 62-302.540, F.A.C., pertaining to the establishment of a phosphorus water quality criterion for the Everglades Protection Area pursuant to the Everglades Forever Act.

A copy of the agenda may be obtained by contacting: Kristi Mader, Department of Environmental Protection, Everglades Technical Support Section, 2600 Blair Stone Road, MS #3560, Tallahassee, Florida 32399-2400, (850)921-5213.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Gloria Almada, (561)681-6600. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection**, Division of Air Resource Management announces a rule development workshop to which all persons are invited:

DATE AND TIME: Wednesday, November 14, 2001, 9:00 a.m.

PLACE: Conference Room A, First Floor, Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop will cover proposed amendments to sections of Florida Administrative Code Rules 62-210, 62-213, and 62-214, previously noticed for a workshop that was held Wednesday, September 26, 2001. Among the topics to be discussed are updates to the application for air permit form for Title V sources (DEP Form No. 62-210.900(1)), allowing more than one responsible official to be designated for each Title V source, and amendments to the statement of compliance form (DEP Form No. 62-213.900(7)).

A copy of the agenda may be obtained by contacting: Ms. Sandy Ladner, Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #5500, Tallahassee, Florida 32399-2400, (850)921-9551.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection**, Division of Air Resource Management announces a public workshop (40 CFR 51.102 public hearing) to which all persons are invited.

DATE AND TIME: Monday, November 26, 2001, 1:30 p.m.

PLACE: City Hall, Conference Room B, First Floor, St. James Bldg., 117 W. Duval St., Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The department will hear comments on its proposal to submit to the U.S. Environmental Protection Agency, as a proposed revision to Florida's State Implementation Plan under the Clean Air Act, an amendment to the ozone air quality maintenance plan for Duval County. The amendment would update the projected year-2005 ozone-precursor emissions based on the latest projections of on-road mobile source emissions prepared by the Metropolitan Planning Organization. Total projected emissions of both volatile organic compounds and nitrogen oxides would remain less than 1990 attainment-year levels.

A copy of the workshop agenda may be obtained by writing: Ms. Sandy Ladner, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station #5500, Tallahassee, Florida 32399-2400 or by calling (850)921-9590.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection** announces a public workshop (40 CFR 60.23(c) hearing) to which all persons are invited.

DATE AND TIME: Tuesday, November 27, 2001, 1:00 p.m.

PLACE: Division of Air Resource Management, Conference Room Suite 23, 111 S. Magnolia Drive, Tallahassee, FL 32399-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: On December 1, 2000, the U.S. Environmental Protection Agency (EPA) promulgated 40 CFR Part 60, Subparts CCCC and DDDD, Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources, Commercial and Industrial Solid Waste Incineration Units. On December 6, 2000, the U.S. EPA promulgated 40 CFR Part 60, Subparts AAAA and BBBB, Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources, Small Municipal Waste Combustion Units. The standards and guidelines for each of these two source categories implement Sections 111 and 129 of the Clean Air Act, which require that each State submit to the EPA a plan to implement and enforce the standards. Prior to submitting the State's plans to the EPA, the Department will hold the public workshop (referred to in 40 CFR 60.23(c) as a "public hearing") to discuss the plans and receive comments from any interested parties.

A copy of the agenda and directions to the workshop may be obtained by writing: Venkata Panchakarla, Department of Environmental Protection, Division of Air Resource

Management, 2600 Blair Stone Road, Mail Station #5500, Tallahassee, Florida 32399-2400, by email Venkata.Panchakarla@dep.state.fl.us or by calling (850)921-9551.

If an accommodation is needed for a disability in order to participate in this activity, please notify the Personnel Services Specialist, (850)488-2996 or 1(800)955-8771 (TDD), at least 48 hours prior to the event.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, November 6, 2001, 7:00 p.m. (EST)

PLACE: Silver River State Park, Environmental Education Center, 1425 Northeast 58th Avenue, Ocala, Florida 34470

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plan Silver River 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 Bob Lamont, Park Manager, Silver River State Park, (352)236-3002. 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: Wednesday, November 7, 2001, 9:00 a.m. (EST)

PLACE: Silver Springs Attraction, Marketing Administrative Office, 5656 East Silver Springs Boulevard, Silver Springs, Florida 34488

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present and review the proposed land management plan for Silver River 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 Bob Lamont, Park

Manager, Silver River State Park, (352)236-3002. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

DEPARTMENT OF HEALTH

The **Department of Health**, Bureau of Chronic Disease Prevention will hold the following meeting:

MEETING: Florida Arthritis Partnership
 DATE AND TIME: November 2, 2001, 9:00 a.m. – 4:30 p.m.
 PLACE: Renaissance World Gate Hotel, Kissimmee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To bring together state, local, and regional decision makers and grassroots advocates who share the vision of the highest possible quality of life free from arthritis-related pain and disability. This will be the kick-off meeting of the Florida Arthritis Partnership (FLAP). Participants will have the opportunity to join and become part of a unique statewide partnership that will shape arthritis prevention and education efforts in Florida. The meeting will include an overview of the Arthritis Prevention and Education Program activities, upcoming marketing plans, a report of the “State of Arthritis in Florida”, panel discussion with arthritis professionals, keynote lunch, and breakouts offering CEU’s on arthritis related topics.

The **Children’s Medical Services**, Cardiac Advisory Council announces a conference call to which all persons are invited to call in:

DATE AND TIME: November 2, 2001, 5:00 p.m. – 6:00 p.m.
 PLACE: Call (850)488-5776 or Suncom 278-5776
 GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is set up to discuss the site visit reports to Miami Children’s Hospital for re-approval as a CMS Pediatric Cardiac facility.

Pursuant to Section 381.90, F.S., the Florida **Health Information Systems Council** will hold a meeting to facilitate the identification, collection, standardization, sharing and coordination of health-related data among federal, state, local and private entities.

DATE AND TIME: November 14, 2001, 2:00 p.m. – 4:00 p.m.
 PLACE: Department of Health, Room 301, 4025 Esplanade Way, Tallahassee, FL 32399-1733 (A telephone conference call number will also be available, Telephone No. (850)921-2470 or Suncom 291-2470)

The **Board of Chiropractic Medicine** will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, November 7, 2001, 12:30 p.m.
 PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL, Meet Me Number (850)488-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Chiropractic Medicine, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Sherra Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, November 8, 2001, 9:00 a.m.
 PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL, Meet Me Number (850)921-6546

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The Florida **Board of Dentistry** will hold a Probable Cause Panel meeting to which all persons are invited:

DATE AND TIME: November 15, 2001, 6:00 p.m.
 PLACE: Sheraton Ft. Lauderdale Airport Hotel, 1825 Griffin Road, Dania, FL 33004, (954)920-3500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258 or you may call (850)245-4474. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Dentistry** will hold a general business meeting to which all persons are invited:

DATES AND TIME: Friday, November 16, 2001, 9:00 a.m.; Saturday, November 17, 2001, TBA

PLACE: Sheraton Ft. Lauderdale Airport Hotel, 1825 Griffin Road, Dania, FL 33004, (954)920-3500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258 or you may call (850)245-4474. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Massage Therapy** announces a meeting to which all interested persons are invited to attend. This meeting will be held by way of conference telephone hookup.

DATE AND TIME: November 15, 2001, 9:00 a.m. or soon thereafter

PLACE: Call: (850) 921-2470, Suncom 291-2470, 4042 Bald Cypress Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting of the Probable Cause Panel for reconsiderations.

Agenda available upon request.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Massage Therapy, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: November 2, 2001, 12:00 Noon

PLACE: Meet Me Number: (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted: P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a meeting.

DATE AND TIME: November 9, 2001, 2:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida, (305)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a meeting.

DATE AND TIME: November 16, 2001, 2:00 p.m.

PLACE: 6100 Kennerly Road, Jacksonville, Florida 32811, (904)739-9500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, November 7, 2001, 12:00 Noon

PLACE: Meet Me Number: Contact Florida Board of Medicine, (850)245-4131 for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the 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 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. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The **Board of Nursing** announces it will hold a telephone conference call meeting to which all persons are invited.

DATE AND TIME: November 8, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Meet-Me Number (850)414-0966, Suncom 210-0966

PURPOSE: To conduct general business issues

If you need an accommodation because of disability in order to participate, please notify FCSW, in writing, at least five (5) days in advance at Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050.

The **Council of Licensed Midwifery** announces a meeting to be held by way of conference telephone hookup to which all interested persons are invited to participate.

DATE AND TIME: November 12, 2001, 9:00 a.m.

