

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLE: Voting System Equipment Regulations  
 RULE NO.: IS-5.001

PURPOSE AND EFFECT: To adopt a new version of the Florida Voting Systems Standards (Form DS-DE-101) which will establish standards for voting systems certification, in compliance with the requirements of section 6, of Chapter 2001-40, Laws of Florida, the "Florida Election Reform Act of 2001."

SUBJECT AREA TO BE ADDRESSED: Procedures and standards for implementation of the provisions of section 6, of Chapter 2001-40, Laws of Florida, to include: effective date and applicability of the new form; contact information for the Bureau of Election Systems and the Independent Test Authorities; removal of standards for punch card systems; procedural changes to allow new technologies to be examined in a timely manner including changes to the application process, testing process, and test results reporting process; requirements for disclosure of file and interface specifications for system components; "User Standards" for the user interfaces of systems including minimum standards for accessibility by disabled voters, prevention of overvotes and undervotes, multi-lingual capability, and standards for meeting ballot design requirements; requirements and file specifications for electronic transfer of results on election night; procedures for determining the will of the public with respect to voting systems; and procedures for continuing review and revision of the Florida Voting Systems Standards.

SPECIFIC AUTHORITY: 101.015 FS., as amended by section 6 of Chapter 2001-40, Laws of Florida.

LAW IMPLEMENTED: 101.015 FS., as amended by section 6 of Chapter 2001-40, Laws of Florida.

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. – 12:00 Noon, November 16, 2001

PLACE: Room 116, Knott Building, 415 West St. Augustine Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Paul Craft, Division of Elections, (850)921-4110 or (850)245-6220

Pursuant to Chapter 286.26, Florida Statutes, any person requiring special accommodations to participate in this meeting is asked to advise the agency as soon as possible and

at least 48 hours before the meeting by contacting Paul Craft, Division of Elections, Room 1801, The Capitol, Tallahassee, FL 32399-0250, pcraft@mail.dos.state.fl.us, (850)921-4110.

THE PRELIMINARY TEXT OF THE PROPOSED RULE AND THE REVISION TO THE FLORIDA VOTING SYSTEMS STANDARDS, (FORM Form DS-DE-101) IS AVAILABLE ON THE DEPARTMENT'S WEB SITE AT: <http://election.dos.state.fl.us/laws/ProposedRules/index.shtml>.

**DEPARTMENT OF INSURANCE**

RULE TITLES:	RULE NOS.:
Small Group Health Rating Requirements Purpose	4-149.009 4-149.030
Applicability and Scope; Penalties	4-149.031
Requirement to Insure Entire Groups	4-149.032
Qualifying Previous and Qualifying Existing Coverages	4-149.034
Calculation of Premium Rates	4-149-037
Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement	4-149.038
Designation of Election to Become a Risk-Assuming or Reinsuring Carrier Under Section 627.6699, Florida Statutes, the Employee Health Care Access Act	149.039
Change of Status of Small Employer Carrier's Election to Become Risk-Assuming Carrier or Reinsuring Carrier	4-149.040
Marketing Communication Material and Marketing Guidelines	4-149.041
Small Employer Health Reinsurance Program	4-149.043

PURPOSE, EFFECT AND SUBSECT AREA TO BE DISCUSSED: Changes are being made to address the following:

- Implementation of provisions recognizing alliances.
- Implementation of underwriting provisions in small group.
- Implementation of expanded family categories.
- Implementation of composite rating restriction and required tabular rating for groups less than 10.
- Implementation of semi-annual reporting requirement for underwriting considerations.
- Elimination of date specific provisions which have been in place since initial implementation of the rules in 1993 that provided certain phase-in provisions.
- Requirement that disclosure regarding quoting rates which have been adjusted due to underwriting.
- Prohibition of specific deceptive practices related to the quoting of health insurance rates.
- Interpretation of §627.6699(5)(a) to prohibit refusal to insure because of an employer's unwillingness to provide information not necessary to establish eligibility pursuant to § 627.6699(3)(v).

- Deletion of provisions which have been identified that simply restate the statute with no additional clarification.
- Clarification of group eligibility standards.

SPECIFIC AUTHORITY: 624.308(1), 626.9611, 626.9641, 627.4106(3), (5), (8), 627.6699(5)(i)3.a., 4.a., 627.6699(9)(b), (11)(b)3.a., (13)(i), (15) FS.

LAW IMPLEMENTED: 624.418, 624.4211, 624.424(6), 626.9541, 626.9541(1)(b), (g)2., (x)3., 627.401, 627.410, 627.410(7), 627.4106, 627.4106(3), (4), (7), (8), 627.411, 627.6699(3)(g), (v), (4)(a), (5)(a), (g)1., (i)3.a., 4.a., (6), (7), (10), (11), (12), (12)(c), (e), (13), (13)(b), (i) FS.

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

TIME AND DATE: 2:00 p.m., November 29, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-149.009 Small Group Health Rating Requirements.

Specific Authority 624.308(1), 627.4106(3),(5),(8), as amended in Section 118, Chapter 92-33, Laws of Florida. Law Implemented 627.410(7), 627.4106, 627.4106(3),(4),(7),(8) FS. History--New 6-10-92, Amended 3-1-93, Repealed \_\_\_\_\_.

PART III SMALL EMPLOYER HEALTH CARE ACCESS

4-149.030 Purpose.

The purpose of these rules is to implement Section 627.6699, Florida Statutes ~~Section 65 of Chapter 93-129, Laws of Florida~~, pertaining to requirements of small employer group insurance, to promote the public interest, to promote the availability of small employer group insurance policies, to protect applicants for small employer group insurance from unfair or deceptive sales or enrollment practices, to establish standards for small employer group insurance, to facilitate public understanding and comparison of small employer group insurance policies.

Specific Authority 624.308(1), 626.9641, 627.6699(15) FS. Law Implemented 626.9541, 627.401, 627.410, 627.411, 627.6699 FS. History--New 3-1-93, Amended 11-7-93, \_\_\_\_\_.

4-149.031 Applicability and Scope; Penalties.

(1) No change.

(2) The rules in this part shall apply to any health benefit plan, whether provided on a group or individual basis, which:

(a) Satisfies Section 627.6699(4)(~~a~~), Florida Statutes; ~~and~~

(b) Provides coverage to one or more employees of a small employer located in this state, without regard to whether the policy or certificate was issued in this state; ~~and~~

~~(c) Is in effect on or after the effective date of Section 627.6699, Florida Statutes.~~

~~(3) A carrier which offers individual health insurance policies to one or more of the employees of a small employer shall be considered a small employer carrier and shall be subject to the provisions of Section 627.6699, Florida Statutes, and these rules with respect to that policy unless the policy is marketed directly to the individual employee, and the employer does not participate in the payment, collection, or distribution of premiums or facilitate the administration of the policy in any manner. The provisions of subsections (5) and (7) of Section 627.6699 (relating to guaranteed issue of coverage) shall apply with respect to the small employer if:~~

~~(a) The small employer has at least three eligible employees, and not more than 50 on or after January 1, 1994; and~~

~~(b) The small employer has at least one or two eligible employees and not more than 50, as of April 15, 1994.~~

~~(c) The small employer contributes directly or indirectly to payment or collection of premiums charged by the carrier or administration of the policy in any manner.~~

~~(4) Effective 1/1/94, Section 627.6699, Florida Statutes, includes groups of 26-50 employees in the definition of a small group. Carriers writing groups of this size but not fewer than 26 eligible employees which desire to continue marketing in this redefined small group area must apply for either risk assuming or reinsuring company status. Once authorized to sell to small groups, the carrier must make all applicable plans of insurance available to any small employer. Effective 1/1/94, a small employer is defined as a group of 1-50 eligible employees. The guaranteed issue requirement is effective for groups of 3-50 on 1/1/94. The guaranteed issue requirement is effective for groups of 1-2 on 4/15/94.~~

~~(3)(5) The Department shall impose penalties for non-compliance with the act or for abusive market conduct practices in accordance with Rule 4-142.011, F.A.C., upon its becoming effective. Such non-compliance or abusive market conduct practices are divided into three levels based on severity and intent.~~

(a) through (c) No change.

Specific Authority 624.308(1), 627.6699(15) FS. Law Implemented 624.418, 624.4211, 627.6699(4)(a),(5),(5)(g)1.,(7) FS. History--New 3-1-93, Amended 11-7-93, 4-23-95, \_\_\_\_\_.

## 4-149.032 Requirement to Insure Entire Groups.

(1) A small employer carrier which offers coverage to a small employer shall offer coverage to each eligible employee and to each of the dependents of the employees who elect coverage. The small employer carrier shall offer the same health benefit plans to each employee and dependent. ~~No dependent of an employee shall be covered unless the employee is also covered. If dependents are covered, the employee and the covered dependents shall be insured under the same health benefit plan.~~

(2) through (3) No change.

~~(4) Within 60 days following 1/1/94, each small employer carrier shall grant a 90-day open enrollment period to allow each employee or dependent whose coverage was refused or restricted for health reasons prior to 1/1/93 to come into his employer's program without restriction. The employee must have been employed on 12/31/92 and continuously employed through 4/1/93. The small employer carrier must notify each employer group subject to this open enrollment opportunity. There shall be no restrictions for pre-existing conditions for employees or dependents meeting the conditions in this subsection. An eligible employee who passes up this opportunity and subsequently wants to enroll will be considered a late enrollee.~~

~~(5) An annual open enrollment period must be offered to each small employer's employees and dependents on each anniversary of the employer's program. The enrollment period is for 30 days before the anniversary. Late enrollees shall not be excluded from these open enrollment periods. Late enrollees can be excluded from coverage for the period of time from the date of application until the first open enrollment date following the date of application. Any pre-existing condition period will date from the effective date of the coverage.~~

~~(6) New entrants to a group shall be accepted for coverage during their initial eligibility period by the small employer carrier without any restrictions or limitations on coverage related to the health status or claims experience of those employees or their dependents, except as permitted in section 627.6699(5)(h)2.~~

Specific Authority 624.308(1), 627.6699(15) FS. Law Implemented 627.6699(5),(12) FS. History—New 3-1-93, Amended 11-7-93, 4-23-95, \_\_\_\_\_.

## 4-149.034 Qualifying Previous and Qualifying Existing Coverages.

Specific Authority 624.308(1), 627.6699(15) FS. Law Implemented 627.6699(3),(3)(i),(5),(5)(g)1.,(h),(13)(b) FS. History—New 3-1-93, Amended 11-7-93, 4-23-95, Repealed.

## 4-149.037 Calculation of Premium Rates.

(1) This rule is applicable for all health benefit plans subject to Section 627.6699, Florida Statutes, and is in addition to Parts I and II, New Issues.

~~(a) Other than the exception noted in (b), below, all small employer health plans shall be issued on a guaranteed issue basis. Riders may be added to the Standard Plan on an underwritten basis. However, all employees shall have the additional benefits and once the program is in place, new enrollees shall be added without evidence of insurability for the full benefit package of the program.~~

~~(b) The small employer carrier shall offer the standard and basic benefit plan in every sales situation. Carriers may also offer other health benefit plans to the small employer. All health benefit plans shall be offered and issued on a guaranteed issue basis except the benefits purchased through riders to the standard benefits plan, referenced in (1)(a), above.~~

~~(c) Effective January 1, 1994, premiums shall be calculated using modified community rating. Under this method, premiums can recognize only attained age, gender, family composition, geographical area, and tobacco usage. Geographical area must be recognized by county, not zip code.~~

~~(d) Premiums for plans in a given pool of insurance must recognize benefit, deductible, and copy differentials. As an example, if the Standard Plan is enriched by the addition of riders for a particular employer by 20%, then the premium shall be 20% higher than a Standard Plan issued to the same employer.~~

~~(e)1. Each small employer carrier may have one or more of the following pools:~~

- ~~a. Directly written indemnity business;~~
- ~~b. Indemnity business written through CHPA's;~~
- ~~c. Directly written HMO business;~~
- ~~d. HMO business written through CHPA's;~~
- ~~e. Directly written managed care business; and~~
- ~~f. Managed care business written through CHPA's.~~

~~2. For purposes of the rules in this part, indemnity business includes pure fee-for-service plans.~~

~~3. For purposes of this part, managed care business includes:~~

- ~~a. Preferred provider networks;~~
- ~~b. Exclusive provider networks; and~~
- ~~c. Other managed care arrangements which are not organized under chapter 641, Florida Statutes.~~

~~4. For rating purposes under the rules in this part, the experience for each benefit plan must be assigned to the appropriate one of the six pools in 1. above.~~

~~(f) Premiums for a particular employer shall be guaranteed for a year upon issue or renewal. Interim changes in rates can be made for changes in composition or benefits. Age changes between renewals are not considered to be changes in composition. Rate changes for new or terminating enrollees shall be made at the rates in effect at the beginning of the rating period. Benefit changes requested by an employer can be made at anytime, at the option of the small employer carrier, at the rates then in effect or at the rates in effect at the beginning of~~

the rating period. If current rates are used, the new premium shall be guaranteed for one year from the date of change in benefits. Benefit plans offered by a carrier on a guarantee issue basis are required to be made available to the employer on request at the annual renewal date. Such benefit plans must be made available without evidence of insurability and without any impact on pre-existing condition provisions:

(g) ~~Affiliated Companies are treated as separate companies unless small group insurance business has been transferred between or among companies since January 1, 1992.~~

~~(2) Existing or Renewal Business:~~

~~(a) Business in force on December 31, 1993, shall be community rated upon its first renewal date in 1995. Such business for companies not issuing new business in 1994 shall be rated as described above for new issues, commencing in 1995. For companies issuing new business in 1994, business in force on December 31, 1993, and still in force on December 31, 1994, shall be included in the appropriate pool established for new issues in 1994 and rated at renewal in 1995 at the same rate as if it were new business and the renewal date were the issue date.~~

~~(b) Any business in force on December 31, 1993, which is renewed in 1995 shall be renewable from that point forward at the option of the employer.~~

~~(c) New employees added to existing groups in 1994 and thereafter shall be added on a guaranteed issue basis for the benefits program in force.~~