PLACE: Room 345M, 4042 Bald Cypress Way, Tallahassee, Florida 32399, (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct council business.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Ms. Karen Eaton, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)245-4161.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Audie B. Wilson, (850)245-4586, at least five calendar days

prior to the meeting. Persons who are hearing or speech impaired, can contact Audie B. Wilson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Respiratory Care** announces a conference call to which all persons are invited.

DATE AND TIME: November 14, 2001, 9:00 a.m. or soon thereafter

PLACE: Call (850) 488-5776, Suncom 487-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board Office, (850)245-4372.

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)245-4372. 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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 11, Mental Health Program Office announces a public meeting to which all persons are invited:

DATE AND TIME: Friday, November 9, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Jackson South Community Hospital, Suite 100, 9275 S. W. 152nd Street, Miami, FL 33157, (305)251-2500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the designation of Jackson South Community Hospital as a public Baker Act receiving facility. This will be an open forum with a short presentation from Jackson South Community Hospital.

Persons with disabilities requiring accommodations in order to participate in this event should contact Deborah Robinson, Adult Mental Health and Substance Abuse Manager, (305)377-5451 or in writing by close of business (5:00 p.m.), no later than five working days prior to the meeting.

The Florida **Department of Children and Family Services**, District 4 announces public meetings to which all persons are invited:

WHAT: Nassau County Community Alliance

DATE AND TIME: November 19, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Children and Families Education Center, 479 Felmore Road, Yulee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community Plan for Human Services System of Care.

WHAT: Nassau County Community Alliance Outcome Committee: Provider Subcommittee

DATE AND TIME: November 14, 2001, 2:00 p.m.

PLACE: Peck Center, 5165 10th Street, Fernandina Beach, FL

DATE AND TIME: November 19, 2001, 1:00 p.m.

PLACE: 479 Felmore Road, Yulee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Provider survey.

WHAT: Nassau County Community Alliance Outcome Committee: Community Subcommittee

DATE AND TIME: November 14, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Nassau County School Board, 1201 Atlantic Avenue, Fernandina Beach, FL

DATE AND TIME: November 19, 2001, 1:00 p.m.

PLACE: 479 Felmore Road, Yulee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community town forums for determining priorities.

WHAT: Nassau County Community Alliance Outcome Committee: Existing Data Subcommittee

DATE AND TIME: November 19, 2001, 12:30 p.m.

PLACE: 479 Felmore Road, Yulee, FL

DATE AND TIME: December 5, 2001, 9:00 a.m.

PLACE: Council on Aging, 1364 S. 18th Street, Fernandina Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Gather data on existing service array.

NOTICE OF CANCELLATION – The Florida **Department of Children and Family Services** announces the following District 8, Charlotte County Community Alliance meetings have been cancelled:

DATES: November 7, 2001; December 5, 2001

The next Charlotte County Alliance meeting will be as follows:

DATE AND TIME: January 16, 2002, 12:00 Noon

PLACE: Charlotte County Courthouse, Administration Conference Room, 2nd Floor, 350 East Marion Avenue, Punta Gorda, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Charlotte County Community Alliance Board meeting.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting. All persons are invited.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit, (941)338-1343.

TAMPA BAY ESTUARY PROGRAM

The **Tampa Bay Estuary Program** (TBEP) announces the scheduling of a TBEP budget process and accounting review to which all persons are invited.

DATE AND TIME: Tuesday, October 30, 2001, 10:00 a.m.

PLACE: Florida Marine Research Institute, First Floor, Conference Room, 100 8th Avenue, S. E., St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review government accounting practices and their relationship to the TBEP's budget. An informative review only of the Tampa Bay Estuary Program's current budget and accounting practices. Please RSVP Ron, (727)893-2765, by 10/29/01.

ENTERPRISE FLORIDA

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc.'s Small Business Council Urban; Core/Minority Subcommittee Meeting

DATE AND TIME: Tuesday, October 30, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: Teleconference, call: (850)488-5778, Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues relevant to growth and vitality of urban core and minority businesses. Some of these issues may be recommended for legislative action.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4717, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

WORKFORCE FLORIDA

The **Workforce Florida, Inc.**, Board of Directors announces a Teleconference to which all persons are invited to participate:

DATE AND TIME: Tuesday, November 6, 2001, 9:00 a.m. – 12:00 Noon

PLACE: 1974 Commonwealth Lane, Tallahassee, Florida 32303, individuals wishing to access this teleconference are requested to call (850)921-1119 for confirmation of the location. It is possible the teleconference may take place at the current location Building 200, 325 John Knox Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the board.

Both of these locations are accessible to those individuals with a disability or physical impairment. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Workforce Florida, Inc.** Board of Directors announces a Board of Directors' Meeting and associated meetings in which all persons are invited to participate:

DATE AND TIME: November 8, 2001, 9:30 a.m. – 4:00 p.m.

PLACE: Embassy Suites Hotel, 191 East Pine Street, Orlando, FL 32801, (407)841-1000

PURPOSE: To conduct the business of the Board.

A copy of the agenda(s) may be obtained by contacting: Beth Lee after October 31, 2001, (850)921-1119, e-mail, blee@workforceflorida.com or our website, www.workforceflorida.com.

Those individuals wishing to participate in this meeting on November 8, 2001 are advised that this location is accessible to those individuals with a disability or physical impairment. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT

The **Council for Education Policy, Research and Improvement** announces a telephone conference call in which all interested persons are invited to participate.

DATE AND TIME: Wednesday, November 7, 2001, 10:00 a.m. – 11:00 a.m.

PLACE: 574 Pepper Building, 111 West Madison Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A select committee of the Council for Education Policy, Research and Improvement will discuss the Council's mission statement.

For further information contact: Dr. William B. Proctor, Executive Director, Council for Education Policy, Research and Improvement, Tallahassee, Florida 32399-1400, (850)488-7894.

The **Council for Education Policy, Research and Improvement** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, November 13, 2001, 9:30 a.m. – 5:00 p.m.

PLACE: St. Petersburg College Gibbs Campus, 6605 Fifth Avenue, North, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will address its current study assignments and other ongoing responsibilities.

For further information contact: Dr. William B. Proctor, Executive Director, Council for Education Policy, Research and Improvement, Tallahassee, Florida 32399-1400, (850)488-7894.

MID-FLORIDA AREA AGENCY ON AGING

The **Mid-Florida Area Agency on Aging** announces a public hearing on the 2002 Area Plan on Aging for Planning and Service Area Three to which the public is invited:

DATE AND TIME: November 7, 2001, 2:00 p.m. – 3:30 p.m.

PLACE: Room 239-B, Florida Farm Bureau Building, 5700 Southwest 34th Street, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public input regarding aging programs and services to be provided during the period January 1, 2002 – December 31, 2002, under the proposed Area Plan on Aging.

DEPARTMENT OF CRIMINAL JUSTICE

The **Region VII Training Council** announces a public meeting to which all interested person are invited:

DATE AND TIME: November 8, 2001, 10:00 a.m.

PLACE: Seminole Community College, Room A 202, 100 Weldon Blvd., Sanford, FL 32773, (407)328-2316

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces a public meeting to which all persons are invited:

Sub Standard Auto Committee Meeting

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and exploration to assist the Florida domiciled non-standard automobile companies as well as stabilize the voluntary market in Florida and any other matters.

Additional information may be obtained from: Lisa Blackwell Stoutamire, FAJUA, Suite 401, 1113 East Tennessee Street, Tallahassee, FL 32308.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: November 14, 2001, 8:00 a.m.

PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

SENIOR RESOURCE ALLIANCE

The Area Agency on Aging of Central Florida, Inc. d/b/a **Senior Resource Alliance** announces a public hearing on the 2002-2004 Area Plan for elder services in Brevard, Orange, Osceola and Seminole Counties. The public hearing is scheduled for:

DATE AND TIME: Friday, November 16, 2001, 10:00 a.m.

PLACE: Senior Resource Alliance, Conference Room, First Floor, 988 Woodcock Road, Orlando, Florida 32803

A draft copy of the Area Plan on Aging will be available for review on November 12, 2001. The Plan will be submitted to the Florida Department of Elder Affairs.

The public hearing is being conducted in an ADA accessible location. Anyone needing special accommodations and/or interpreters should contact Sue Bertolotti, (407)228-1823.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE IS HEREBY GIVEN that the Commissioner of the Department of Agriculture and Consumer Services received a letter dated July 13, 2001 requesting a Declaratory Statement from John L. Barrios, President of the Building Officials Association of Florida, Inc., Longwood, Florida, with regard to whether four separate scenarios were exempt from building code compliance under the provisions of §§ 823.14 (Florida Right to Farm Act), 553.73(6) and 604.50, Florida Statutes. The letter was not filed with the Agency Clerk as required by Rule 28-105.002, Florida Administrative Code. Further notice is hereby provided that on October 10, 2001 a letter order was issued dismissing the request for Declaratory Statement due to deficiencies under § 120.565, F.S., and Rule 28-105.002, Florida Administrative Code.

A copy of the request and/or letter order, Case No: 2001-0335, may be obtained by writing: Harry Bosman, Agency Clerk, Department of Agriculture and Consumer Services, Room 509, Mayo Building, 407 South Calhoun Street, Tallahassee, Florida 32399-0800.

NOTICE IS HEREBY GIVEN that the Commissioner of the Department of Agriculture and Consumer Services received a letter dated July 20, 2001 requesting a Declaratory Statement from Jeffrey D. DeBoer, Building Official, Osceola County, Kissimmee, Florida, with regard to whether five separate scenarios were exempt from building code compliance under the provisions of §§ 823.14 (Florida Right to Farm Act), 553.73(6) and 604.50, Florida Statutes. The letter was not filed with the Agency Clerk as required by Rule 28-105.002, Florida Administrative Code. Further notice is hereby provided that on October 10, 2001 a letter order was issued dismissing the request for Declaratory Statement due to deficiencies under § 120.565, F.S., and Rule 28-105.002, Florida Administrative Code.

A copy of the request and/or letter order, Case No: 2001-0449, may be obtained by writing: Harry Bosman, Agency Clerk, Department of Agriculture and Consumer Services, 407 South Calhoun Street, Mayo Building, Room 509, Tallahassee, Florida 32399-0800.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that the Agency for Workforce Innovation, Office of General Counsel, has dismissed the Petition for Declaratory Statement (AWI/OGC Case No.: 2000/01-0001), filed by Mike Caro, base upon his motion to withdraw his petition.

A copy of the dismissal order may be obtained by writing: Veronica Moss, Administrative Assistant II, Agency for Workforce Innovation, Office of General Counsel, Suite 300, The Atkins Building, 1320 Executive Center Drive, Tallahassee, Florida 32399-2250.

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, Charlie Adkins, President, Board of Directors, Springwood Village Condominium Association, Petitioner.

The Petitioner requests an interpretation as to whether an association's Laundry Room Reserve Fund, for which assessments are collected based on the repair and future replacement cost of the equipment may be applied to other improvements in the laundry room, i.e., tile floors, paint,

wallpaper, and countertops, under Section 718.122(2)(f)2, Florida Statutes, and Rule 61B-22.001(2),(3), Florida Administrative Code.

A copy of the Petition for Declaratory Statement, Docket Number CD2001-043, 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:

Hannovern Ruckvericherongs-Aktiengesellschaft vs. Department of Insurance and Treasurer; Case No.: 01-3903RP; Rule No.: 4-144.055(4)(e)

Geraldine Gapinski vs. Department of Management Services, Division of Retirement; Case No.: 01-3898RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

INVITATION TO BID

The Florida State University, FO&M Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
FO&M Maintenance, Purchasing
114F Mendenhall, Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number	FO&M 14-1
Purchasing Agent:	B. J. Lewis, FO&M
Mandatory Jobsite Visit:	Friday, November 9, 2001, 11:00 a.m.
Location:	South Entry by Greenhouse at Conradi Building
Public Bid Opening:	Friday, November 16, 2001, 11:00 a.m.
	FSU-FO&M Maintenance 101 Mendenhall Hall, Building A Tallahassee, Florida 32306-4150 FO&M Maintenance Purchasing Project #10511
Bid Documents:	
Description:	Install, connect and put into operation on Owner furnished diesel-engine generator set and auto-transfer switch. Install new switchgear and electrical energy distribution equipment and the necessary feeders and branch circuits and connect and place in service new loads and reconnect existing loads to new distribution system.
Contact Person:	Richard Brooks Phone (850)644-4980 Cell (850)567-9006

Plans and specifications are available from the following:
 Office of Campus Design
 Suite 125, 101 Mendenhall Hall, Building A
 Phone (850)644-6801

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 (Second Notice with revisions to instructions for Joint Ventures)

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 and Joint Ventures desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed (former Board of Regents) "Professional Qualifications Supplement (SUSPQS)," dated September 1999. Applications on any other form will not be considered. Notwithstanding item "C" of the special instructions for the joint venture applicants included on the Professional Qualifications Supplement, location will be scored based on the location of the party to the joint venture which is closest from the project.

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 to (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.

EXPRESSWAY AUTHORITIES

**NOTICE OF INVITATION TO BID
MDX PROJECT NO.: 874-003**

The Miami-Dade Expressway Authority (“MDX”) is seeking the services of a contractor (“Bidder”) for construction related to the installation of two (2) SunPass™ dedicated lanes at the Don Shula Expressway/State Road (SR 874) Toll Plaza (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 and toll plaza signage, electrical work, roadway pavement markings, miscellaneous concrete work, attenuator installation and maintenance of traffic operations as well as all of the relevant items pertaining to the installation of a trailer along the south side of the existing plaza. The Bidder should be aware that the majority of the installation work associated with the Project shall be done during off-peak hours (9:30 a.m. – 3:30 p.m. and 9:00 p.m. – 6:00 a.m.).

Sealed Bids will be received at the MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami, Florida 33142 (MDX Headquarters Building), until 2:00 p.m., Tuesday, November 27, 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 book will be available on Tuesday, October 30, 2001 after 12:00 Noon at MDX Headquarters Building, 3790 N. W. 21st Street, Miami, Florida. 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 \$1,200,000 (One Million Two Hundred Thousand Dollars) and Contract time for this Project is set for 120 calendar days from the Notice to Proceed.

MDX has scheduled a Mandatory Pre-bid Conference to discuss the Project with interested Bidders on Wednesday November 7, 2001, 2:00 p.m., at the MDX Headquarters Building, 3790 N. W. 21st Street, Miami, Florida. Please be advised that this is a Mandatory Pre-Bid Conference. 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 27, 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.

**NOTICE TO DESIGN-BUILD FIRMS
REQUEST FOR STATEMENTS OF QUALIFICATIONS
MDX PROJECT #836-012**

The Miami-Dade Expressway Authority (“MDX”) is seeking the services of a joint venture of firms (“Firm”) with the necessary expertise to provide design and construction services related to improvements to the existing westbound State Road (SR) 836 connection to southbound to the Homestead Extension of the Florida’s Turnpike (HEFT) in Miami-Dade

County. MDX has identified this project as a Design/Build and is seeking the services of a Firm with experience in the delivery of design/build projects.

FEDERAL AND STATE DEBARMENT. By signing and submitting a Statement of Qualification (SOQ) package, the Firm certifies that no principal (which includes shareholders, partners, officers, directors, or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal or state or local department or agency.

SYSTEM. The Miami-Dade Expressway System is comprised of State Road (SR) 112, SR 836, SR 874, SR 878 and SR 924.

DESCRIPTION OF WORK. The selected Firm shall provide Design/Build services for the design and construction of MDX Project No. 836-012. The project consist of the design and construction of two (2) new mainline bridges, one over SR 836 westbound and one over the HEFT as well as the modifications to the mainline roadway and related ramps within the limits of the project. The project consist of approximately 39% in structures related work, 4% for drainage related work and 57% for roadway related work. The selected Firm shall make available the necessary personnel, facilities, supplies, materials and resources to perform the required services.

MDX will provide the shortlisted Firms with design information, including design surveys, drainage requirements, geotechnical information and pavement design to a level which the Firms can use towards the final design and construction of the Project. The selected Firm will need to verify the information provided by MDX. This is a high priority work item for MDX, and the work schedule requires completion of the Project within twenty-four months of the Notice to Proceed.

SELECTION PROCEDURE. A maximum of three (3) Firms will be shortlisted using the Evaluation Criteria shown below, and requested to provide written Technical Proposals based on the Scope of Services contained in the Request for Proposals ("RFP") to be issued by MDX. An oral presentation MAY be required.

RESPONSE PROCEDURE. Qualified firms are encouraged to submit a SOQ package to MDX. One (1) original (unbound) SOQ, and nine (9) copies (ten (10) in total), MUST be received by the Miami-Dade Expressway Authority, 3790 N. W. 21st Street, Miami, Florida 33142, Attn: Ms. Helen M. Cordero, MDX Procurement Officer, by, Monday, November 26, 2001, by 12:00 Noon (Eastern Time) (the "Deadline Date").