~~(2)(3)(a) A premium schedule for a particular employer shall be guaranteed for one year on the employer's policy/certificate anniversary, except for a policy issued to an Alliance, as defined in Section 627.654, Florida Statutes, in which case the first year an employer obtains coverage, the employer may receive an increase on the policy anniversary which may be less than one year pursuant to Section 627.6699(6)(b)3, Florida Statutes. For 1994, business in force as of December 31, 1993, shall be rated as described in Rule 4-149.009, including the definition of Affiliated Companies. However, Affiliated Company business need not be treated as the business of a single company in 1995 if intercompany business transfers have not occurred since January 1, 1992.~~

~~(b) A group's rate shall not be changed due to employee age changes which occur during the policy period.~~

~~(c) The rate applicable to new or terminating enrollees shall be made at the premium schedule in effect at the beginning of the rating period.~~

~~(3)(a) All contract forms issued pursuant to Section 627.6699, Florida Statutes, are subject to modified community rating and must be pooled together for all rating purposes.~~

~~(b) All rating factors permitted by Section 627.6699(6), Florida Statutes, must be determined from credible data and actuarially justified.~~

~~(4) Rate filing requirements – Modified Community Rating. Premium schedules for benefit plans offered to small employer groups shall be based solely on the following categories and factors of the employee, without regard to the nature of the employer group. Employee age shall be determined as of the date of issue and each subsequent renewal date thereafter as defined in the policy and certificate. If not explicitly defined in the contract, age shall be the attained age as of the date of issue or renewal of the certificate.~~

~~(a) Within each of the pools stated in (1)(e)1., only benefit differences can be used in determining modified community rates.~~

~~(b) In CHPA (community health purchasing alliance) versus out-of-CHPA differences must be justified. Expense differentials must be justified, and, if less, the differential must be reflected in higher loss ratios.~~

~~(c) When rates are initially changed or revised a complete actuarial memorandum must be included with the revised rates.~~

~~(d) Special programs such as Chamber of Commerce plans shall be allowed under the following criteria:~~

~~1. The Basic and Standard plans must be available and offered to all employers.~~

~~2. Lower rates are due to expense savings not special morbidity assumptions.~~

~~3. Expense savings are to be passed on to employers in the form of higher loss ratios.~~

~~4. The specific benefit plan under the special program must be made available to all employers not involved with the special program, but at a rate not including the expense savings of the special program.~~

~~(e) The Department will allow a substantiated monthly trend factor during 1994 for new business. Trend factors must be filed for approval each year in accordance with the requirements of Rule 4-149.003. Trend factors can be changed more frequently upon approval of a filing. Rate tables must be filed for approval, in accordance with the provisions of Rule 4-149.003, if increases greater than trend are needed. If additional increases are not needed, then the entire table of rates shall be refiled at the end of each year along with the trend factors for the next year and pool experience for the previous year.~~

~~(f) A special filing will be needed at the end of 1994, following a similar methodology to that used and approved initially, to establish new modified community rates for 1994, recognizing the inclusion in 1995 of the business in force on December 31, 1993, which is still in force at the end of 1994.~~

~~(g) Companies with in force business as of December 31, 1993, that are not going to issue new business in 1994, do not have to file modified community rates for use in 1994. Such companies must so inform the Department in writing. These companies will be required to file modified community rates for 1995, however.~~

~~(a)(h)~~ Rates are to be calculated and presented using the following rating categories for all benefit plans offered. 1. Age Categories.

~~1.a.~~ <30

~~2.b.~~ 30 – 39

~~3.c.~~ 40 – 49

~~4.d.~~ 50 – 54

~~5.e.~~ 55 – 59

~~6.f.~~ 60 – 64

~~7.g.~~ 65 & above – Medicare is Primary

~~8.h.~~ 65 & above – Health Plan is Primary

~~(b)1,2.~~ Rating Categories

a. Employee – Male

b. Employee – Female

c. Employee – Male – Dependent Children

d. Employee – Female – Dependent Children

e. Employee – Spouse

f. Employee – Spouse – Dependent Children

2. Up to 3 optional dependent children categories are permitted: 1., 2., and 3. or more dependent children for companies for both the employee with family and the employee with dependent children categories.

~~(c)3.~~ Area Factors by County

~~(d)4.~~ Tobacco Usage Factor (>1, base rates are for non-tobacco user)

~~(e)~~ Effective date.

~~(5)~~ Composite rating is permissible. However, the composite rate must be determined on a case-by-case basis in such a manner that its application to the insured group will reproduce the case rate calculated using the rates in the required format. The composite rate is to be calculated at issue or at renewal only, and it is to be used throughout the following plan year for additions to and terminations from the group. Composite rating is allowed to accommodate past billing practices between a carrier and its employer groups. It is not an exception to ~~(4)(e)~~.

~~(5)(6)~~ The minimum loss ratio is 65 percent.

~~(6)(7)(a)1.~~ A small employer carrier may make up to a 15 per cent adjustment in rates, subject to a 10 per cent annual limitation applicable to a small employer's renewal premium, for claims experience, health status, or duration of coverage for a particular employer group from that otherwise determined from the tabular rate schedule determined above pursuant to Section 627.6699(6)(b)5., Florida Statutes.

2. The objective criteria and standards for application of this rate adjustment shall be applicable to and used for all small employer groups on a non-discriminatory basis.

3. Such criteria and standards shall be filed and approved.

4. A small employer carrier shall not require claims experience of a new group as a condition of providing coverage.

(b) A small employer carrier may file rating factors to provide a credit to the approved tabular community rate schedule to reflect efficiencies in administrative and acquisition expenses based on the size of the small employer. Such factors shall be filed and approved and shall be used for all small employer groups on a non-discriminatory basis.

(c) If a small employer carrier makes adjustments to individual employer group rates based on the above provisions, the carrier shall provide experience in all rate filings including both the actual premiums charged and the premium which would have resulted had no adjustments been made and the tabular community rate schedule was used. Rate analysis and rate adjustments shall be based on the restated premium as though the tabular community rate schedule were used without adjustment.

(d) All carriers shall disclose to a group when credits or surcharges have been applied to the community rate in determining the rate for the group.

(e) Coverage available to an Alliance is subject to the provisions of Section 627.6699, Florida Statutes, and shall be available to the Alliance on a guaranteed issue basis. Any rate adjustments made pursuant to (b) above shall be applied uniformly to all members of the Alliance and not on an individual employer basis. Rate adjustments pursuant to (a) above shall be determined and applied on an individual employer group basis. Riders on Standard Plans:

~~(a)~~ Additional benefit riders may be medically underwritten and offered upon approval by the Department pursuant to section 627.410, Florida Statutes.

~~(b)~~ Riders may only be used to increase the benefits of the standard plan. The riders must provide benefits or services not offered by the standard plan. The additional premium for the rider must use the rating methodology of this rule and be actuarially equivalent to the additional covered service.

(7) Composite rating is permissible for groups of 10 or more employees and only when it will reproduce the group premium determined as the sum of the individual tabular rate for each employee calculated at the time of any rate quote using the premium schedule approved by the Department in the required format in (4) above.

Specific Authority 624.308(1), 627.6699(15) FS. Law Implemented 627.410, 627.6699(6),(12)(e),(13),(13)(i) FS. History—New 3-1-93, Amended 11-7-93, 5-11-94, 4-23-95,\_\_\_\_\_.

4-149.038 Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement.

(1) Pursuant to Section 627.6699, Florida Statutes, each carrier that provides health benefit plans in this state shall file with its 1992 annual statement and each year thereafter, on or before March 1 for the preceding year ending December 31, Form DI4-1094, rev. 9/01 "Report of Gross Annual Premiums for Health Benefit Plans Issued in Florida" (40/92), which is hereby adopted and incorporated by reference, providing information on health benefit plans written in this state.

Effective for filing with the carrier's 1994 annual statement and each year thereafter, due on or before March 1 of each year, carriers shall use Form DI4-1094, "Report of Gross Annual Premiums and Plan Policy Exhibits for Health Benefit Plans Issued in Florida," rev. 7/93, which is hereby adopted and incorporated by reference. Copies of this these forms may be obtained from and shall be submitted to: Bureau of Life and Health Forms and Rates Insurer Solvency and Market Conduct, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-03287 or submitted electronically. Forms are also available and may be printed from the Department's website: www.doi.state.fl.us.

(2) Annual Reports: The following reports shall be filed no later than March 15 of each year, and shall include experience for the previous calendar year:

(a) Business in force 12/31/93: The report for this block of business for 1994 and 1995 shall comply with Rule 4-149.009 and two additional items, below, shall be included. In total for all classes of business subject to the 20% test:

1. Average Premium per certificate
2. Average Number of certificates per group

(b) Business written in 1994:

1. No report required March 15, 1994.
2. The following information is to be submitted for each Modified Community Rating Pool:

- a. Earned Premium
- b. Paid Claims
- c. Change in Claims Reserves
- d. Incurred Claims
- e. Loss Ratio
- f. Number of Groups
- g. Number of Certificates
- h. Average Premium per Certificate
- i. Average Number of Certificates per Group

3. The actuarial certification shall make specific reference to the Community Rating Pools.

(c) In 1996, all business issued and in force on 12/31/93 and still in force 12/31/94 shall be in one of the pools. The report shall follow the requirements established above for business written in 1994.

(2)(3) Quarterly Reports: Within 30 days following each calendar quarter each small employer carrier shall file a report on Form DI4-1117, Rev. 2/98 DI4-QER, "Florida Employee Health Care Access Act Enrollment Report," rev. 7/93, which is hereby adopted and incorporated by reference. This form may be obtained from and shall be submitted to the Bureau of Life and Health Forms and Rates Insurer Solvency and Market Conduct, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-03287 or submitted electronically. Forms are also available and may be printed from the Department's website: www.doi.state.fl.us.

(3)(a) All small employer carriers utilizing rating adjustments pursuant to Rule 4-149.037(7), F.A.C., shall make semiannual reports of their experience. The semiannual reports shall reflect experience from January 1 through June 30 and from July 1 through December 31 of each year. The reports shall be filed with the Department, Bureau of Life and Health Forms and Rates within 45 days following the last day of the reporting period. The carrier shall report:

1. The average number of employer groups during the reporting period.
2. The average number of covered employees during the reporting period.
3. Actual earned premiums during the reporting period.
4. Premiums that would have resulted from charging the approved community rate, excluding administrative and acquisition credits.
5. Premiums that would have resulted from charging the approved community rate, including administrative and acquisition credits.
6. (4)-(5) Total administrative and acquisition credits.
7. (3)-(4) Total deviation due to claims, health and duration status.
8. (7)/(3) Percentage deviation of charged rate to community rate for claims, health and duration status.

(b) If (3)(a)8. above is 5 per cent or more, the carrier shall limit the application of claim experience, health status, or duration adjustments to credits only effective no more than 60 days following the report date. This shall apply to all groups with original issue dates or anniversary dates for renewals on or after this 60 days. If a group was in process of application review and issuance, and would have received a surcharge, but the policy was not issued or renewed until after the 60 day period, the surcharge may not be applied.

(c) If the above report is not submitted by the date required, the carrier shall limit the application of claim experience, health status, or duration adjustments to credits only effective no more than 60 days following the due date. This shall apply to all groups with original issue dates or anniversary dates for renewals on or after this 60 days. If a group was in process of application review and issuance, and would have received a surcharge, but the policy was not issued or renewed until after the 60 day period, the surcharge may not be applied.

(d) A carrier that is limited to credits only, pursuant to (b) or (c) above, shall be limited to credits only until a subsequent reporting period demonstrating that (3)(a)8. above is less than 5 percent.

Specific Authority 627.6699(5)(i)3.a.,4.a.,(15) FS. Law Implemented 624.424(6), 627.6699(5)(i)3.a., 4.a. FS. History--New 3-1-93, Amended 11-7-93,\_\_\_\_\_.

4-149.039 Designation of Election to Become a Risk-Assuming or Reinsuring Carrier Under Section 627.6699, Florida Statutes, the Employee Health Care Access Act.

(1) A small employer carrier shall file a final designation of election to become either a risk-assuming carrier or a reinsuring carrier ~~by October 31, 1993. This final election is binding for two years, from January 1, 1994, through December 31, 1995, after which an election shall be binding for a period of five years.~~ The small employer carrier desiring to be a risk-assuming carrier shall use Form DI4-1093, rev. 8/93, "State of Florida/Small Employer Carrier's Application to Become a Risk Assuming Carrier or a Reinsuring Carrier, As Required by Section 627.6699(9), Florida Statutes," rev. 8/93 which is hereby adopted and incorporated by reference.

(2) through (3) No change.

(4) Copies of the form may be obtained from and shall be submitted to the Bureau of Life and Health Forms and Rates Insurer Solvency and Market Conduct, Division of Insurer Services, Department of Insurance, ~~Larson Building~~, Tallahassee, FL 32399-03287 or submitted electronically. Forms are also available and may be printed from the Department's website: www.doi.state.fl.us.

Specific Authority 627.6699(15) FS. Law Implemented 627.6699(9),(10) FS. History--New 3-1-93, Amended 11-7-93,\_\_\_\_\_.

4-149.040 Change of Status of Small Employer Carrier's Election to Become Risk-Assuming Carrier or Reinsuring Carrier.

(1) Any small employer carrier seeking to change the election made by the carrier under Section 627.6699(9)(a), Florida Statutes, to become either a risk-assuming carrier or a reinsuring carrier shall request a change of status on Form DI4-1095, rev. 8/93, "State of Florida/Small Employer Carrier's Application to Modify Previous Election to Become a Risk Assuming or a Reinsuring Carrier, As Required by Section 627.6699(9), Florida Statutes," rev. 8/93, which is hereby adopted and incorporated by reference. Copies of the form may be obtained from and shall be submitted to the Bureau of Life and Health Forms and Rates Insurer Solvency and Market Conduct, Division of Insurer Services, Department of Insurance, ~~Larson Building~~, Tallahassee, FL 32399-03287 or submitted electronically. Forms are also available and may be printed from the Department's website: www.doi.state.fl.us.

(2) No change.