After reviewing the documentation submitted, evaluating the SOQ's using the Evaluation Criteria shown herein, and ranking the firms, MDX will notify all firms in writing on or about December 21, 2001, if they have been shortlisted and will mail one (1) copy of the Request for Proposal and Scope of Services Package to each shortlisted firm.

The deadline to submit questions in reference to this Request for Statements of Qualifications is November 22, 2001, by 5:00 p.m. Questions should be submitted in compliance with the Communication Provision below. The responses to questions received will be posted on MDX's website www.mdx-way.com as an extension of this advertisement or available by contacting MDX's Procurement Officer pursuant to the Communication Provision below. It is the Firm's responsibility to check the website or with MDX's Procurement Officer for these responses.

RESPONSIVENESS OF SOQ'S AND CONDITIONS CAUSING DISQUALIFICATIONS OF FIRMS. A responsive SOQ is one that conforms, in all material respects, to the requirements and instructions of the Request for Statements of Qualifications.

SOQ's will be rejected if found to be irregular, conditional or not in conformance with the requirements and instructions contained herein.

An SOQ will be found to be irregular or non-responsive for reasons including, but not limited to, failure to strictly comply with the Prerequisite Criteria, failure to submit the information needed to evaluate the SOQ based on the Evaluation Criteria, incomplete SOQ's, failure to provide or complete required forms, improper signatures, submittal of more than one SOQ by the same Firm, evidence of collusion among Firms or evidence that a Firm has a financial interest in another Firm submitting an SOQ for this engagement.

SOQs will be rejected if more than one SOQ is received from an individual, firm, partnership, or corporation, or combination thereof (furnished as the prime proposer), under the same or different names. Such duplicate interest will cause the rejection of all SOQs in which such Firm has participated. A Firm or any of the entities comprising the Firm shall not appear as a Proposer in any other SOQ.

MDX, at its sole and absolute discretion, reserves the right to reject any and all SOQ's or part of any and all SOQ's, waive irregularities in the SOQ's or to withdraw the Request for Statement of Qualifications, if it is deemed in the best interest of MDX.

SUBMITTAL OF STATEMENT OF QUALIFICATIONS. The Statement of Qualifications shall be in writing, submitted on the letterhead of the Firm. The SOQ including any exhibits must not exceed 20 pages. The SOQ MUST include at a minimum the information set out in the Required Information and Evaluation Criteria.

PREREQUISITE CRITERIA: Statements of Qualifications will not be considered from firms that do not meet, at a minimum, the following criteria. Statement must be made in the SOQ confirming that the Firm meets the Prerequisite Criteria in its entirety:

1. Firm shall have a minimum of five (5) years' specific experience in providing Design/Build services as described above.

2. Firm must have a full service operational office located in Miami-Dade County.
3. Firm must submit documentation acceptable to MDX that the Firm’s contractor is prequalified under Rule 14-22, Florida Administrative Code in the following types of work: Major Bridge Construction, Grading, Drainage, Flexible Paving, Hot Plant-Mix Bituminous Structural and Surface Courses, Roadway Lighting, Fencing, Guardrail, Grassing, Seeding, and Sodding, Landscaping, Pavement Markings and Roadway Signing.
4. Firm must submit documentation acceptable to MDX that the Firm’s in this professional service, as identified in Section 287.055, Florida Statutes, is prequalified under Rule 14-75 of the Florida Administrative Code in the following types of work: Group 3.2, Major Highway Design; Group 4.2, Major Bridge Design; Group 8.2 Design, Right of Way and Const. Surveying; Group 10.1 Construction Engineering & Inspection; and Group 10.3 – Construction Materials Inspection.
5. Firm must be registered to do business in the State of Florida.

REQUIRED INFORMATION. The SOQ shall contain the following Required Information:

1. Project Name.
2. Firm’s name and address.
3. Contact person, phone number, fax number and internet e-mail address.
4. An executed Vendor’s Certificate (copy attached).

EVALUATION CRITERIA. The SOQ will be reviewed, evaluated and ranked using the following Evaluation Criteria:

- Qualifications and experience of the Firm’s contractor as it relates to work . Depth and breadth of the Firm’s experience as a whole in the performance of similar engagements. 20%
- Qualifications and experience of the Firm designer of record as it relates to work . Depth and breadth of the Firm’s experience as a whole in the performance of similar engagements. 20%
- Qualifications and experience of the Firm as a Design/Build Team as it relates to work . Depth and breadth of the Firm’s experience as a whole in the performance of similar engagements. 30%
- Proposed key personnel of the Firm, their qualifications and their roles (including resumes). 15%
- An estimate of the Firm’s current workload and available resources. The Firm should specifically address this
- Criterion with respect to the proposed key personnel for this engagement. 10%
- A list of similar engagements, in particular representation of governmental entities, completed NOT EARLIER THAN January 1, 1996, with references and phone numbers, including a general description of the role of the Firm
- And the services provided. 5%

COMMUNICATION. Communications between any respondent and any member of MDX or its staff is strictly prohibited from the date of publication of the Request for Statement of Qualifications through the date of final MDX action with respect to the selection of the successful Firm for this engagement. The only exceptions to this are communications at a pre-proposal conference or a publicly noticed meeting of MDX and/or its Public Communications Committee, and written communications regarding questions about the Request for Statements of Qualifications. Such written communication should be directed to: Helen M. Cordero, MDX Procurement Officer, e-mail hcordero@mdx-way.com or facsimile (305)637-3283. Any violation of the requirements set forth in this paragraph shall constitute grounds for immediate and permanent disqualification of the offending respondent.

DISADVANTAGED BUSINESS ENTERPRISES PROGRAM. MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c 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, prohibits discrimination on the basis of race, color, sex, age, national origin, religion and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

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.

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL STATEMENTS OF QUALIFICATIONS RECEIVED.

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT OF CONSTRUCTION MANAGEMENT SELECTION RESULTS

The Department of Management Services, Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Construction Management Services in accordance with Rule 60D-5, F.A.C., with two firms listed below:

DATE: October 8, 2001

PROJECT NAME: Continuing Area Contracts for Mechanical Services, Area 2

1. Natkin Service, Tallahassee
2. Vause Mechanical Contracting, Inc., Tallahassee

**PUBLIC ANNOUNCEMENT OF
A/E SELECTION RESULTS**

The Department of Management Services, Division of Building Construction announces that on the date listed below, authority was issued to negotiate and enter into a contract for Professional Services in accordance with the Consultants Competitive Negotiation Act with the two firms listed below as Number 1 and Number 2:

DATE: October 8, 2001

PROJECT NAME: Architectural Services, Continuing Area Contracts, Area 2

1. Ferren Architects, P.A. – Tallahassee, FL
2. Architects: Lewis + Whitlock, P.A. – Tallahassee, FL
3. EMO/Architects, inc. – Tallahassee, FL
4. Manausa Lewis & Dodson Architects, Inc. – Tallahassee, FL

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF APPLICATION PERIOD FOR
PREAPPROVED ADVANCED CLEANUP PROGRAM**

The Department of Environmental Protection announces in accordance with Section 376.30713, F.S., that it will accept Preapproved Advanced Cleanup (PAC) applications submitted between November 1, 2001, and on or before 5:00 p.m., December 31, 2001. Public opening of timely submitted applications shall be on January 4, 2002, beginning at 9:30 a.m., at the Department of Environmental Protection, Room 458N, 2600 Blair Stone Road, Tallahassee, Florida. The required application form and instructions for the Preapproved Advanced Cleanup program may be obtained by contacting: Gwenn Godfrey, Contracts Administrator, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #93, Tallahassee, Florida 32399, (850)922-5942. Any questions concerning PAC should be directed to Michael Bland, (850)921-9024.

DEPARTMENT OF HEALTH

INVITATION TO BID

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: DOH 99667050

SAMAS CODE: 64-30-2-122002-6400000-00-084093-00

64-30-2-141001-64200700-00-084093-01

PROJECT NAME AND LOCATION: Walton (South Walton) County Health Department

FOR: State of Florida, Department of Health

PRE-QUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit pre-qualification data of

their eligibility. Submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233, for information on pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of rule requirements is included in the Instruction To Bidders under Article B-2 "Bidders Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not do the following:

1. May not submit a bid on a contract to provide any goods or services to a public entity.
2. May not submit a bid on a contract with a public entity for the construction or repair of a public building or public work.
3. May not submit bids on leases of real property to a public entity.
4. May not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity.
5. May not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PROJECT DESCRIPTION: Construction of an 8,971 square foot, one-story county health department building and related site work. The building will be constructed on county owned property in the new governmental complex being constructed in the south end of the county.

PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required. If the construction contract award amount is more than \$100,000.00, a Performance and a Labor and Material Payment Bond SHALL be required.

MINORITY BUSINESS ENTERPRISES: In accordance with Florida Statutes, Section 287.042(4)(f)1., the Department of Health is encouraged to spend, as a "goal," twenty-one (21) percent of the monies actually expended for construction contractors with certified minority business enterprises. In the department's effort to see that this is accomplished, the Department of Health encourages minority businesses to participate in the bidding process including any bidders conferences, pre-solicitation or pre-bid meetings which are scheduled. The Department of Health further encourages contractors to utilize certified minority enterprises as subcontractors or sub-vendors whenever possible. Certified vendors are those firms certified by the State of Florida

Minority Business Advocacy and Assistance Office, Suite 100, Hartman Building, 2012 Capital Circle, S. E., Tallahassee, Florida 32399-2152, (850)487-0915.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: Tuesday, December 4, 2001, 1:00 p.m. (Local Time)

PLACE: Walton County Courthouse, Commissioner's Meeting Room, 2nd Floor, 571 E. Nelson Avenue, DeFuniak Springs, FL 32433

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the following:

ARCHITECT-ENGINEER: Johnson/Peterson Architects, 313 N. Monroe St., Tallahassee, FL 32301, (850)224-9700, Facsimile (850)224-9797.

The above bidding documents will be available on or about October 26, 2001

DEPOSITS: The cost per set of bid documents is \$100.00. The General Contractor can receive two (2) sets refundable. The Mechanical, Plumbing and Electrical sub-contractors can receive one (1) set refundable. All other sub-contractors, vendors, manufacturers, etc. must purchase all documents requested.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted no later than 4:00 p.m. (Local Time), December 4, 2001, at the bid opening location. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner.

Section XII
Miscellaneous

DEPARTMENT OF BANKING AND FINANCE

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Finance, on July 11, 2001, issued a Notice of Intent to Enter a Final Order Granting Recovery from the Securities Guaranty Fund to Orlin and Bonnie Taylor regarding the activities of JOSEPH A. MONACO, SR., CRD #1051595. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004,

Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Department of Banking and Finance
Suite 526, Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0350

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS AND IMPOSING THE PENALTIES SET FORTH IN THE NOTICE OF INTENT.

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE
OFFICE OF THE TREASURER
BUREAU OF COLLATERAL SECURITIES
PUBLIC DEPOSITS SECTION

FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280, F.S.: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DI4-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DI4-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THEY ARE LISTED UNDER THE STATE OF HOME OFFICE LOCATION. ONLY FLORIDA BRANCHES OF THESE INSTITUTIONS ARE ALLOWED TO HOLD FLORIDA PUBLIC DEPOSIT ACCOUNTS. INSTITUTIONS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER AND ARE NOT ACCEPTING NEW PUBLIC DEPOSIT ACCOUNTS. DEPOSITORIES WITHDRAWING FROM THE PROGRAM HAVE A STATED EFFECTIVE DATE OF WITHDRAWAL BESIDE THE NAMES AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE LISTED.

ALABAMA

BIRMINGHAM

AMSOUTH BANK
COMPASS BANK
REGIONS BANK
SOUTHTRUST BANK

MONTGOMERY

COLONIAL BANK

WARRIOR

THE BANK
BRANCHES OF THIS QPD CONDUCT BUSINESS IN
FLORIDA UNDER THE NAMES C & L BANK AND
EMERALD COAST BANK

CALIFORNIA

SAN FRANCISCO

CITIBANK, F.S.B.

FLORIDA

ALACHUA

FIRST NATIONAL BANK OF ALACHUA

APALACHICOLA

APALACHICOLA STATE BANK

ARCADIA

FIRST STATE BANK OF ARCADIA

AVENTURA

TURNBERRY BANK

BARTOW

CITRUS & CHEMICAL BANK
COMMUNITY NATIONAL BANK AT BARTOW

BELLE GLADE

BANK OF BELLE GLADE

BONIFAY

BANK OF BONIFAY

BRADENTON

AMERICAN BANK
*COAST BANK OF FLORIDA
FIRST BRADENTON BANK

FIRST NATIONAL BANK & TRUST
FLAGSHIP NATIONAL BANK

BRANDON

PLATINUM BANK

BROOKSVILLE

HERNANDO COUNTY BANK

CANTONMENT

CITIZENS & PEOPLES BANK, N.A.

CAPE CORAL

RIVERSIDE BANK OF THE GULF COAST

CARRABELLE

GULF STATE COMMUNITY BANK

CHIEFLAND

DRUMMOND COMMUNITY BANK

CLEWISTON

FIRST BANK OF CLEWISTON
FIRST FEDERAL SAVINGS BANK OF THE GLADES

COOPER CITY

FIRST WESTERN BANK

CORAL GABLES

BANKUNITED, F.S.B.
GIBRALTAR BANK, F.S.B.
METRO BANK OF DADE COUNTY

CRAWFORDVILLE

CITIZENS BANK OF WAKULLA
WAKULLA BANK

CRESTVIEW

FIRST NATIONAL BANK OF CRESTVIEW

CRYSTAL RIVER

CRYSTAL RIVER BANK

DADE CITY

FIRST NATIONAL BANK OF PASCO

DAVIE

REGENT BANK

DEBARY

FIRST COMMUNITY BANK

DESTIN

DESTIN BANK

DUNNELLON

DUNNELLON STATE BANK

ENGLEWOOD

ENGLEWOOD BANK
PENINSULA BANK

FERNANDINA BEACH

FIRST COAST COMMUNITY BANK
FIRST NATIONAL BANK OF NASSAU COUNTY

FORT LAUDERDALE

BANKATLANTIC, F.S.B.
EQUITABLE BANK
GATEWAY AMERICAN BANK OF FLORIDA 05/15/2002
LANDMARK BANK, N.A.

FORT MYERS

EDISON NATIONAL BANK

FORT PIERCE

HARBOR FEDERAL SAVINGS BANK
RIVERSIDE NATIONAL BANK OF FLORIDA

FORT WALTON BEACH

BEACH COMMUNITY BANK
FIRST CITY BANK OF FLORIDA
FIRST NATIONAL BANK & TRUST

FROSTPROOF

CITIZENS BANK OF FROSTPROOF

GAINESVILLE

MERCHANTS & SOUTHERN BANK
MILLENNIUM BANK

GRACEVILLE

BANK OF JACKSON COUNTY
PEOPLES BANK OF GRACEVILLE

GROVELAND

PEOPLES STATE BANK OF GROVELAND

HAINES CITY

FIRST NATIONAL BANK OF POLK COUNTY

HALLANDALE

DESJARDINS FEDERAL SAVINGS BANK

HOMESTEAD

COMMUNITY BANK OF FLORIDA
FIRST NATIONAL BANK OF SOUTH FLORIDA

HOMOSASSA SPRINGS

HOMOSASSA SPRINGS BANK

IMMOKALEE

FLORIDA COMMUNITY BANK

INDIANTOWN

FIRST BANK OF INDIANTOWN

INVERNESS

BANK OF INVERNESS

JACKSONVILLE

FIRST ALLIANCE BANK

JACKSONVILLE BEACH

OCEANSIDE BANK

KEY LARGO

TIB BANK OF THE KEYS

KEY WEST

FIRST STATE BANK OF THE FLORIDA KEYS

KISSIMMEE

FIRST NATIONAL BANK OF OSCEOLA COUNTY

LADY LAKE

CITIZENS FIRST BANK

LAKE CITY

CNB NATIONAL BANK
COLUMBIA COUNTY BANK
PEOPLES STATE BANK

LAKELAND

FLORIDAFIRST BANK

LAKE MARY

COMMUNITY NATIONAL BANK OF MID FLORIDA

LAKE WALES
AMERICAN BANK & TRUST OF POLK COUNTY

LAUDERHILL
UNION BANK OF FLORIDA

LEESBURG
FIRST FEDERAL SAVINGS BANK OF LAKE COUNTY

LIVE OAK
FIRST FEDERAL SAVINGS BANK OF FLORIDA

LONGWOOD
LIBERTY NATIONAL BANK

MADISON
MADISON COUNTY COMMUNITY BANK

MALONE
PCB, THE COMMUNITY BANK

MARATHON
FIRST NATIONAL BANK OF THE FLORIDA KEYS
MARINE BANK OF THE FLORIDA KEYS

MAYO
LAFAYETTE STATE BANK

MIAMI
BAC FLORIDA BANK
CITY NATIONAL BANK OF FLORIDA
COCONUT GROVE BANK
COMMERCIAL BANK OF FLORIDA
CONTINENTAL NATIONAL BANK OF MIAMI
EAGLE NATIONAL BANK OF MIAMI
EASTERN NATIONAL BANK
ESPIRITO SANTO BANK
EXECUTIVE NATIONAL BANK
GULF BANK
HAMILTON BANK, N.A.
HEMISPHERE NATIONAL BANK
INTERAMERICAN BANK, F.S.B.
INTERNATIONAL BANK OF MIAMI, N.A.
MELLON UNITED NATIONAL BANK
NORTHERN TRUST BANK OF FLORIDA, N.A.
OCEAN BANK
SOFISA BANK OF FLORIDA
TOTALBANK
TRANSATLANTIC BANK