Specific Authority 627.6699(9)(b),(15) FS. Law Implemented 627.6699(9),(10),(11) FS. History--New 3-1-93, Amended 11-7-93,\_\_\_\_\_.

4-149.041 Marketing Communication Material and Marketing Guidelines.

(1) No change.

(2) Any insurer marketing small group health plans shall comply with the following guidelines.

(a) ~~The small group health history or size shall not be used to direct the small group to a particular small group plan or to direct the small group in or out of the Community Health Purchasing Alliances (CHPA's).~~

(b)1. In determining eligibility for small group coverage an employer/employee income may not be used.

2. A carrier may request information and documentation to determine whether an individual qualifies as an active business that is eligible for coverage.

3. The following documentation may be requested or considered in determining eligibility if the document requested is one which the employer is required to have completed:

1. through 15. renumbered a. through o. No change.

4.a. Refusal to insure an eligible small employer because of the employer's unwillingness to provide information not necessary to establish eligibility pursuant to Section 627.6699(3)(v), Florida Statutes, violates Section 627.6699(5)(a), Florida Statutes.

b. Any statement which implies that providing such unnecessary information is necessary for coverage to be issued shall constitute an unfair method of competition in violation of Section 626.9541(1)(b), Florida Statutes.

~~(c) Issuance of small group coverage may not be conditioned upon the purchase of other coverage, i.e. life, dental, etc.~~

~~(d) Employees over 65 years of age must be offered small group coverage. Any individual who is enrolled in a small group plan and is 65 years of age or older will have a two month period following termination of coverages in which to enroll in a medicare supplement plan on a guarantee issue basis by an insurer that offers a medicare supplement plan.~~

~~(e) Usual and customary charges, except for negotiated discounts, shall be the same inside and outside the CHPA.~~

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

(f) Pursuant to Section 626.9611, Florida Statutes, the Department identifies the following as being prohibited by Section 626.9541(1)(b), Florida Statutes, for a small employer carrier that utilizes any of the permitted rate adjustments in Rule 4-149.037(7), F.A.C.:

1. To quote a rate which does not reflect the actual characteristics of the individual group; or

2. Where necessary underwriting information has not been analyzed, to quote a rate other than the approved community rate with disclosure that the rate may be adjusted up or down to 15 per cent for new groups or 10 per cent for renewal groups.

Specific Authority 627.6699(13)(i),(15), 626.9611 FS. Law Implemented 626.9541(1)(b),(g)2.,(x)3., 627.6699(3)(g),(v),(5)(a),(7),(12)(c),(13),(13)(b) FS. History--New 3-1-93, Amended 11-7-93, 4-23-95,\_\_\_\_\_.

4-149.043 Small Employer Health Reinsurance Program.

(1) No change.

(2) Of the {8} additional members of the board, subsequently amended to 13 in the 2000 legislative session. ~~five~~ {5} shall be selected from individuals recommended by small employer carriers. Any small employer carrier wishing to do so may submit a list of recommended appointees to the commissioner either on its own behalf or through its trade organization. The list shall be submitted ~~no later than October 29, 1993, and shall be sent~~ to: Chief, Bureau of Life and Health Forms & Rates, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0328 or submitted electronically. The carrier or trade organization submitting the list shall include the following information about the persons it is recommending:

(a) through (d) No change.

Specific Authority 624.308(1), 627.6699(11)(b)3.a. FS. Law Implemented 627.6699(11) FS. History--New 11-7-93, Amended.

**DEPARTMENT OF INSURANCE**

**Division of Treasury**

RULE TITLE:

RULE NO.:

State of Florida Employees Deferred Compensation Plan

4C-6.003

PURPOSE AND EFFECT: The rule adopts an amended version of DI4-1176, the State of Florida Employees Deferred Compensation Plan, which contains several changes in response to the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGRTRRA). The amendments also prohibit transfer fees imposed on participants moving accounts from one provider to another, make various technical changes, and adopt forms revised to conform to EGRTRRA.

SUBJECT AREA TO BE ADDRESSED: Changes to the State of Florida Employees Deferred Compensation Plan.

SPECIFIC AUTHORITY: 112.215(11) FS.

LAW IMPLEMENTED: 112.215 FS.

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

TIME AND DATE: 9:30 a.m., November 27, 2001

PLACE: Room 415, Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kandi Winters, Financial Administrator, Deferred Compensation Section, Division of Treasury, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0346, (850)413-3400

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE NOVEMBER 15 AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE:

RULE NO.:

Termination of Staff Housing Assignment

33-208.510

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise a form incorporated by reference in the rule.

SUBJECT AREA TO BE ADDRESSED: Staff Housing.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.025 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.025 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.510 Termination of Staff Housing Assignment.

(1) Expiration.

(a) through (b) No change.

(c) Written notice to or from an occupant regarding any of the personnel actions under subparagraphs (1)(a)3., 4., or 5. above shall constitute notice of the expiration of the assignment to staff housing and the warden shall ensure that Form DC2-808C, Termination of Staff Housing Agreement, is completed and submitted to the service center personnel office. Form DC2-808C is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is August 16, 2000. Expiration shall be effective at the end of the last day of the occupant's employment in the class series or at the institution.

(2) through (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Amended 6-22-89, Formerly 33-26.010, Formerly 33-602.510, Amended 8-16-00,\_\_\_\_\_.



**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: RULE NO.:

Nursing Facility Beds 59C-1.036

PURPOSE AND EFFECT: The agency is proposing to amend certificate of need (CON) Rule 59C-1.036 by deleting those portions of the rule which concern CON review of proposals for hospital-based skilled nursing unit (SNU) beds licensed under Chapter 395, F.S. The amendment will occur simultaneously with adoption of a new Rule 59C-1.0365 that is limited to CON review of proposals for such SNU beds. A Notice of Proposed Rule Development concerning that new rule is expected to appear elsewhere in this edition of the FAW. The remaining portions of 59C-1.036, with necessary editorial changes, will concern only CON review of nursing facility beds licensed under Chapter 400, F.S. These proposed amendments and the proposed new SNU rule will be discussed at the rule development workshop scheduled below.

SUBJECT AREA TO BE ADDRESSED: Modification of rule 59C-1.036 so that it is limited to nursing facility beds licensed under Chapter 400, F.S. The remaining provisions in the current rule, which concern CON review of hospital-based skilled nursing unit (SNU) beds, will be modified and transferred to a new Rule 59C-1.0365.

SPECIFIC AUTHORITY: 408.15(8), 408.034(5) FS.

LAW IMPLEMENTED: 408.036(1)(g) FS.

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

TIME AND DATE: 2:00 p.m., November 20, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.036 Nursing Facility Beds.

(1) Agency Intent. This rule implements s. 408.034(3), F.S., which requires the agency to develop uniform need methodologies for certificate of need (CON) review of proposals, and s. 408.036(1)(g), F.S., which requires certificate of need review of projects for an increase in nursing home care beds licensed under Chapter 400, F.S. nursing facility beds The rule regulates the construction of new nursing facilities, the addition of new nursing facility beds, and conversion of other health care facility bed types to nursing facility beds, including conversion of licensed sheltered nursing facility beds in continuing care facilities regulated under section 651.118, F.S. Projects for addition of sheltered nursing home beds are excluded from this rule and regulated under Rule 59C-1.037, F.A.C., and conversion to nursing facility beds of acute care or

~~specialty care hospital beds licensed under Chapter 395, F.S. For purposes of this rule there are two types of nursing facility beds, nursing facility beds licensed under Chapter 400, F.S., excluding sheltered beds, and nursing facility beds licensed under Chapter 395, F.S. It is the intent of the agency to ensure the availability of nursing facility services to all persons needing such services, regardless of ability to pay. Nothing in this rule is intended to interpret, modify, limit or expand Florida law regarding standing, or the right of an existing health care provider to initiate or intervene in a formal administrative hearing challenging intended agency action on a certificate of need application for either Chapter 395 or Chapter 400 nursing facility beds regulated under this rule.~~

(2) ~~Separate~~ CON Reviews. Proposals for nursing facility beds seeking licensure under Chapter 400, F.S., will be comparatively reviewed to each other, ~~and proposals for nursing facility beds seeking licensure under Chapter 395, F.S., will be comparatively reviewed to each other.~~ This rule contains a methodology ~~separate methodologies~~ for determining the numeric need for nursing facility beds proposed to be licensed under Chapter 400, F.S., ~~and nursing facility beds proposed to be licensed as a distinct part of a hospital under Chapter 395, F.S.~~ An application for nursing facility beds seeking licensure under Chapter 400, F.S., shall not be approved in the absence or insufficiency of a numeric need indicated by the formula in subsection (4) of this rule, unless the absence or insufficiency of numeric need is outweighed by other information presented in a certificate of need application showing special circumstances consistent with applicable and relevant criteria in s. 408.035, F.S. ~~An application for nursing facility beds seeking licensure under Chapter 395, F.S., shall not be approved in the absence or insufficiency of a numeric need indicated by the formula in subsection (5) of this rule, unless the absence or insufficiency of numeric need is outweighed by other information presented in a certificate of need application showing special circumstances consistent with applicable and relevant criteria in s. 408.035, F.S.~~

(3) General Provisions.

(a) No change.

(b) Batching Cycles. Proposals for nursing facility beds seeking licensure under Chapter 400, F.S., ~~and proposals for nursing facility beds seeking licensure under Chapter 395, F.S.,~~ will be reviewed in ~~the~~ batching cycles established for nursing facility projects and described in paragraph 59C-1.008(1)(g)(4), F.A.C.

(c) No change.

(d) Subdistrict Need Determination. The agency will use the subdistrict designation shown in Rule 59C-2.200, F.A.C., for agency service districts 1 through 11 respectively in projecting need for nursing facility beds licensed under Chapter 400, F.S. ~~The agency will use the subdistrict~~

designation shown in Rule 59C-2.100, F.A.C., for agency service districts 1 through 11 respectively in projecting need for nursing facility beds licensed under Chapter 395, F.S.

(e) through (4) No change.

(5) ~~Numeric Need Formula for Nursing Facility Beds Seeking Licensure Under Chapter 395, F.S.~~

~~(a) Projected Need. In addition to the other relevant statutory and rule criteria used in considering the allocation of new or additional nursing facility beds to be licensed under Chapter 395, F.S., the agency will determine if there is a projected need for new or additional beds at the planning horizon according to the definitions and methodology specified in this subsection.~~

~~(b) Summary of Need Formula. The need formula for nursing facility beds seeking licensure under Chapter 395, F.S., links the projected subdistrict need to the projected subdistrict number of Medicare funded patient days in acute care hospital beds. That projected number is derived by multiplying the current number of such days times the expected growth in the subdistrict population age 65 and over. The projected subdistrict number of Medicare funded acute care patient days is multiplied by a ratio that compares all patient days in nursing facilities licensed under Chapter 395, F.S., to the projected Medicare funded acute care patient days. The ratio used in each subdistrict is equal to the larger of either the current ratio or the current median value of such ratios among subdistricts which had patient days in nursing facilities licensed under Chapter 395, F.S., in the most recent 6 month reporting period for which data are available preceding publication of the projected need. The resulting projected number of nursing facility patient days is divided by the number of days in the most recent 6 month reporting period, and then divided by an 80 percent occupancy standard, which produces a projected total need in the subdistrict for nursing facility beds licensed under Chapter 395, F.S. The projected total bed need is then reduced by the current number of licensed and approved beds to produce a net need for additional nursing facility beds licensed under Chapter 395, F.S. If the current occupancy of nursing facility beds licensed under Chapter 395, F.S., is less than 70 percent, the net need in the subdistrict is zero regardless of whether the formula otherwise shows a net need. The 70 percent standard is not applicable in subdistricts where there are no licensed or approved hospital based skilled nursing beds.~~

~~(c) Need Formula. The formula for determining the net need in a subdistrict for nursing facility beds licensed under Chapter 395, F.S., is as follows:~~

$$NN = \frac{[(MAPD/2) \times (PPOP/CPOP) \times (RATIO)] - LNFB}{(DAYS) \times (.80)} - ANFB$$

where:

NN is the net need for additional nursing facility beds to be licensed under Chapter 395, F.S.