MILTON
FIRST NATIONAL BANK OF FLORIDA

MONTICELLO
FARMERS & MERCHANTS BANK

MOUNT DORA
FIRST NATIONAL BANK OF MOUNT DORA
FLORIDA CHOICE BANK

NAPLES
BANK OF NAPLES
COMMUNITY BANK OF NAPLES, N.A.
FIFTH THIRD BANK, FLORIDA
FIRST NATIONAL BANK OF FLORIDA
GULF COAST NATIONAL BANK

NEW SMYRNA BEACH
FRIENDS BANK

NICEVILLE
PEOPLES NATIONAL BANK

NORTH LAUDERDALE
*SECURITY BANK, N.A.

NORTH MIAMI
KISLAK NATIONAL BANK

NORTH PALM BEACH
COMMUNITY SAVINGS, F.A.
ENTERPRISE NATIONAL BANK OF PALM BEACH
PALM BEACH NATIONAL BANK & TRUST COMPANY

OAKLAND PARK
AMERICAN NATIONAL BANK

OCALA
FLORIDA CITIZENS BANK

OKEECHOBEE
BIG LAKE NATIONAL BANK

ORANGE PARK
FIRST NATIONAL BANK
HERITAGE BANK OF NORTH FLORIDA

ORLANDO
BANK OF CENTRAL FLORIDA
CENTURY NATIONAL BANK

CITRUS BANK
SOUTHERN COMMUNITY BANK
UNITED HERITAGE BANK

ORMOND BEACH
COQUINA BANK

OVIEDO
CITIZENS BANK OF OVIEDO

PAHOKEE
FIRST COMMUNITY BANK OF PALM BEACH COUNTY

PALATKA
FIRST FEDERAL BANK OF NORTH FLORIDA
PUTNAM STATE BANK

PALM BEACH
BANKERS TRUST FLORIDA, N.A.

PALM BEACH GARDENS
ADMIRALTY BANK

PALM COAST
CYPRESS BANK

PALM HARBOR
FLORIDA BANK OF COMMERCE
PEOPLES BANK

PANAMA CITY
BAY BANK & TRUST COMPANY
FIRST NATIONAL BANK NORTHWEST FLORIDA
PEOPLES FIRST COMMUNITY BANK

PEMBROKE PINES
POINTE BANK

PENSACOLA
BANK OF PENSACOLA
BANK OF THE SOUTH
FIRST AMERICAN BANK OF PENSACOLA, N.A.

PERRY
CITIZENS BANK OF PERRY

PORT RICHEY
GULFSTREAM COMMUNITY BANK

PORT ST. JOE
CITIZENS FEDERAL SAVINGS BANK OF PORT ST. JOE

PORT ST. LUCIE
FIRST PEOPLES BANK

QUINCY
QUINCY STATE BANK

ST. AUGUSTINE
BANK OF ST. AUGUSTINE
PROSPERITY BANK

ST. CLOUD
PUBLIC BANK

ST. PETERSBURG
FIRST COMMUNITY BANK OF AMERICA
MERCANTILE BANK
REPUBLIC BANK
UNITED BANK & TRUST COMPANY

SANTA ROSA BEACH
FIRST AMERICAN BANK OF WALTON COUNTY

SEBRING
HEARTLAND NATIONAL BANK
HIGHLANDS INDEPENDENT BANK

SOUTH MIAMI
FIRST NATIONAL BANK OF SOUTH MIAMI

STARKE
COMMUNITY STATE BANK OF STARKE

STUART
FIRST NATIONAL BANK & TRUST OF THE TREASURE
COAST
GULFSTREAM BUSINESS BANK

TALLAHASSEE
CAPITAL CITY BANK
FIRST SOUTH BANK
TALLAHASSEE STATE BANK

TAMPA
FIRST CITRUS BANK
FLORIDA BANK, N.A.
MANUFACTURERS BANK OF FLORIDA
SOUTHERN EXCHANGE BANK

TRENTON
TRI-COUNTY BANK

UMATILLA
UNITED SOUTHERN BANK

VALPARAISO
VANGUARD BANK & TRUST COMPANY

VERO BEACH
INDIAN RIVER NATIONAL BANK

WAUCHULA
FIRST NATIONAL BANK OF WAUCHULA
WAUCHULA STATE BANK

WEST PALM BEACH
FIDELITY FEDERAL BANK & TRUST
GRAND BANK & TRUST OF FLORIDA

WEWAHITCHKA
WEWAHITCHKA STATE BANK

WILLISTON
PERKINS STATE BANK

WINTER PARK
BANKFIRST

ZEPHYRHILLS
COMMUNITY NATIONAL BANK OF PASCO COUNTY

GEORGIA

ATLANTA
SUNTRUST BANK

DARIEN
SOUTHEASTERN BANK

LOUISIANA

NEW ORLEANS
WHITNEY NATIONAL BANK

MASSACHUSETTS

BOSTON
BOSTON BANK OF COMMERCE

BRANCHES OF THIS QPD CONDUCT BUSINESS IN FLORIDA UNDER THE NAME PEOPLES BANK OF COMMERCE

MINNESOTA

EDINA
INTER SAVINGS BANK, F.S.B.

NEW YORK

NEW YORK CITY
INTERVEST NATIONAL BANK

NORTH CAROLINA

CHARLOTTE
BANK OF AMERICA, N.A.
FIRST UNION NATIONAL BANK

WINSTON-SALEM
WACHOVIA BANK, N.A.

OHIO

CINCINNATI
PROVIDENT BANK

COLUMBUS
HUNTINGTON NATIONAL BANK

TENNESSEE

MEMPHIS
UNION PLANTERS BANK, N.A.

THE FOLLOWING IS A LIST OF INSTITUTIONS THAT HAD A CHANGE SINCE THE LAST PUBLICATION OF THIS REPORT.

GRAND BANK OF FLORIDA
WEST PALM BEACH
CHANGED ITS NAME TO GRAND BANK & TRUST OF FLORIDA.

INTERCREDIT BANK, N.A.
MIAMI
WITHDRAWN FROM PROGRAM EFFECTIVE 10/15/2001.

INTERVEST BANK

CLEARWATER

MERGED INTO INTERVEST NATIONAL BANK, NEW YORK CITY, NEW YORK.

LAFAYETTE COUNTY STATE BANK

MAYO

CHANGED ITS NAME TO LAFAYETTE STATE BANK.

REPUBLIC SECURITY BANK

WEST PALM BEACH

MERGED INTO WACHOVIA BANK, N.A. (WINSTON-SALEM, NC).

SOUTHTRUST BANK, N.A.

BIRMINGHAM, AL

CHANGED ITS NAME TO SOUTHTRUST BANK.

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No. DCA01-OR-153

In re: CITY OF MARATHON LAND DEVELOPMENT REGULATIONS ADOPTED BY CITY OF MARATHON ORDINANCE NO. 01-07-06

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000), approving City of Marathon Ordinance No. 01-07-06 as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On September 13, 2001, the Department received for review City of Marathon Ordinance No. 01-07-06 which was adopted by the City of Marathon City Council on July 10, 2001 ("Ord. 01-07-06").
3. Ord. 01-07-06 amends the City's Land Development Regulations to allow wastewater treatment facilities and wastewater treatment collection systems meeting certain conditions to be constructed in zoning districts as of right where they have not previously been allowed. Ordinance 01-07-06 adds definitions for the terms "wastewater treatment facility" and "wastewater treatment collection system" and would allow the construction of said facilities and systems in all zoning districts except Offshore Islands and Mainland Native.
4. Ord. 01-07-06 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).
6. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000) and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 01-07-06 are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).
9. Ord. 01-07-06 promotes and furthers the following Principles, §380.0552(7), Fla. Stat. (2000):
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys. Ord. 01-07-06 is not inconsistent with the remaining Principles. Ord. 01-07-06 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 01-07-06 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CARI ROTH, ACTING DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569,

FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, “PETITION FOR ADMINISTRATIVE PROCEEDINGS” WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of October, 2001.

Paula Ford, Agency Clerk

- By U.S. Mail:
- Honorable Robert K. Miller
- Mayor
- City of Marathon
- 10054-55 Overseas Highway
- Marathon, Florida 33050
- Katherine V. Selchan
- City Clerk
- City of Marathon
- 210 University Drive
- Coral Springs, Florida 33071
- Craig Wrathell
- City Manager
- City of Marathon
- 10054-55 Overseas Highway
- Marathon, Florida 33050
- John R. Herin, Jr.
- Weiss, Serota, Helfman, Pastoriza and Guedes, P.A.
- City Attorneys
- City of Marathon
- 2665 South Bayshore Drive, Suite 420
- Miami, Florida 33133

By Hand Delivery or Interagency Mail:
Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Richard A. Lotspeich, Assistant General Counsel, DCA
Tallahassee

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.: BLID-0902-001
DATE RECEIVED: October 11, 2001
DEVELOPMENT NAME: SIX MILE CROSSING
DEVELOPER/AGENT: Throgmartin Realty and Development, Inc.
DEVELOPMENT TYPE: 28-24.031, F.A.C.
COUNTY LOCATION: Lee
LOCAL GOVERNMENT: Lee County

NOTICE OF APPROVAL FOR PRESERVATION 2000 FUNDS

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, Series P8A and P9A funding cycles. The project plans listed below were approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the projects and that funds be released as follows:

Project: 98-033-P8A/Fort Fanning Heritage Park
Grantee: City of Fanning Springs
Amount of Approved Funds: the lesser of 100% of the final total project costs or \$1,266,800.00
Project: 99-001-P9A/Pepper Park Addition
Grantee: St. Lucie County
Amount of Approved Funds: the lesser of 91.67% of the final total project costs or \$550,000.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

NOTICE

Notice is hereby given that the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, or designee, is proposing the establishment of an Erosion Control Line, pursuant to Section 161.161, Florida Statutes, and will hold a Public Hearing at Boca Raton, Florida, in the City Council Chambers, 201 W. Palmetto Park Road, on November 7, 2001, 7:00 p.m., for the purpose of considering evidence bearing on the location of a proposed Erosion Control Line for the beach erosion control project known as South Beach Renourishment. The location of the proposed Erosion Control Line is as follows:

The proposed Erosion Control Line lies along Barrier Island fronting the Atlantic Ocean at the line of mean high water. The Erosion Control Line lies in Section 32, Township 47 South, Range 43 East, being more particularly described as follows:

A line in Section 32, Township 47S, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Florida Department of Environmental Protection (DEP) second order station 93-89-A27, having for its coordinates N 728671.22, E 959952.24 in the Florida State Plane Coordinate System, east zone (North American Datum 1983/90); bearings based on a bearing of N 09° 05' 00" W between DNR monuments 06-78-J03-1978 and 93-89-A27 per coordinate listing by DNR for Palm Beach County; thence on a grid bearing south 16 degrees 26 minutes 47 seconds east, a distance of 361.68 feet to a point on the mean high water line, el. = 1.93' (National Geodetic Vertical Datum 1929) as located May 16, 2001, said point being the point of beginning, thence along said mean high water line the following courses:

South 16 degrees 35 minutes 47 second west, a distance of 31.67' feet to a point, said point being referenced by field tie of north 28 degrees 01 minutes 18 seconds east a distance of 391.09 feet to FDEP R-223 CM;

Thence south 11 degrees 47 minutes 15 seconds west, a distance of 254.69 feet to a point;

Thence south 08 degrees 25 minutes 16 seconds west, a distance of 355.77 to a point;

Thence south 05 degrees 31 minutes 54 seconds west, a distance of 339.10 feet to a point, said point being referenced by field tie of south 64 degrees 48 minutes 01 seconds west, a distance of 171.50 feet to FDEP R-224 CM;

Thence south 04 degrees 35 minutes 57 seconds west, a distance of 240.77 feet to a point;

Thence south 06 degrees 27 minutes 39 seconds west, a distance of 335.24 feet to a point;

Thence south 14 degrees 22 minutes 59 seconds west, a distance of 94.76 feet to a point on a concrete seawall;

Thence south 76 degrees 36 minutes 27 seconds east, along said seawall, a distance of 12.83 feet to a point on a concrete seawall;

Thence south 08 degrees 16 minutes 54 seconds west, along said seawall, a distance of 3.36 feet to a point on a concrete seawall;

Thence north 82 degrees 13 minutes 31 seconds west, along said seawall, a distance of 43.48 feet to a point on a concrete seawall;

Thence south 16 degrees 56 minutes 47 seconds west, leaving said seawall, a distance of 174.07 feet to a point;

Thence south 03 degrees 27 minutes 12 seconds west, a distance of 551.59 feet to a point, said point being referenced by field tie of north 25 degrees 29 minutes 34 seconds west, a distance of 301.92 feet to FDEP R-225 CM;

Thence south 09 degrees 04 minutes 43 seconds west, a distance of 370.17 feet to a point;

Thence south 09 degrees 04 minutes 43 seconds west, a distance of 540.63 feet to a point, said point being referenced by field tie of north 32 degrees 34 minutes 27 seconds west, a distance of 394.71 feet to FDEP R-226 CM;

Thence south 08 degrees 03 minutes 33 seconds west, a distance of 584.03 feet to a point;

Thence south 08 degrees 03 minutes 33 seconds west, a distance of 370.31 feet to a point referenced by field tie of north 39 degrees 30 minutes 08 seconds west, a distance of 331.27 feet to FDEP R-227 CM;

Thence south 05 degrees 32 minutes 42 seconds west, a distance of 466.45 feet to a point;

Thence south 05 degrees 32 minutes 42 seconds west, a distance of 245.55 feet to the point of terminus of said mean high water line at or near the south line of Palm Beach County and the south line of Township 47 south, said point lying north 47 degrees 31 minutes 17 seconds west, a distance of 300.65 feet from FDEP second order station 06-78-J03-1978, said station having for its coordinates N 723622.85 E 959145.13, according to coordinate listing by DEP for Palm Beach County.

Written objectives to, or inquiries regarding, the proposed Erosion Control Line should be submitted to the Office of Beaches and Coastal Systems, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, prior to the date mentioned above. The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

BY ORDER OF THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA
JEB BUSH, GOVERNOR

STATE BOARD OF ADMINISTRATION

NOTICE

NOTICE IS HEREBY GIVEN by the State Board of Administration ("the Board") of its estimate of the borrowing capacity and the projected year-end (as of December 31, 2001) fund balance for the Florida Hurricane Catastrophe Fund ("the Fund"), in compliance with the requirements of Section 215.555(4)(c)2., Florida Statutes. This estimate is as of October, 2001. The projected year-end balance on December 31, 2001, is estimated to be \$4,310,000,000, assuming no losses to be reimbursed. The Fund's estimated borrowing capacity, defined as the maximum amount which the Board is able to raise through the issuance of revenue bonds under Section 215.555(6), Florida Statutes, pursuant to the upper

limitation of \$11 billion in Section 215.555(4), Florida Statutes, is \$6,690,000,000. This estimate is for tax-exempt debt. During the 1999 legislative session, the Legislature enacted changes to Section 215.555, Florida Statutes, and provided an upper limit of \$11 billion on the Board's potential liability to reimburse participating insurers for losses sustained by hurricane damage. Therefore, the Board's obligation is to try to raise \$6,690,000,000, rather than the total capacity determined by using all of the available 4 percent emergency assessment capability.

This estimate is based on the Board's good faith assessment of the current global market conditions and is net of required debt service reserve funds and the costs of issuing the bonds. These conditions may or may not be the same if and when the Board determines that it is necessary to seek the issuance of revenue bonds. The Board's estimate is also based upon projected year-end reimbursement premiums. Emergency assessments are based on data available as of this estimate. This estimate is provided to comply with the requirements of Section 215.555(4)(c)2., Florida Statutes, and should only be relied upon after careful consideration of all relevant assumptions and reservations, including those set forth below.