~~MAPD is the 12-month subdistrict total of Medicare funded patient days for discharges from acute care general hospitals in the subdistrict during the most recent fiscal year for which data are available to the agency as of the beginning of the quarter of the publication of the fixed need pool. MAPD/2 is an estimated 6-month total of such patient days.~~

~~CPOP is the current subdistrict population age 65 and over as of January 1 when the planning horizon is also January 1, or July 1 when the planning horizon is July 1. In the case of subdistricts that contain portions of a county, the allocation of the current county total population to those subdistricts shall be based on the proportional distribution of the county total in the most recent U.S. Census of Population.~~

~~PPOP is the projected subdistrict population age 65 and over as of January 1 when the planning horizon is also January 1, or July 1 when the planning horizon is July 1. In the case of subdistricts that contain portions of a county, the allocation of the projected county total population to those subdistricts shall be based on the proportional distribution of the county total in the most recent U.S. Census of Population.~~

~~DAYS is the number of calendar days in the most recent 6-month total of patient days in nursing facilities licensed under Chapter 395, F.S., as reported to the agency.~~

~~.80 equals the desired average 6-month occupancy rate for nursing facility beds licensed under Chapter 395, F.S., in the subdistrict.~~

~~RATIO is a subdistrict specific ratio of projected patient days in nursing facilities licensed under Chapter 395, F.S., compared to projected Medicare funded acute care patient days, determined as follows:~~

~~1. For each subdistrict, calculate the ratio of current patient days in nursing facilities licensed under Chapter 395, F.S., to current Medicare funded acute care patient days by dividing the most recent 6-month total of patient days in nursing facilities licensed under Chapter 395, F.S., reported to the agency consistent with the provisions of subsection (6), by the estimated 6-month subdistrict total of Medicare funded patient days for discharges from acute care general hospitals in the subdistrict. The estimated 6-month subdistrict total of such patient days is equal to MAPD/2.~~

~~2. Rank all subdistricts with a calculated ratio greater than zero from the lowest to highest values, and identify the median ratio in this array.~~

~~3. If the ratio as calculated in step 1 is less than the median, including subdistricts with a ratio of zero, then RATIO equals the median ratio.~~

~~4. If the ratio as calculated in step 1 is equal to or greater than the median, then RATIO equals the current ratio calculated for that subdistrict.~~

~~LNFB is the current number of beds in nursing facilities licensed under Chapter 395, F.S. The number of these beds that is subtracted shall be the number as of the most recent published deadline for agency initial decisions prior to publication of the fixed need pool.~~

~~ANFB is the current number of approved beds for nursing facilities licensed under Chapter 395, F.S. The number of these beds that is subtracted shall be the number for which the agency has issued a certificate of need, a letter stating the agency's intent to issue a certificate of need, a signed stipulated agreement, or a final order granting a certificate of need, as of the most recent published deadline for agency initial decisions prior to publication of the fixed bed need pool.~~

~~(d) If the subdistrict average occupancy of nursing facility beds licensed under Chapter 395, F.S., during the most recent reporting period was less than 70 percent, net need in that subdistrict is zero regardless of results from the formula in paragraph (c). This provision does not apply in subdistricts where there are no licensed or approved hospital-based skilled nursing beds.~~

~~(e) Proposed Services. Applicants shall provide a detailed description of the services to be provided, staffing pattern, patient characteristics, expected average length of stay, ancillary services, patient assessment tools, admission policies, and discharge policies.~~

~~(f) Quality of Care. In assessing the applicant's ability to provide quality of care pursuant to s. 408.035(1)(c), F.S., the agency shall evaluate the following facts and circumstances:~~

~~1. Whether the applicant has had a nursing facility Medicare certification denied, revoked, or suspended within the 36 months prior to the application.~~

~~2. The extent to which the conditions identified in subparagraph 1. threatened or resulted in direct, significant harm to the health, safety or welfare of the nursing facility residents.~~

~~3. The extent to which the conditions identified within subparagraph 2. were corrected within the time frames allowed by the appropriate state agency in each respective state and in a manner satisfactory to the agency.~~

~~(g) Harmful Conditions. The agency shall question the ability of the applicant to provide quality of care within any nursing facility when the conditions identified in subparagraphs (f)1. and (f)2. resulted in direct, significant harm to the health, safety or welfare of a nursing facility resident, and were not corrected within the time frames allowed by the appropriate state agency in each respective state and in a manner satisfactory to the agency.~~

~~(5)(6) No change.~~

~~(7) Applicability of this Amended Rule. This amended rule shall be applied beginning with the first nursing facility review cycle of 1998.~~

Specific Authority 408.15(8), 408.034(5) FS. Law Implemented 408.034(3), 408.035, 408.036(1)(g)(a),(b),(c),(d),(e) FS. History--New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5-11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(k), Amended 8-9-92, Formerly 10-5.036, Amended 10-6-92, 8-24-93, 6-11-98,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Hospital-Based Skilled Nursing Units  
 RULE NO.: 59C-1.0365

PURPOSE AND EFFECT: The agency is proposing to revise existing requirements regarding certificate of need (CON) review of proposals for hospital-based skilled nursing unit (SNU) beds licensed under Chapter 395, F.S. The revision will be accomplished through adoption of a new rule limited to SNUs. The new rule will modify several provisions regarding SNU beds found in current Rule 59C-1.036, which also contains provisions regarding nursing facility beds licensed under Chapter 400, F.S. Upon adoption of the revised SNU requirements, Rule 59C-1.036 will be amended to delete references to SNUs, so that the remaining language will pertain only to Chapter 400 nursing facilities. A Notice of Proposed Rule Development concerning those other amendments is expected to appear elsewhere in this edition of the FAW.

The proposed revision of the SNU requirements responds to recent trends showing a decreasing hospital interest in establishing or maintaining a SNU. Need for a separate SNU rule is also suggested by the moratorium created by section 52 of Chapter 2001-45, Laws of Florida, which bars CON approval of any additional community nursing facility beds that would be licensed under Chapter 400, F.S., while allowing continued approval of SNU beds.

As noted above, the agency proposes to retain the Chapter 400 CON rule requirements in a revised Rule 59C-1.036 that concerns only Chapter 400 beds. Those proposed amendments and this proposed new SNU rule will be discussed at the rule development workshop scheduled below.

SUBJECT AREA TO BE ADDRESSED: Certificate of need (CON) review of hospital-based skilled nursing unit beds.

SPECIFIC AUTHORITY: 408.15(8), 408.034(5) FS.

LAW IMPLEMENTED: 408.036(1)(g) FS.

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

TIME AND DATE: 2:00 p.m., November 20, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.0365 Hospital-Based Skilled Nursing Units.

(1) Agency Intent. This rule implements s. 408.034(3), F.S., which requires the agency to develop uniform need methodologies for certificate of need (CON) review of proposals, and s. 408.036(1)(g), F.S., which requires certificate of need review of projects for the addition of hospital-based skilled nursing unit (SNU) beds licensed under Chapter 395, F.S. The rule regulates the proposed establishment of a SNU, the addition of new SNU beds, and the conversion of other health care facility bed types to SNU beds. The agency will consider applications for SNU beds in context with the applicable review criteria in section 408.035, F.S., and the standards and need criteria set forth in sections (3) through (6) of this rule.

(2) Definitions.

(a) “Agency.” The Agency for Health Care Administration.

(b) “District.” A health service planning district of the agency defined in subsection 408.032(5), F.S.

(c) “Skilled Nursing Unit (SNU).” A distinct part of a hospital licensed under Chapter 395, F.S., consisting of Medicare and Medicaid certified skilled nursing inpatient beds, and used for the provision of skilled nursing and related services to patients who require medical or nursing care, or services for the rehabilitation of injured, disabled, or sick persons. SNU beds are separately enumerated on the hospital license.

(d) “Subdistrict.” A group of counties, a county, or a portion of a county which forms a subdivision of a district. The subdistricts identified in this rule are the acute care subdistricts described in Rule 59C-2.100, F.A.C.

(3) General Provisions.

(a) Batching Cycles. Proposals for the addition of SNU providers and SNU beds will be reviewed in the batching cycles for “Other Beds and Programs” described in paragraph 59C-1.008(1)(g), F.A.C.

(b) CON Reviews. Proposals for the addition of SNU providers and SNU beds will be comparatively reviewed to each other.

(c) Challenges to Intended Agency Action. Nothing in this rule is intended to interpret, modify, limit or expand Florida law regarding standing, or the right of an existing health care provider to initiate or intervene in a formal administrative hearing challenging intended agency action on a certificate of need application for SNU beds regulated under this rule.

(d) Rural Hospitals. A rural hospital proposing SNU beds is exempt from the provisions of this rule provided the requirements of s. 408.036(3)(c), F.S., are met.

(e) Approval in Special Circumstances. An application for SNU beds shall not be approved in the absence or insufficiency of a numeric need indicated in subsections (4), (5) or (6) of this rule unless the absence or insufficiency of a numeric need is outweighed by other information presented in a certificate of need application showing special circumstances consistent with applicable and relevant criteria in s. 408.035, F.S.

(4) Numeric Need for a New SNU.

(a) Numeric need for a new SNU is demonstrated in any subdistrict where there is no existing or approved SNU.

(b) Numeric need for a new SNU in a subdistrict with at least one existing SNU is demonstrated if the subdistrict average occupancy rate for all licensed SNUs in the subdistrict was at least 75 percent during the 6 months ending prior to the beginning of the quarter of the publication of the fixed need pool.

(c) An additional new SNU will not be approved for a subdistrict where none of the approved new SNUs has been licensed as of the most recent published deadline for agency initial decisions prior to publication of the fixed need pool.

(5) Bed Capacity of a New SNU.

The number of beds proposed by an applicant for a new SNU under subsection (4) shall not exceed the number determined as follows:

$$N = (APD \times .12)$$

$$(DAYS \times .75)$$

where:

APD is the total of acute care patient days occurring at the applicant hospital during the 6 months ending prior to the beginning of the quarter of the publication of the fixed need pool.

.12 is the estimated proportion of acute care patient days that will be SNU days.

DAYS is the number of calendar days included in APD.

.75 equals the desired average 6 month occupancy rate for SNU beds.

(6) Expanded Capacity of an Existing SNU.

A hospital experiencing SNU occupancy of 75 percent or more during the 6 months ending prior to the quarter of publication of the fixed need pool may propose a number of additional beds not exceeding the number which, if added to the existing SNU capacity, would have reduced the average occupancy of that SNU to 75 percent.

(7) Utilization Reports. Within 45 days after the end of each calendar quarter, facilities with SNU beds shall report to the agency, or its designee, the total number of patient days which occurred in the quarter and the number of such days that were Medicaid days.

(8) Applicability of this Rule. Upon adoption, the provisions in this rule replace and supersede the provisions respecting CON review of SNUs found in Rule 59C-1.036, F.A.C.

Specific Authority 408.15(8), 408.034(5) FS. Law Implemented 408.036(1)(g) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Group Insurance**

RULE CHAPTER TITLE: State Group Insurance Program  
 RULE CHAPTER NO.: 60P-1

PURPOSE AND EFFECT: To readopt this chapter verbatim in order to avoid the statutory repeal that would otherwise occur on January 1, 2002, pursuant to Section 42 of Chapter 2001-43, Laws of Florida. No amendments will be made in this proceeding.

SUBJECT AREA TO BE ADDRESSED: Group insurance for state officers and employees under Section 110.123, Florida Statutes, and the prescription drug program under Section 110.12315.

SPECIFIC AUTHORITY: 110.123(3)(c),(5), 110.161(5) FS.  
 LAW IMPLEMENTED: 110.123, 17.04, 110.161, 110.12315 FS.

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

TIME AND DATE: 9:00 a.m., November 16, 2001  
 PLACE: Room 260L, 4050 Esplanade Way, Tallahassee FL 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE RULES IS: Frederick J. Springer, Office of General Counsel, Suite 260, 4050 Esplanade Way, Tallahassee FL 32399-0950, (850)487-1898

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Group Insurance**

RULE CHAPTER TITLE: State Group Health Self-Insurance Plan  
 RULE CHAPTER NO.: 60P-2

PURPOSE AND EFFECT: To readopt this chapter verbatim in order to avoid the statutory repeal that would otherwise occur on January 1, 2002, pursuant to Section 42 of Chapter 2001-43, Laws of Florida. No amendments will be made in this proceeding.

SUBJECT AREA TO BE ADDRESSED: Group insurance of several kinds for state officers and employees under Section 110.123, Florida Statutes; the prescription drug program under Section 110.12315; and the pretax benefits program under Section 110.161.

SPECIFIC AUTHORITY: 110.123(3)(c),(5), 110.161(5) FS.  
 LAW IMPLEMENTED: 110.123, 17.04, 110.161, 110.12315 FS.

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

TIME AND DATE: 9:00 a.m., November 16, 2001  
 PLACE: Room 260L, 4050 Esplanade Way, Tallahassee FL 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE RULES IS: Frederick J. Springer, Office of General Counsel, Suite 260, 4050 Esplanade Way, Tallahassee FL 32399-0950, (850)487-1898

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Group Insurance**

RULE CHAPTER TITLE: State Group Life Insurance Plan  
 RULE CHAPTER NO.: 60P-3

PURPOSE AND EFFECT: To readopt this chapter verbatim in order to avoid the statutory repeal that would otherwise occur on January 1, 2002, pursuant to Section 42 of Chapter 2001-43, Laws of Florida. No amendments will be made in this proceeding.

SUBJECT AREA TO BE ADDRESSED: Group life insurance for state officers and employees under Section 110.123, Florida Statutes.

SPECIFIC AUTHORITY: 110.123(3)(c),(5), 110.161(5) FS.  
 LAW IMPLEMENTED: 110.123, 17.04, 110.161, 110.12315 FS.

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

TIME AND DATE: 9:00 a.m., November 16, 2001  
 PLACE: Room 260L, 4050 Esplanade Way, Tallahassee FL 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE RULES IS: Frederick J. Springer, Office of General Counsel, Suite 260, 4050 Esplanade Way, Tallahassee FL 32399-0950, (850)487-1898

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Group Insurance**

RULE CHAPTER TITLE:                   RULE CHAPTER NO.:

General provisions and Definitions                   60P-6

PURPOSE AND EFFECT: To readopt this chapter verbatim in order to avoid the statutory repeal that would otherwise occur on January 1, 2002, pursuant to Section 42 of Chapter 2001-43, Laws of Florida. No amendments will be made in this proceeding.

SUBJECT AREA TO BE ADDRESSED: Group insurance of several kinds for state officers and employees under Section 110.123, Florida Statutes; the prescription drug program under Section 110.12315; and the pretax benefits program under Section 110.161.

SPECIFIC AUTHORITY: 110.123(3)(c),(5), 110.161(5) FS.

LAW IMPLEMENTED: 110.123, 17.04, 110.161, 110.12315 FS.

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

TIME AND DATE: 9:00 a.m., November 16, 2001

PLACE: Room 260L, 4050 Esplanade Way, Tallahassee FL 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE RULES IS: Frederick J. Springer, Office of General Counsel, Suite 260, 4050 Esplanade Way, Tallahassee FL 32399-0950, (850)487-1898

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Group Insurance**

RULE CHAPTER TITLE:                   RULE CHAPTER NO.:

State Group Disability Income Self Insurance Plan                   60P-9

PURPOSE AND EFFECT: To readopt this chapter verbatim in order to avoid the statutory repeal that would otherwise occur on January 1, 2002, pursuant to Section 42 of Chapter 2001-43, Laws of Florida. No amendments will be made in this proceeding.

SUBJECT AREA TO BE ADDRESSED: Group disability income insurance for state officers and employees under Section 110.123, Florida Statutes.

SPECIFIC AUTHORITY: 110.123(3)(c),(5), 110.161(5) FS.

LAW IMPLEMENTED: 110.123, 17.04, 110.161, 110.12315 FS.

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

TIME AND DATE: 9:00 a.m., November 16, 2001

PLACE: Room 260L, 4050 Esplanade Way, Tallahassee FL 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE RULES IS: Frederick J. Springer, Office of General Counsel, Suite 260, 4050 Esplanade Way, Tallahassee FL 32399-0950, (850)487-1898

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Group Insurance**

RULE CHAPTER TITLE:                   RULE CHAPTER NO.:

Supplemental Insurance Plan                   60P-10

PURPOSE AND EFFECT: To readopt this chapter verbatim in order to avoid the statutory repeal that would otherwise occur on January 1, 2002, pursuant to Section 42 of Chapter 2001-43, Laws of Florida. No amendments will be made in this proceeding.

SUBJECT AREA TO BE ADDRESSED: Group supplemental insurance for state officers and employees under Section 110.123, Florida Statutes.

SPECIFIC AUTHORITY: 110.123(3)(c),(5), 110.161(5) FS.

LAW IMPLEMENTED: 110.123, 17.04, 110.161, 110.12315 FS.

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

TIME AND DATE: 9:00 a.m., November 16, 2001

PLACE: Room 260L, 4050 Esplanade Way, Tallahassee FL 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE RULES IS: Frederick J. Springer, Office of General Counsel, Suite 260, 4050 Esplanade Way, Tallahassee FL 32399-0950, (850)487-1898

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-18R

RULE CHAPTER TITLE: Dredge and Fill Activities  
 RULE CHAPTER NO.: 62-312

PURPOSE AND EFFECT: The purpose and effect of this proposed rule development is to amend the dredge and fill permitting rules of Chapter 62-312, F.A.C., to conform such rules with the new rules being adopted separately in chapter 62-345 for the establishment of a uniform wetland mitigation assessment method required by Section 373.414(18), F.S. The notice of rule development of the establishment of a uniform wetland mitigation assessment method in Rule Chapter 62-345 was previously published in the Florida Administrative Weekly on April 13, 2001, Vol. 27, No. 15, at page 1734.

SUBJECT AREA TO BE ADDRESSED: Dredge and fill permitting rules applied within the geographical territory of the Northwest Florida Water Management District.

SPECIFIC AUTHORITY: 373.414(18) FS.

LAW IMPLEMENTED: 373.414(18) FS.

IF REQUESTED, AND NOT DEEMED UNNECESSARY BY THE DEPARTMENT, RULE DEVELOPMENT WORKSHOPS WILL BE HELD CONCURRENTLY WITH RULE DEVELOPMENT WORKSHOPS ON THE DEVELOPMENT OF THE UNIFORM WETLAND MITIGATION ASSESSMENT METHOD IN CHAPTER 62-345.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Constance Bersok, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, (850)921-9858, connie.bersok@dep.state.fl.us

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-11R

RULE CHAPTER TITLE: Environmental Resource Permitting  
 RULE CHAPTER NO.: 62-330

RULE TITLE: Rules Adopted by Reference  
 RULE NO.: 62-330.200

PURPOSE AND EFFECT: The purpose and effect of this proposed rule development is to amend the environmental resource permitting rules of the water management districts adopted by reference to conform such rules with the new rules being adopted separately in Chapter 62-345 for the establishment of a uniform wetland mitigation assessment method required by Section 373.414(18), F.S. The notice of rule development of the establishment of a uniform wetland mitigation assessment method in Rule Chapter 62-345 was previously published in the Florida Administrative Weekly on April 13, 2001, Vol. 27, No. 15, at page 1734.

SUBJECT AREA TO BE ADDRESSED: Environmental resource permitting rules of the water management districts adopted by reference.

SPECIFIC AUTHORITY: 373.414(18) FS.

LAW IMPLEMENTED: 373.414(18) FS.

IF REQUESTED, AND NOT DEEMED UNNECESSARY BY THE DEPARTMENT, RULE DEVELOPMENT WORKSHOPS WILL BE HELD CONCURRENTLY WITH RULE DEVELOPMENT WORKSHOPS ON THE DEVELOPMENT OF THE UNIFORM WETLAND MITIGATION ASSESSMENT METHOD IN CHAPTER 62-345.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Constance Bersok, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, (850)921-9858, connie.bersok@dep.state.fl.us

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-19R

RULE CHAPTER TITLE: Mitigation Banking  
 RULE CHAPTER NO.: 62-342

PURPOSE AND EFFECT: The purpose and effect of this proposed rule development is to amend the mitigation banking rules of Chapter 62-342 to conform such rules with the new rules being adopted separately in Chapter 62-345 for the establishment of a uniform wetland mitigation assessment method required by Section 373.414(18), F.S. The notice of rule development of the establishment of a uniform wetland mitigation assessment method in Rule Chapter 62-345 was previously published in the Florida Administrative Weekly on April 13, 2001, Vol. 27, No. 15, at page 1734.

SUBJECT AREA TO BE ADDRESSED: Mitigation banking rules.

SPECIFIC AUTHORITY: 373.414(18) FS.

LAW IMPLEMENTED: 373.414(18) FS.

IF REQUESTED, AND NOT DEEMED UNNECESSARY BY THE DEPARTMENT, RULE DEVELOPMENT WORKSHOPS WILL BE HELD CONCURRENTLY WITH RULE DEVELOPMENT WORKSHOPS ON THE DEVELOPMENT OF THE UNIFORM WETLAND MITIGATION ASSESSMENT METHOD IN CHAPTER 62-345.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Constance Bersok, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, (850)921-9858, connie.bersok@dep.state.fl.us

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: Certified Chiropractic Physician's Assistant Fees  
 RULE NO.: 64B2-12.015

PURPOSE AND EFFECT: The Board proposes to raise certified Chiropractic Physician's Assistant Fees.

SUBJECT AREA TO BE ADDRESSED: The application fees for certified Chiropractic Physician's Assistant.

SPECIFIC AUTHORITY: 460.405, 460.4165(9) FS.

LAW IMPLEMENTED: 456.036, 460.4165(3),(5),(6),(9) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IF AVAILABLE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLES: Physician Assistant Licensure  
 Physician Assistant Licensure Renewal  
 Notice of Noncompliance  
 Citation Authority  
 RULE NOS.: 64B8-30.003  
 64B8-30.005  
 64B8-30.013  
 64B8-30.014

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify requirements for licensure and renewal, address continuing education for prevention of medical errors, and new rules relating to notices of noncompliance and citation violations.

SUBJECT AREA TO BE ADDRESSED: Initial licensure and renewal requirements, continuing education requirements, and violations which are appropriate for notices of noncompliance and citations.

SPECIFIC AUTHORITY: 456.013, 456.031(2), 456.033(6), 456.073(3), 456.077, 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 456.073(3), 456.077, 458.331, 458.347 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.003 Physician Assistant Licensure.

(1) No change.

(2) Applicants for licensure who have not passed the NCCPA licensure examination within five (5) attempts shall be required to complete a minimum of three (3) months in a full-time review course at an accredited physician assistant program approved by the Chair of the Physician Assistant Committee, which completion shall be documented by a letter signed by the head of the program stating that the applicant has satisfactorily completed the course.

(3)(2) No change.

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

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

(b) completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(c) completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any



state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S. for its employees may be used to partially meet this requirement.

(3) Requirements for Temporary Licensure.

~~(a) Applicants who are unlicensed physicians who are graduates of foreign medical schools may be issued temporary licenses by the Executive Director upon completion of requirements set forth in 64B8-30.003(1)(a)1., 2., 3., and 4., and (e)1., 2., 3., 4., and 5., if there is no information or legal issue suggesting that the applicant is not eligible.~~

~~(b) All temporary licenses issued by the Executive Director shall be reviewed and ratified or rescinded at the next regular meeting of the Council and the Board. Further, either board may authorize issuance of a temporary license once legal or factual issues are resolved in favor of the applicant.~~

~~(5)(4) No change.~~

~~(6)(5) Licensure as a Prescribing Physician Assistant.~~

~~(a) An applicant for license as a prescribing physician assistant shall, together with the supervising physician, jointly file the application for licensure as set forth in Rule 64B8-1.007 on form PAX/004, entitled "Application for Certification as Prescribing Physician Assistant", effective 3-25-96 (rev. 1-4-96), which is incorporated herein by reference and available from the Board office. The same application may be utilized by any alternate supervising physicians, provided that all supervising physicians practice in the same specialty area and in the same practice setting. A separate application form shall be required for each distinct specialty area of practice, as well as for each distinct practice setting. Satellite offices within the same practice do not constitute distinct practices.~~

~~(b) through (c) No change.~~

~~Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 458.347, 456.017 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00,~~

64B8-30.005 Physician Assistant Licensure Renewal.

(1) A Physician Assistant must renew his licensure on a biennial basis.

(2) Requirements for Renewal

(a) through (c) No change.

(d) For all licensees no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator

of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. Submission of proof of completion of the HIV/AIDS education requirement set forth in Section 456.033, F.S.

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

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

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

(3) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above.

(3) through (5) renumbered (4) through (6) No change.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 458.347 FS., s. 2, Ch. 91-22; s. 71, Ch. 91-297, Laws of Florida. History--New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, \_\_\_\_\_.

64B8-30.013 Notice of Noncompliance.

(1) Pursuant to Section 456.073(3), Florida Statutes, the department is authorized to provide a notice of noncompliance for an initial offense of a minor violation if the board establishes by rule a list of minor violations. A minor violation is one which does not endanger the public health, safety, and welfare and which does not demonstrate a serious inability to practice the profession. A notice of noncompliance in lieu of other action is authorized only if the violation is not a repeat violation and only if there is only one violation. If there are multiple violations, then the Agency may not issue a notice of noncompliance, but must prosecute the violations under the other provisions of Section 456.073, Florida Statutes. A notice of noncompliance may be issued to a licensee for a first time violation of one or both of the violations listed in subsection (3)(b). Failure of a licensee to take action in correcting the violation within 15 days after notice shall result in the institution of regular disciplinary proceedings.

(2) The department shall submit to the board a monthly report detailing the number of notices given, the number of cases completed through receipt of a notarized statement of compliance from the licensee, and the types of violations for which notices of noncompliance have been issued. Notices of noncompliance shall be considered by the probable cause panels when reviewing a licensee's subsequent violations of a same or similar offense.

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

(a) Failing to include the specific disclosure statement required by Section 456.062, F.S., in any advertisement for a free, discounted fee, or reduced fee service, examination or treatment.

(b) Violating any of the following provisions of chapter 458, as prohibited by Section 458.347(7)(g) and 458.331(1)(x), Florida Statutes:

1. Section 458.347(1), Florida Statutes, which provides for criminal penalties for the practice as a physician assistant without an active license. A notice of noncompliance would be issued for this violation only if the subject of the investigation met the following criteria: the subject was the holder of a license to practice as a physician assistant at all time material to the matter; that license was otherwise in good standing; and that license was or will be renewed and placed in an active status within 90 days of the date it reverted to delinquent status based on failure to renew the license. If the license was in a delinquent status for more than 90 days and the individual

continued to practice, then the matter would proceed under the other provisions of Section 456.073 and 456.035(1), Florida Statutes.

2. Failing to notify the board of a change of practice location, contrary to Sections 458.319(3) and 456.035(1), Florida Statutes.

Specific Authority 456.073(3), 458.309, 458.347(7)(g),(12) FS. Law Implemented 456.073(3), 458.331, 458.347(7)(g),(12) FS. History--New \_\_\_\_\_.

64B8-30.014 Citation Authority.

(1) Pursuant to Section 456.077, Florida Statutes, the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. In addition to any administrative fine imposed, the Respondent may be required by the department to pay the costs of investigation.

(2) If the violation constituted a substantial threat to the public health, safety, and welfare, such potential for harm must have been removed prior to issuance of the citation.

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

<u>VIOLATIONS</u>	<u>PENALTY</u>
<u>(a) CME violations (Sections 458.347(7)(c), 458.331(1)(g),(x), 456.072(1)(e),(s), F.S.)</u>	<u>Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND pay a \$250 fine</u>
<u>1. Failure to document required HIV/AIDS CME. (456.033, F.S.)</u>	<u>\$250 fine</u>
<u>2. Failure to document required domestic violence CME. (456.031, F.S.)</u>	<u>\$250 fine</u>
<u>3. Failure to document both the required HIV/AIDS and domestic violence CME.</u>	<u>\$500 fine</u>

- 4. Documentation of some, but not all, 100 hours of required CME for license renewal. \$25 fine for each hour not documented
- (b) Obtaining license renewal by fraud or misrepresentation (Section 458.347(7)(g) and 458.331(1)(a), F.S.). \$2500 fine
- (c) Failure to document any of the 100 hours of required CME for license renewal (Sections 458.347(7)(c), 458.331(1)(x), F.S.). \$2500 fine
- (d) Practice on an inactive or delinquent license (Sections 456.036(1), 458.327(1)(a), 458.347(7)(g), 458.331(1)(x), F.S.).
  - 1. For a period of up to nine months. \$100 for each month or part thereof.
  - 2. For a period of nine months to twelve months. \$150 for each month or part thereof.
- (e) Failure to notify Department of change of practice address (Sections 456.035, 458.319(3), 458.331(1)(g), 458.347(7)(g), F.S.). \$125 fine
- (f) Failure of the physician assistant to clearly identify that he/she is a physician assistant. (Section 458.347(4)(e)1., 458.347(7)(g), 458.331(1)(g), F.S.) \$250 fine

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Agency for Health Care Administration, Division of Regulation. Such review may be by telephone, in writing, or by facsimile machine.

(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, Florida Statutes, to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, Florida Statutes, shall apply.

(6) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.

(7) The Agency for Health Care Administration shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who dispute the citation and chose to follow the procedures of Section 456.073, Florida Statutes.

Specific Authority 458.309, 456.077, 458.347(7)(g),(12) FS. Law Implemented 456.077, 458.331, 458.347(7)(g),(12) FS. History—New

**DEPARTMENT OF HEALTH  
Board of Osteopathic Medicine**

RULE TITLES:	RULE NOS.:
Application for Licensure	64B15-6.002
Physician Assistant Licensure	64B15-6.003
Physician Assistant Licensure Renewal	64B15-6.0035
Notice of Noncompliance	64B15-6.0105
Citation Authority	64B15-6.01051

**PURPOSE AND EFFECT:** The Board proposes the development of rule amendments to clarify requirements for licensure and renewal, address continuing education for prevention of medical errors, and new rules relating to notices of noncompliance and citation violations.