Assumptions:

1. The Board assumes that both the annual reimbursement premiums and the 4% emergency assessment described in Section 215.555(6)(a)3., Florida Statutes, will be used as the revenue source to service the debt and to provide debt service coverage. Although Section 215.555(6)(a)3., Florida Statutes, also provides for a 2% assessment, any hurricane requiring the Board to issue bonds will necessarily have to be of such a magnitude that it is highly likely that the Governor will have declared a state of emergency and therefore the maximum 4% assessment will be applicable. Further, receipt of federal assistance is dependent upon a declaration of a state emergency.
2. The debt service coverage ratio is assumed to be 1.96. This means that the revenue stream available to service the debt is 1.96 times the amount actually needed to service the debt. The debt service coverage ratio is sensitive to actual reimbursement premiums collected during the year. Changes in deductible distributions and other factors which impact actual reimbursement premiums may impact coverage ratio.
3. The Board has assumed interest rates reflecting market conditions on October 3, 2001. Many factors will impact the interest rates that will ultimately be used when the Board determines that bonds must be issued. It is impossible to predict with any certainty what those rates will be.
4. In accordance with the requirements of Section 215.555(6)(a)2., Florida Statutes, the Board has completed the bond validation process. The circuit court hearing held on November 12, 1996, resulted in a favorable ruling. The

validation was then immediately appealed to the Florida Supreme Court. The Florida Supreme Court ruled on September 18, 1997, that the bonds are valid.

5. In response to the private letter ruling request filed in early June, 1997, the Internal Revenue Service ruled that interest on the bonds issued under Section 215.555(6), Florida Statutes, is exempt from federal taxation.

Reservations:

1. Since no bonds have ever been issued on behalf of the Fund, there are a number of uncertainties. Among these are the following: the financial condition of the insurance industry at the time of a catastrophic loss, the stability of the revenue stream and potential litigation.
2. A more general uncertainty is the condition of the financial markets at the time the bonds are issued and the degree of familiarity of potential investors with the Fund.
3. Another general uncertainty is the ability of the capital markets to absorb a bond issue of this magnitude at the time of the bond issuance.

As of October, 2001, the Board's good faith estimate of its bonding capacity is \$6,690,000,000, to reach the current statutory upper limit of \$11 billion. The Board recognizes the importance of this estimate and is committed to make every effort to assure its ability to issue up to \$6,690,000,000, in bonds if and when the necessity arises.

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

- | | |
|---|-----------------|
| County: Walton | District: 1 |
| ID #: 0100023 | Decision: A |
| Issue Date: 10/12/2001 | |
| Facility/Project: Walton County Convalescent Center | |
| Applicant: Brookwood-Walton County Convalescent Center, LLP | |
| Project Description: Combine CON #'s 5317, 8088 and 8274 for a total of 60 beds | |
| Proposed Project Cost: \$3,014,766 | Equipment Cost: |
| County: Jackson | District: 2 |
| ID #: 0100024 | Decision: A |
| Issue Date: 10/12/2001 | |
| Facility/Project: Jackson County Convalescent Center | |
| Applicant: Brookwood-Jackson County Convalescent Center, LLP | |
| Project Description: Combine CON #'s 4392, 6980 and 9118 for a total of 60 beds | |
| Proposed Project Cost: \$2,638,059 | Equipment Cost: |
| AHCA Purchase Order Number S5900I00310. | |
-

CERTIFICATE OF NEED

RECEIPT OF EXPEDITED APPLICATIONS

The Agency For Health Care Administration received the following Certificate of Need applications for expedited review:

County: Jackson Service District: 2
 Facility/Project: Jackson County Convalescent Center
 Applicant: Jackson County Convalescent Center Operations, LLC
 Project Description: Transfer combined CON numbers 4392/6980/9118

County: Walton Service District: 1
 Facility/Project: Walton County Convalescent Center
 Applicant: Walton County Convalescent Center Operations, LLC
 Project Description: Transfer combined CON numbers 5317/8088/8274
 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: Marion Service District: 3
 CON #: 9476 Decision Date: 10/12/2001 Decision: W
 Facility/Project: Hospice of Marion County, Inc.
 Applicant: Hospice of Marion County, Inc.
 Project Description: Establish up to a 16-bed freestanding inpatient hospice

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.

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Palm Beach Service District: 9
 CON #: 9472 Decision: A Date: 10/11/2001
 Facility/Project: Bethesda Memorial Hospital
 Applicant: Bethesda Healthcare System, Inc.
 Project Description: Add 20 acute care beds through the delicensure of 20 adult inpatient psychiatric beds.
 Approved Project Costs: \$731,653.22
 AHCA Purchase Order Number S5900I0310.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY

**FLORIDA CATEGORICAL EXCLUSION NOTIFICATION
 STORMWATER MANAGEMENT FACILITIES**

The Florida Department of Environmental Protection has determined that the proposed Miami-Dade County Stormwater Management Project will not adversely affect the environment. The financial assistance for the project is estimated at \$17,329,000. A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Dick Smith, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF HEALTH

On October 8, 2001, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Enrique E. Figueroa, M.D., license number ME 0078485. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(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 September 19, 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 Janice Nobles Meiburger, L.P.N. Meiburger holds license number PN 354261. Meiburger's last known address is 1833 John Road, Clewiston, Florida 33440. 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 September 19, 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 Phyllis Plank Gardner, R.N. Gardner holds license number RN 2181202. Gardner's last known address is 330 W. Ft. Morgan Road, #3H, Gulf Shores, Alabama 36542. 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 15, 2001, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Deborah Ann Speidel, M.D., license number ME 0045945. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(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 9, 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 Debra Ann Murphy-Kework L.P.N. license number PN 884901. Murphy-Kework last known address is 1116 Avenue H, Ormond Beach, Florida 32174-6857. 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 9, 2001, John Agwunobi, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Scott G. McGinnis, RN license number RN 3331532. McGinnis's last known address is 1568 Ranger Road, S. E., Palm Bay, Florida 32909. 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 11, 2001, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension of License, with regard to the license of Diane Marie Carter, D.O., license number DO 0004878. Carter's last known address is 642 Northwest Riverside Drive, Port St. Lucie, Florida. This Order of Emergency Suspension of License was predicated upon the Secretary's finding 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 11, 2001, John Agwunobi, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Marjorie S. Allgood, CNA license number CNA 0298594675296. Allgood's last known address is 5412 Temple Palms Avenue, Tampa, Florida 33617. 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 9, 2001, John Agwunobi, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Anna Jeanne Farin, RN license number RN 3399972. Farin's last known address is 3760 Royal Palm Avenue, Apt. B, Miami Beach, FL 33140. 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 11, 2001, John O. Agwunobi, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Mark Anderson, CNA. Anderson holds certificate number 0788047607837. Anderson's last known address is 1862 S. E. Jackson St., Stuart, Florida 34997. 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 11, 2001, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of James Michael D'Amico, D.D.S., license number DN 7121. D'Amico's last known address is 1188 Brampton Place, Heathrow, Florida 32746. 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(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN October 8, 2001
 and October 11, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

5K-4.020	10/10/01	10/30/01	27/35	
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DEPARTMENT OF CORRECTIONS

33-102.101	10/9/01	10/29/01	27/3	27/36
33-501.101	10/11/01	10/31/01	27/26	27/31
33-507.002	10/9/01	10/29/01	27/35	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

61G8-17.0042	10/10/01	10/30/01	27/29	
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DEPARTMENT OF JUVENILE JUSTICE

Division of Commitment

63E-2.004	10/8/01	10/28/01	27/28	
63E-2.007	10/8/01	10/28/01	27/28	
63E-2.008	10/8/01	10/28/01	27/28	
63E-2.009	10/8/01	10/28/01	27/28	
63E-2.010	10/8/01	10/28/01	27/28	
63E-2.012	10/8/01	10/28/01	27/28	
63E-2.015	10/8/01	10/28/01	27/28	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
63E-2.016	10/8/01	10/28/01	27/28	
63E-2.017	10/8/01	10/28/01	27/28	
63E-2.018	10/8/01	10/28/01	27/28	
63E-2.019	10/8/01	10/28/01	27/28	
63E-2.020	10/8/01	10/28/01	27/28	
63E-2.021	10/8/01	10/28/01	27/28	
63E-2.022	10/8/01	10/28/01	27/28	

DEPARTMENT OF HEALTH

Board of Dentistry

64B5-2.0135	10/11/01	10/31/01	27/34	
64B5-15.010	10/11/01	10/31/01	27/35	
64B5-15.024	10/11/01	10/31/01	27/34	
64B5-25.003	10/11/01	10/31/01	27/34	

Board of Medicine

64B8-3.003	10/10/01	10/30/01	27/36	
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Board of Optometry

64B13-10.0015	10/10/01	10/30/01	27/35	
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FLORIDA HOUSING FINANCE CORPORATION

67-45.001	10/9/01	10/29/01	27/34	
67-45.002	10/9/01	10/29/01	27/34	
67-45.004	10/9/01	10/29/01	27/34	
67-45.006	10/9/01	10/29/01	27/34	
67-45.007	10/9/01	10/29/01	27/34	