**SUBJECT AREA TO BE ADDRESSED:** Initial licensure and renewal requirements, continuing education requirements, and violations which are appropriate for notices of noncompliance and citations.

**SPECIFIC AUTHORITY:** 456.073(3), 456.077, 459.005, 459.022, 459.022(7)(f),(12) FS.

**LAW IMPLEMENTED:** 120.53(1)(a), 456.073(3), 456.077, 459.015, 459.022(7)(f),(12) FS.

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

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

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

64B15-6.002 Application for Licensure Certification.

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

(2) The application may not be used for more than one year from the date of receipt by the Council of the original application form and fee. The fee to be paid at the time of application for licensure certification shall be as set forth in Rule 64B15-10.002, F.A.C. After one year from the date that the original application and fee have been received in the Council office, a new application and fee shall be required from any applicant who desires licensure certification as a physician assistant.

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

64B15-6.003 Physician Assistant Licensure Certification.

(1) No change.

(2) Applicants for licensure who have not passed the NCCPA licensure examination within five (5) attempts shall be required to complete a minimum of three (3) months in a full-time review course at an accredited physician assistant program approved by the Chair of the Physician Assistant Committee, which completion shall be documented by a letter signed by the head of the program stating that the applicant has satisfactorily completed the course.

(3)(2) No change.

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

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

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

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

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

(5)(3) Licensure Certification as a Prescribing Physician Assistant

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

(b) No change.

(c) The applicant shall have completed a minimum of 3 months of clinical experience in the specialty area of the supervising physician. For purposes of this rule, this means 3 continuous months of full-time practice or its equivalent, following full licensure certification as a physician assistant, within the 4 years immediately preceding the filing of the application.

(d) The fee for licensure certification as a prescribing Physician Assistant shall be as set forth in Rule 64B15-6.013, F.A.C., and shall be in addition to any other applicable fees in said rule. No additional fees will be required for any separate application for a distinct area of practice, or a change in practice setting during the same biennium.

Specific Authority 459.005, 459.022, 458.347(7) FS. Law Implemented 120.53(1)(a), 459.022 FS. History—New 10-18-77, Formerly 21R-6.03, Amended 10-28-87, 4-21-88, 4-18-89, 9-26-90, 5-20-91, 10-28-91, 3-16-92, Formerly 21R-6.003, Amended 11-4-93, 3-29-94, Formerly 61F9-6.003, Amended 2-1-95, Formerly 59W-6.003, Amended 6-7-98, \_\_\_\_\_.

64B15-6.0035 Physician Assistant Licensure Certification Renewal.

(1) A Physician Assistant must renew his certification on a biennial basis.

(2) Requirements for Renewal.

(a) through (c) No change.

(d) For all licensees no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable.

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

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

(g) completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education.

One hour or a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

~~(d) Submission of proof of completion of the HIV/AIDS education requirement set forth in Section 456.033, F.S. In lieu of completing the HIV/AIDS education requirement, licensees are permitted to substitute a course in end-of-life care and palliative health care, provided the licensee has completed the HIV/AIDS education requirement in the immediately preceding biennium.~~

~~(e) Submission of proof of completion of the domestic violence education requirement set forth in Section 456.031, F.S. In lieu of completing the domestic violence course, licensees are permitted to substitute a course in end-of-life care and palliative health care, provided the licensee has completed the domestic violence requirement in the immediately preceding biennium.~~

(3) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above.

(4)(3) Renewal of Licensure Certification as a Prescribing Physician Assistant. In addition to the requirements of paragraph (2) above, a prescribing physician assistant shall attest to having completed a minimum of 10 hours of continuing education in the specialty area(s) of the supervising physician(s), during the previous 2 years. These hours may be utilized to meet the general continuing education requirement.

(5)(4) Licensure Certification Renewal Application.

(a) through (b) No change.

~~(6)(5) No change.~~

Specific Authority 459.005 FS. Law Implemented 459.022(7)(b),(c) FS. History—New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, \_\_\_\_\_.

64B15-6.0105 Notice of Noncompliance.

(1) Pursuant to Section 456.073(3), Florida Statutes, the Department is authorized to provide a notice of noncompliance for an initial offense of a minor violation if the Board establishes by rule a list of minor violations. A minor violation is one which does not endanger the public health, safety, and welfare and which does not demonstrate a serious inability to practice the profession. A notice of noncompliance in lieu of other action is authorized only if the violation is not a repeat violation and only if there is only one violation. If there are multiple violations, then the Agency may not issue a notice of noncompliance, but must prosecute the violations under the other provisions of Section 456.073, Florida Statutes. A notice of noncompliance may be issued to a licensee for a first time violation of one or both of the violations listed in subsection (3)(b). Failure of a licensee to take action in correcting the violation within 15 days after notice shall result in the institution of regular disciplinary proceedings.

(2) The Department shall submit to the Board a monthly report detailing the number of notices given, the number of cases completed through receipt of a notarized statement of compliance from the licensee, and the types of violations for which notices of noncompliance have been issued. Notices of noncompliance shall be considered by the probable cause panels when reviewing a licensee's subsequent violations of a same or similar offense.

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

(a) Failing to include the specific disclosure statement required by Section 456.062, F.S., in any advertisement for a free, discounted fee, or reduced fee service, examination or treatment.

(b) Violating any of the following provisions of chapter 458, as prohibited by Section 459.022(7)(f) and 459.015(1)(bb), Florida Statutes:

1. Section 459.022(1), Florida Statutes, which provides for criminal penalties for the practice as a physician assistant without an active license. A notice of noncompliance would be issued for this violation only if the subject of the investigation met the following criteria: the subject was the holder of a license to practice as a physician assistant at all time material to the matter; that license was otherwise in good standing; and that license was or will be renewed and placed in an active status within 90 days of the date it reverted to delinquent status based on failure to renew the license. If the license was in a delinquent status for more than 90 days and the individual continued to practice, then the matter would proceed under the other provisions of Section 456.073 and 456.035(1), Florida Statutes.

2. Failing to notify the Board of a change of practice location, contrary to Sections 459.008(3) and 456.035(1), Florida Statutes.

Specific Authority 456.073(3), 459.005, 459.022(7)(f),(12) FS. Law Implemented 456.073(3), 459.015, 459.022(7)(f),(12) FS. History—New

64B15-6.01051 Citation Authority.

(1) Pursuant to Section 456.077, Florida Statutes, the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. In addition to any administrative fine imposed, the Respondent may be required by the Department to pay the costs of investigation.

(2) If the violation constituted a substantial threat to the public health, safety, and welfare, such potential for harm must have been removed prior to issuance of the citation.

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

VIOLATIONS

(a) CME violations (Sections 459.022(7)(b), 459.015(1)(g),(bb), 456.072(1)(e),(s), F.S.)

1. Failure to document required HIV/AIDS CME. (456.033, F.S.)

2. Failure to document required domestic violence CME. (456.031, F.S.)

3. Failure to document both the required HIV/AIDS and domestic violence CME.

4. Documentation of some, but not all, 100 hours of required CME for license renewal.

(b) Obtaining license renewal by fraud or misrepresentation (Section 459.022(7)(f) and 459.015(1)(a), F.S.)

(c) Failure to document any of the 100 hours of required CME for license renewal (Sections 459.022(7)(b), 459.015(1)(bb), F.S.)

(d) Practice on an inactive or delinquent license (Sections 456.036(1), 459.013(1)(a), 459.022(7)(f), 459.015(1)(bb), F.S.)

1. For a period of up to nine months.

2. For a period of nine months to twelve months.

(e) Failure to notify Department of change of practice address (Sections 456.035, 459.008(3), 459.015(1)(g), 459.022(7)(f), F.S.)

(f) Failure of the physician assistant to clearly identify that he/she is a physician assistant.

PENALTY

Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND pay a \$250 fine

\$250 fine

\$250 fine

\$500 fine

\$25 fine for each hour not documented

\$2500 fine

\$2500 fine

\$100 for each month or part thereof.

\$150 for each month or part thereof.

\$250 fine

(Section 459.022(4)(e)1., 459.022(7)(f), 459.015(1)(g), F.S.)

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Agency for Health Care Administration, Division of Regulation. Such review may be by telephone, in writing, or by facsimile machine.

(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, Florida Statutes, to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, Florida Statutes, shall apply.

(6) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.

(7) The Agency for Health Care Administration shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who dispute the citation and chose to follow the procedures of Section 456.073, Florida Statutes.

Specific Authority 456.077, 459.005, 459.022(7)(f),(12) FS. Law Implemented 456.077, 459.015, 459.022(7)(f),(12) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Application and License Fees	64B15-10.002
Active Status Renewal Fees	64B15-10.003
Inactive Status Renewal Fee	64B15-10.0031
Unlicensed Activity Fee	64B15-10.0075
Change of Status Fee	64B15-10.008
Delinquent Status Fee	64B15-10.009
Fees for Board Approved Continuing Education Providers	64B15-10.010

**PURPOSE AND EFFECT:** The Board proposes to amend the above referenced rules to update the rule text.

**SUBJECT AREA TO BE ADDRESSED:** Application, Certification and License Fees, Active Status Fees, Inactive Status Fee, Unlicensed Activity Fee, Processing of Status Fee, Delinquent Status Fee, Fees for Board Approved Continuing Education Providers.

**SPECIFIC AUTHORITY:** Section 14(8), 94-119, Laws of Florida, 456.013(2), 456.025(1), 456.036, 459.005, 459.0077, 459.009(2),(3), 459.0092 FS.

**LAW IMPLEMENTED:** Section 14(8), 94-119, Laws of Florida, 456.013(2), 456.036, 459.007, 459.008, 459.0077, 459.009(3)(b), 459.0092, 459.022(7)(b) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-10.002 Application, and Licensure Fees Certification and License Fees.

(1) The application fee for an osteopathic physician license shall be \$200. This fee is nonrefundable.

~~(2) The initial certification fee paid upon submission of the application for certification as a physician assistant shall be \$200 if the initial licensure occurs during the first year or any fraction thereof of the biennial period, and \$100 if initial licensure occurs during the second year or any fraction thereof, of the biennial period.~~

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

~~(5) The application fee for a physician assistant certificate shall be \$100. This fee is nonrefundable.~~

~~(4)(6) No change.~~

(5) Physician assistant fees shall be those set out in Rule 64B15-6.013.

Specific Authority 456.013(2), 456.025(1), 459.0077, 459.0092 FS. Law Implemented 456.013(2), 459.007, 459.0077, 459.0092 FS. History—New 10-23-79, Amended 10-3-83, Formerly 21R-10.02, Amended 5-13-87, 4-21-88, 10-28-91, 11-9-92, 4-1-93, Formerly 21R-10.002, 61F9-10.002, Amended 12-28-95, Formerly 59W-10.002, Amended 12-13-98, \_\_\_\_\_.

64B15-10.003 Active Status Renewal Fees.

Licenses shall be renewed biennially in accordance with the rules of the Department. Biennial active status renewal fee for osteopathic physicians ~~licensed pursuant to Sections 459.006, 459.007 and 459.0075, F.S.,~~ shall be \$400.

Specific Authority 459.005, 459.009(2),(3)(b) FS. Law Implemented 459.008, 459.009(3)(b), 459.022(7)(b) FS. History—New 10-23-79, Amended 10-3-83, 4-8-84, Formerly 21R-10.03, Amended 5-13-87, 4-21-88, 7-19-89, 10-28-91, Formerly 21R-10.003, 61F9-10.003, Amended 2-1-95, Formerly 59W-10.003, Amended 12-13-98, \_\_\_\_\_.

64B15-10.0031 Inactive Status Renewal Fee.

The renewal fee for inactive status license shall be:

- (+) \$200 for an osteopathic physician;
- ~~(2) \$100 for an osteopathic physician's assistant.~~

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New 4-17-95, Formerly 59W-10.0031, Amended \_\_\_\_\_.

64B15-10.0075 Unlicensed Activity Fee.

The Department of Health is authorized to collect an additional \$5.00 with each initial licensure fee and each biennial renewal fee for the purpose of investigating and prosecuting the unlicensed practice of osteopathic medicine.

Specific Authority 456.065, 459.005 FS. Law Implemented 456.065 FS. History--New \_\_\_\_\_.

64B15-10.008 Change Processing of Status Change Fee.

A licensee shall pay a change of status processing fee of one hundred dollars (\$100) when the licensee applies for a change in licensure status at any time other than during licensure renewal. The renewal period shall begin ninety (90) days prior to the end of the biennium and shall end on the last day of the biennium.

Specific Authority Section 14(8), 94-119, Laws of Florida. Law Implemented Section 14(8), 94-119, Laws of Florida. History--New 2-1-95, Formerly 59W-10.008, Amended \_\_\_\_\_.

64B15-10.009 Delinquent Status Fee.

(+) A delinquent status licensee shall pay a delinquency fee of four two hundred dollars (\$400) (~~\$200~~) when the licensee applies for active or inactive status.

~~(2) A delinquent status physician assistant licensee shall pay a delinquency fee of two hundred dollars (\$200) when the licensee applies for active or inactive status.~~

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New 2-1-95, Amended 12-28-95, Formerly 59W-10.009, Amended 11-27-97, \_\_\_\_\_.

64B15-10.010 Fees for Board Approved Continuing Education Providers.

(1) The initial fee for approval as a continuing education provider shall be \$250.

(2) The biennial renewal fee for an approved continuing education provider shall be \$250.

Specific Authority 456.025(2), 459.005 FS. Law Implemented 456.025(2) FS. History--New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**  
**Board of Osteopathic Medicine**

RULE TITLES:

Delinquent License

Osteopathic Faculty Certificate

RULE NOS.:

64B15-12.008

64B15-12.009

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B15-12.008, F.A.C., to update the rule text. The Board proposes to promulgate a new rule which will address certificates which may be issued by the Department to a faculty member.

SUBJECT AREA TO BE ADDRESSED: Delinquent license, Osteopathic faculty certificate.

SPECIFIC AUTHORITY: Sect. 14, 94-119, Laws of Florida, 459.005, 459.0077 FS.

LAW IMPLEMENTED: Sect. 14, 94-119, Laws of Florida, 459.0077 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-12.008 Delinquent License.

(1) through (2) No change.

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

(a) No change.

(b) pay to the board either the active status or inactive status renewal fee, the delinquency fee, and if applicable the change of status processing fee; and

(c) No change.

Specific Authority Sect. 14, 94-119, Laws of Florida. Law Implemented Sect. 14, 94-119, Laws of Florida. History--New 11-28-94, Formerly 59W-12.008, Amended \_\_\_\_\_.

64B15-12.009 Osteopathic Faculty Certificate.

(1) An Osteopathic Faculty Certificate may be issued by the Department to a faculty member of a school accredited by the American Osteopathic Association upon the request of the dean of the school if the faculty member has demonstrated to the Board that:

(a) The faculty member is currently licensed to practice osteopathic medicine in another jurisdiction of the United States; and

(b) Is a graduate of a school of osteopathic medicine accredited by the American Osteopathic Association; and

(c) Files an application and otherwise meets the requirements contained in s. 459.0055, F.S.; and

(d) Has submitted the application fee required by Rule 64B15-10.002(6), F.A.C.



(2) An Osteopathic Faculty Certificate authorizes the holder to practice only in conjunction with his or her teaching duties at an accredited school of osteopathic medicine or in its affiliated teaching hospitals or clinics.

(3) Faculty Certificates shall automatically expire upon termination of the holder's relationship with the school or after a period of 24 months, whichever occurs first. Faculty Certificates are subject to cancellation or revocation by the Board for failure to comply with Chapters 456 and 459, F.S. and Chapter 64B15, F.A.C.

Specific Authority 459.005, 459.0077 FS. Law Implemented 459.0077 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_

Continuing Education for Biennial Renewal 64B15-13.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to include language regarding courses on the prevention of medical errors.

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

SPECIFIC AUTHORITY: 456.013(5),(6), 459.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5),(6), 459.008, 459.008(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-13.001 Continuing Education for Biennial Renewal.

(1)(a) Every person licensed pursuant to Chapter 459, F.S., except those licensed as physician assistants pursuant to Section 459.022, F.S., shall be required to complete forty (40) hours of continuing medical education courses approved by the Board in the twenty-four (24) months preceding each biennial renewal period as established by the Department. Seven Five of the continuing medical education hours required for renewal shall be one hour HIV/AIDS course, one hour Domestic Violence, one hour Risk Management Course, one hour Florida Laws and Rules, ~~and~~ one hour Managed Care Course, and two hour Prevention of Medical Errors Course.

(b) No change.

(2) No change.

(3)(a) No change.

(b) The seven (7) five (5) hours of continuing medical education found in 64B15-13.001(1)(a), F.A.C., shall be obtained by the completion of live, participatory attendance courses, as provided in (4) of this rule.

(c) through (e) No change.

(f) For purposes of this rule, a two hour Prevention of Medical Errors course shall include a study of root cause analysis, error reduction and prevention, and patient safety. The course shall address medication errors, surgical errors, diagnostic inaccuracies, and system failures, and shall provide recommendations for creating safety systems in health care organizations.

(4) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for and contain useful information directly pertinent to the practice of Osteopathic Medicine, and only if received through the following methods: The following courses are approved by the Board:

(a) By participating in courses offered by a Board-approved continuing education provider; or

(b) By participating in:

(a) through (i) renumbered 1. through 9. No change.

(5) Home study hours up to a maximum of eight (8) hours per biennium may be utilized toward continuing education requirements for renewal excluding the seven five hours listed in Rule 64B15-13.001(1)(a), F.A.C. In order to be acceptable, said home study hours must be approved by the AOA, the AMA, the Board, or approved for credit as a college or university extension course with approved grading and evaluation standards.

(6) No change.

~~(7) As of July 1, 1995, all licensees shall, as part of their biennial continuing education requirements, successfully complete a one hour continuing education course on domestic violence as required by section 456.031, F.S.~~

~~(7)(8) No change.~~

Specific Authority 459.005, 459.008(4) FS. Law Implemented 456.013(5),(6), 459.008, 459.008(4) FS. History--New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLES: \_\_\_\_\_ RULE NOS.: \_\_\_\_\_

Application for Board Approved \_\_\_\_\_

Provider Status 64B15-13.004

Standards for Board Approved \_\_\_\_\_

Providers 64B15-13.0045

PURPOSE AND EFFECT: The Board proposes to promulgate two new rules to address applications for provider status and the standards for approved providers.

SUBJECT AREA TO BE ADDRESSED: Application for provider status and standards for approved providers.

SPECIFIC AUTHORITY: 456.027, 459.005, 459.0055 FS.

LAW IMPLEMENTED: 456.027, 459.0055 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-13.004 Application for Board Approved Provider Status.

(1) Entities or individuals who wish to become approved providers of continuing education must submit the approval fee set forth in Rule 64B15-10.010(1), Florida Administrative Code, and an application which contains the following information, and which is accompanied by the following documentation:

(a) The name of the contact person who will fulfill the reporting and documentation requirements for approved providers and who will assure the provider's compliance with Rule 64B15-13.0045; and

(b) The qualifications of all instructors, which may be evidenced by a curriculum vitae or professional licensure in the subject area taught.

(2) Provider approval may be granted for a period not to exceed the time from the date of approval to the end of the next successive licensure biennium after approval was obtained. Application for renewal of provider status shall be made at least 90 days prior to the end of the biennium in which approval expires and must be accompanied by the biennial renewal fee set forth in Rule 64B15-15.010(2). Renewal applications shall contain all information required for initial provider approval as well as course outlines and information evidencing compliance with Rule 64B15-13.0045 for each course offered during the provider status.

Specific Authority 456.027, 459.0055 FS. Law Implemented 456.027, 459.0055 FS. History--New \_\_\_\_\_.

64B15-13.0045 Standards for Board Approved Providers. Approved continuing professional education providers and providers authorized pursuant to Rule 64B15-13.004, Florida Administrative Code, shall comply with the following requirements:

(1) All courses shall reflect appropriate didactic and clinical training for the subject matter and shall be designed to meet specifically stated educational objectives.

(2) Instructors shall be adequately qualified by training, experience or licensure to teach specified courses.

(3) Facilities and equipment for each course in which patients are treated during instruction shall be adequate for the subject matter and method of instruction.

(4) Course length shall be sufficient to provide meaningful education in the subject matter presented. One half hour or one hour of continuing education credit shall be awarded for each 25 or 50 minutes of actual classroom or clinical instruction, respectively. No continuing education credit shall be awarded for participation of less than 25 minutes.

(5) Providers shall provide written certification to each participant who completes a continuing education course or portion of that course which consists of at least 25 minutes of instruction. Certification shall include the participant's name and license number, the provider's name and number, the course title, instructor, location, date offered and hours of continuing education credit awarded, and validation through the signature of the provider, official representative or instructor.

(6) Providers shall maintain records of each course offering for 4 years following each licensure biennium during which the course was offered. Course records shall include a course outline which reflects its educational objectives, the instructor's name, the date and location of the course, participants' evaluations of the course, the hours of continuing education credit awarded for each participant and a roster of participants by name and license number.

(7) Providers' records and courses shall be subject to Board review. Failure to maintain the standards set forth in this rule shall subject the provider to the suspension or rescission of the providership.

(8) Providers shall comply with rules promulgated by the Department of Health concerning the electronic transmission of course attendance information necessary to implement the electronic tracking system.

Specific Authority 456.027, 459.0055 FS. Law Implemented 456.027, 459.0055 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: RULE NO.:

Violations and Penalties 64B15-19.002

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text with regard to violations and penalties to be imposed by the Board.

SUBJECT AREA TO BE ADDRESSED: Violations and Penalties.

SPECIFIC AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

(1) through (13) No change.

(14) Deceptive, untrue, or fraudulent misrepresentations in the practice of medicine. (456.072(1)(a) & (m) & 459.015(1)(m), F.S.)

FIRST OFFENSE:	reprimand and \$10,000 \$5,000 fine	denial of licensure or suspension to be followed by probation and \$10,000 fine
SECOND OFFENSE:	No change.	

(15) through (55) No change.

(56) Performing or attempting to perform health care services on the wrong patient, a wrong procedure, an unauthorized, unnecessary or unrelated procedure. (456.072(1)(aa), F.S.)

FIRST OFFENSE:	denial or probation and \$5,000 fine	denial or revocation and \$10,000 fine
SECOND OFFENSE:	denial or suspension and \$10,000 fine	denial or revocation and \$10,000 fine

(57) Leaving a foreign body in a patient such as a sponge, clamp, forceps, surgical needle or other paraphernalia. (456.072(1)(bb), F.S.)

FIRST OFFENSE:	denial or probation and \$5,000 fine	denial or revocation and \$10,000 fine
SECOND OFFENSE:	denial or suspension and \$10,000 fine	denial or revocation and \$10,000 fine

Specific Authority 456.079, 459.015(5) FS. Law Implemented 456.072, 456.079 FS. History–New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, \_\_\_\_\_.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Address of Licensee RULE NO.: 64B32-1.006

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

SUBJECT AREA TO BE ADDRESSED: Address of Licensee.

SPECIFIC AUTHORITY: 468.36 FS.

LAW IMPLEMENTED: 468.36 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-1.006 Address of Licensee.

Each person holding a license issued pursuant to Part V of Chapter 468, Florida Statutes, must maintain on file with the Board the current place of practice and the residence address at which any notice required by law may be served by the Department, the Board, or its agents. Within 60 days of changing either address, whether or not within this state, the licensee shall notify the Board in writing of the new address.

Specific Authority 468.36 FS. Law Implemented 468.36, 456.035 FS. History–New 5-10-92, Formerly 21M-33.009, 61F6-33.009, 59R-70.009, Amended 3-16-98, Formerly 64B8-70.009, Amended \_\_\_\_\_.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE CHAPTER TITLE: Rules of Practice and Procedure RULE CHAPTER NO.: 65-2

RULE TITLE: Appearances RULE NO.: 65-2.058

PURPOSE AND EFFECT: These rule amendments are to update the Department’s procedural rules for its federally required fair hearing process.

SUBJECT AREA TO BE ADDRESSED: Proposed rule amendment is to remove the reference under appearances to a class of person being represented in accordance with Rule 1.220 F.R.C.P.

SPECIFIC AUTHORITY: 409.285 FS.

LAW IMPLEMENTED: 409.285 FS.

IF REQUESTED IN WRITING AND DEEMED NECESSARY 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: 1317 Winewood Boulevard, Building 5, Room 203, Tallahassee, Florida 32399-0700  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Pritchard, Administrator, Office of Appeal Hearings, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, Florida 32399-0700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65-2.058 Appearances.

(1) A person may be represented by an attorney, or other qualified representative or may appear on his own behalf. ~~A class of persons may be represented as provided in Rule 1.220, F.R.C.P., proceedings under these rules.~~

(2) The hearing shall be attended by a representative of the Department.

(3) Food Stamps regulations allows the attendance of friends or relatives of the household if the household so chooses. The Hearings Officer has the authority to limit the number of persons in attendance if space limitations exist.

~~(4) These amendments are to be effective March 1, 1979.~~

Specific Authority ~~120.53, 20.05, 409.026, 409.285~~ FS. Law Implemented ~~120.53, 120.57, 120.58, 409.285~~ FS. History--New 5-17-78, Amended 3-1-79, Formerly 10-2.58, 10-2.058, Amended \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE CHAPTER TITLE: Public Assistance  
RULE TITLE: Food Stamp Program Income and Expenses

RULE CHAPTER NO.: 65A-1  
RULE NO.: 65A-1.603

PURPOSE AND EFFECT: This rule is being amended due to changes to the Food Stamp Act of 1977 as amended. It incorporates changes to the standard and basic utility allowances, which are more advantageous to the food stamp recipient.

SUBJECT AREA TO BE ADDRESSED: Food Stamp Program Income and Expenses.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.31 FS.

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

TIME AND DATE: 10:00 a.m., November 26, 2001  
PLACE: Building 3, Room 455, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

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

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Food Stamp Program Issuance  
RULE NO.: 65A-1.604

PURPOSE AND EFFECT: The proposed rule amendment will update language as it pertains to the issuance of food stamp benefits. Rule 409.942, F.S., established the Electronic Benefit Transfer (EBT) program. The Electronic Benefit Transfer program is an electronic system that allows a participant to authorize the transfer of government benefits from a federal or state account to a retailer account to pay for products received. This transfer system is accomplished by an access device to a point of sale device. EBT electronically provides state administered cash and food stamp benefits to eligible participants. The Electronic Benefit Transfer System was systematically implemented in Florida beginning in 1998, with statewide implementation completed in 1999.

SUBJECT AREA TO BE ADDRESSED: Technical changes to the issuance of food stamps.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.942, 414.31 FS.

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

TIME AND DATE: 10:00 a.m., November 27, 2001  
PLACE: Building 3, Room 455, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

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

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

**NAVIGATION DISTRICTS**

**Florida Inland Navigation District**

RULE CHAPTER TITLE: Cooperative Assistance Program  
RULE CHAPTER NO.: 66B-1

RULE TITLES: Policy  
Funds Allocation  
RULE NOS.: 66B-1.004  
66B-1.005

Application Process	66B-1.006
Application Form	66B-1.007
Project Eligibility	66B-1.008
Project Administration	66B-1.009
Project Agreement	66B-1.010
Reimbursement	66B-1.011
Accountability	66B-1.012
Acknowledgement	66B-1.013

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendments is to provide guidance to the District and the program applicants in the administration of the District's Cooperative Assistance Program. The proposed rule amendment consists of reorganizing and simplifying the rule, as well as some minor additions and deletions. The effect of the proposed rule amendments will be to clarify the intent and application of the program rules for a more effective and efficient program.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule development will include the following provisions in the program rule: add sub-headings to each sub-section; move policy sub-sections to appropriate rule sections; add non-compliance conditions to policy section; add education facilities and programs eligibility conditions; allow Board policy for determination for overall funding availability; set project funding ratio; define pre-agreement costs and eligibility; clarify the procedure for the application process; clarify the eligibility of interlocal agreement process; clarify the method of application evaluation; delete the application form section; list the property control requirements; set public marina eligibility; set the parameters of the project agreement; clarify matching funds requirement; set the provisions for minor cost estimate modifications; delete project agreement section; and clarify the reimbursement process.

The effect of the rule development is to implement changes in the administration of the District's Cooperative Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

**SPECIFIC AUTHORITY:** 374.976(2) FS.

**LAW IMPLEMENTED:** 374.976(1)-(3) FS.

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

**TIME AND DATE:** 11:00 a.m., November 27, 2001

**PLACE:** The District Office, 1314 Marcinski Road, Jupiter, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

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

**NAVIGATION DISTRICTS**

**Florida Inland Navigation District**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Waterways Assistance Program	66B-2
<b>RULE TITLE:</b>	<b>RULE NOS.:</b>
Policy	66B-2.004
Funds Allocation	66B-2.005
Application Process	66B-2.006
Emergency Applications	66B-2.007
Project Eligibility	66B-2.008
Project Administration	66B-2.009
Reimbursement	66B-2.010
Accountability	66B-2.011
Acknowledgement	66B-2.012
Small-Scale Spoil Island Restoration and Enhancement Projects	66B-2.013

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendments is to provide guidance to the District and the program applicants in the administration of the District's Waterways Assistance Program. The proposed rule amendment consists of reorganizing and simplifying the rule, as well as minor additions and deletions. The effect of the proposed rule amendments will be to clarify the intent and application of the program rules for a more effective and efficient program.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule development will include the following provisions in the program rule: add sub-headings to each sub-section; move policy sub-sections to appropriate rule sections; add project funding ratio and pre-agreement expenses criteria to the funds allocation section; cite the appropriate forms, minimum requirements and process for application; allow for specific rule exemptions for interlocal agreements; cite the appropriate form utilized for project evaluation and rating; delete application form section; set property control requirements for eligibility; require permits for eligibility; set public marina qualification criteria; clarify the administration of an agreement by establishing criteria for the project agreement, required matching funds, agreement modification and project completion; delete project agreement section; list the terms for reimbursement; set authorized expenditure criteria; and add a new section to administer the requirements of a small-scale spoil island restoration and enhancement program.

**SPECIFIC AUTHORITY:** 374.976(2) FS.

**LAW IMPLEMENTED:** 374.976(1)-(3) FS.

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

TIME AND DATE: 11:30 a.m., November 27, 2001  
PLACE: The District Office, 1314 Marcinski Road, Jupiter, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLE: Requirements of Counties Before Approval of Electronic or Electromechanical Voting Systems  
RULE NO.: 1S-2.007

PURPOSE AND EFFECT: The statutory authority for this rule no longer exists.

SUMMARY: The Department of State is repealing rules regarding the requirements of counties before approval of electronic and electromechanical voting systems.

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: 101.28 FS.

LAW IMPLEMENTED: 101.5607 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Department of State, Room 1801, The Capitol, Tallahassee, Florida 32399-0250, (850)488-1402

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.007 Requirements of Counties Before Approval of Electronic or Electromechanical Voting Systems.

Specific Authority 101.28 FS. Law Implemented 101.5607 FS. History—New 8-7-74, Repromulgated 1-1-75, Formerly 1C-7.07, 1C-7.007, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy K. Tuck, Assistant General Counsel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts  
DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2001

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLE: Testing of Voting Systems  
RULE NO.: 1S-2.012

PURPOSE AND EFFECT: This rule must be repealed due to statutory provisions for the testing of voting systems. Accordingly, the rules no longer serve a purpose for the Department of State, Division of Elections.

SUMMARY: The Department of State is repealing rules regarding the testing of voting systems.

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: 101.35 FS.

LAW IMPLEMENTED: 101.35 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Department of State, Room 1801, The Capitol, Tallahassee, Florida 32399-0250, (850)488-1402

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.012 Testing of Voting Machines.

Specific Authority 101.35 FS., as amended by Ch. 81-29, Laws of Florida. Law Implemented 101.35 FS., as amended by Ch. 81-29, Laws of Florida. History—New 12-15-81, Formerly 1C-7.12, 1C-7.012, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy K. Tuck, Assistant General Counsel, Division of Elections

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2001

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Accounting and Auditing**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Payroll Preparation Manual	3A-31.108
Wage Payments from Revolving Funds	3A-31.226
Retirement Code Use	3A-31.231

**PURPOSE AND EFFECT:** The purpose is to update the rules of the Bureau of State Payrolls and to implement the on demand payroll process.

**SUMMARY:** Rule 3A-31.108 is amended to allow state agencies to obtain the Payroll Manual on the Department’s website. Rule 3A-31.226 is amended to implement the on demand payroll process. Rule 3A-31.231 is amended to provide that the appropriate agency will be responsible for making corrections using the on-line retirement system.

**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:** 17.03, 17.14, 17.29, 216.271 FS.

**LAW IMPLEMENTED:** 17.03, 17.04, 17.06, 17.075, 17.08, 17.09, 17.14, 17.20, 17.27, 17.28, 110.116, 121.051, 121.061, 121.071, 121.081, 122.04, 216.271 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 26, 2001

**PLACE:** Room 364, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Cynthia Langley, Bureau of State Payrolls, Room 364, Fletcher Building, Tallahassee, Florida 32399-0350, (850)410-9416

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

**3A-31.108 Payroll Preparation Manual.**

The Bureau of State Payrolls maintains a Payroll Preparation Manual for the use by State agencies. This manual contains general information, schedules, tables and codes used in the payroll system, and instructions for preparing and submitting payroll and employee data in accordance with these rules. In the absence of specific rules to the contrary, the procedures and instructions in the Payroll Manual are to be used by state agencies. Copies of the Manual can be obtained on-line at the Department’s website on the Internet at [http://www.dbf.state.fl.us/bosp/BOSP\\_MANUAL.pdf](http://www.dbf.state.fl.us/bosp/BOSP_MANUAL.pdf). Copies of the manual are available free of charge to personnel having payroll responsibilities for State agencies whose employees’

wages are processed by the Bureau, upon written request to the Bureau of State Payrolls, Department of Banking and Finance, Room 364, Fletcher Building, Tallahassee, Florida 32399-0350.

Specific Authority 17.14, 17.29 FS. Law Implemented 17.03, 17.04, 17.06, 17.075, 17.08, 17.09, 17.14, 17.20, 17.27, 17.28, 110.116 FS. History—New 4-22-83, Amended 2-4-98, \_\_\_\_\_.

**3A-31.226 Wage Payments from Revolving Funds.**

(1) An agency may disburse wage payments from a revolving fund only after receipt of written approval from the Bureau. The written request must be accompanied by:

(a) A copy of the revolving fund approval document from the Bureau of Accounting, Office of the Comptroller.

(b) A copy of the agency’s policy regarding wage payments from a revolving fund.

(2) Policy. The criteria applied by the Bureau in reviewing an agency’s policy will be:

(a) That use of the revolving fund for wage payments is limited to emergencies caused by administrative error. Except in emergencies, caused by administrative error, the revolving fund should not be used to:

1. Pay overtime or other supplemental compensation.
2. Pay wages in advance of the regularly scheduled payroll date.
3. Pay an additional amount due an employee as part of a regular wage payment which has been made unless the amount is greater than twenty percent of the total wages which were due.

4. Pay an employee when a regular salary warrant has been issued but is in error because the employee was on leave without pay which caused the amount of the warrant to be in excess of the actual wages due.

~~(b) Balances owing the employee should be kept at a minimum, however, consideration of tax issues should be a factor when paying from revolving funds. Therefore, the amount which may be paid through the revolving fund shall not leave a balance owing to the employee of less than ten percent (up to fifty dollars) or ten dollars, whichever is greater.~~

~~(b)(e)~~ Revolving fund wage payments must not include Criminal Justice Incentive Pay.

~~(c)(d)~~ Revolving fund wage payments to an employee must not be recurring in nature.

~~(d)(e)~~ Each payroll record submitted for the purpose of recording the payment and reimbursing the revolving fund must be submitted through the On-Demand Payroll process as a separate record and must not be combined with other payments.

~~(f) The revolving fund reimbursement record must be submitted to the Bureau in time for the reimbursement warrant to be issued in the same calendar year as the payment to the employee from the revolving fund. For example: A revolving~~

~~fund wage payment must not be made on December 27th of one year if the revolving fund reimbursement warrant is to be dated January 3rd of the next year.~~

(3) An agency may not change the purpose and uses of a revolving fund without the prior approval of the Office of the Comptroller.

(4) No fund may be established or increased in amount unless approved by the Bureau of Accounting.

(5) The agency should report revolving funds that are no longer needed to the Office of Comptroller.

Specific Authority 17.03, 17.14, 17.29, 216.271(5) FS. Law Implemented 216.271 FS. History—New 4-22-83, Amended 1-25-96, 6-1-97, 2-4-98, \_\_\_\_\_ Cf. Department of Banking and Finance Rule Chapter 3A-23, F.A.C.

3A-31.231 Retirement Code Use.

(1) The Bureau maintains the Retirement Code Table. The Table contains each authorized retirement contribution code. The Bureau and the Department of Management Services, Division of Retirement, are responsible for assignment of a code to each type of retirement contribution in the Table.

(2) Florida Statutes require that each State employee filling an authorized, established position be a member of one of the State retirement systems (generally the Florida Retirement System). The Bureau is authorized to deduct the employee's retirement contribution, if any, from the employee's gross wage and to disburse the employer's retirement contribution according to the rates established by the appropriate retirement plan administrator. Employee and/or employer retirement contributions are computed for all wage payments except:

- (a) Acts of the legislature.
- (b) Rules of the Department of Management Services, Division of Retirement.

(3) Every employee must have a retirement contribution code which corresponds to the code assigned to the employee's Department of Management Service, Division of Retirement, Form M-10 filed with the Division of Retirement. Codes indicating no membership are available in cases where the employee is ineligible to participate in a retirement plan.

(4) Refund of Erroneous Deductions. If an erroneous deduction has been made or an amount in excess of the required contribution has been disbursed, ~~either the appropriate agency Department of Management Services, Division of Retirement, or the Bureau~~ will make the necessary corrections and refunds utilizing the on-line Retirement System to the appropriate agency.

(5) Any change in the retirement contribution rate must be in the form of a written notification to the Bureau from the retirement plan administrator. The written notification must cite the administrator's authority to make the rate change.

Specific Authority 17.14, 17.29 FS. Law Implemented 121.051, 121.061, 121.071, 121.081, 122.04, 123.02 FS. History—New 4-22-83, Amended 1-25-96, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Langley, Division of Accounting and Auditing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Doug Darling, Director, Division of Accounting and Auditing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2001

**DEPARTMENT OF INSURANCE**

RULE TITLE: Reports of Information by Workers' Compensation Insurers Required

RULE NO.: 4-189.005

PURPOSE AND EFFECT: This rule was made obsolete by HB 1803 (2001), therefore it needs to be repealed.

SUMMARY: To repeal Rule 4-189.005.

SPECIFIC AUTHORITY: 624.308(1), 627.914(1) FS.

LAW IMPLEMENTED: 624.308(1), 627.914(1) FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC has been prepared.

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

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

TIME AND DATE: 9:00 a.m., Thursday, November 29, 2001  
 PLACE: Room 312C, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Marson, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0331, (850)413-5372

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

THE FULL TEXT OF THE PROPOSED RULE IS:

4-189.005 Reports of Information by Workers' Compensation Insurers Required.

Specific Authority 624.308(1), 627.914(1) FS. Law Implemented 624.307(1), 627.914 FS. History—New 1-16-83, Amended 7-1-85, Formerly 4-59.05, 4-59.005, Repealed \_\_\_\_\_.





(3) "Crime of Moral Turpitude" refers to each felony crime identified in subsection 4-211.042(23), F.A.C.

(4) "Criminal record," for purposes of this rule part, includes any felony charge filed against the applicant in the courts of any state or federal district or territory, or other country, on any subject matter whether related to insurance or not, concerning which charge the applicant was found guilty, or pled guilty, or pled no contest, regardless of whether or not there was an adjudication by the court, and regardless of whether the matter is under appeal by the applicant. The phrase includes such charges even where the crime was subsequently pardoned or civil rights have been restored. The phrase does not include criminal convictions which were finally reversed or vacated on appeal; nor does it include charges of which the applicant was found not guilty, or which were finally dismissed; nor does it include matters as to which at time of application an order of sealing or expungement has been issued by a court of competent jurisdiction.

(5) "Felony" means and includes any crime of any type, whether or not related to insurance, which crime is designated as a "felony" by statute in the state of prosecution, or designated as a "felony" in the charges, or which crime is punishable under the law of the prosecuting jurisdiction by imprisonment of more than one year regardless of how classified in the charges or statutes. If a crime is a felony in the state of prosecution, it shall be treated as a felony under this rule part notwithstanding that it is not a felony in Florida. The term "felony" includes felonies of all degrees.

(6) "Insurance related misdemeanor" means and includes any misdemeanor charges which allege violation of any part of the insurance regulatory laws of Florida or any other state or the federal government; or which allege any criminal conduct involving any aspect of insurance, such as crimes in the nature of misapplication or theft of premium money or claims payment money, or dishonesty in any aspect of insurance claims practice.

(7) "Law enforcement record," for purposes of this rule part, includes:

(a) The applicant's criminal record as defined in this rule part;

(b) Any pre-trial intervention program the applicant is participating in at the time of application, or was participating in at any time in the 12 months next preceding the time of application; and

(c) All pending criminal charges against the applicant as of the time of application. The phrase "pending criminal charges" includes all criminal charges against the applicant, whether by information or other charging document filed in court, or by indictment, under the jurisdiction of any state or the federal government or any other country, concerning which charges there has at the time of application been no finding of guilty or not guilty, nor dismissal of charges, nor formal statement of nolle prosequere by the prosecuting authority; and

(d) All arrests on any misdemeanor or felony charge of any type whether or not related to insurance, which arrests were made by law enforcement authorities in any state or by federal authorities, or by law enforcement authorities in another country, and which arrest occurred within the 12 months next preceding the time of application, and regardless of whether there have been or will be any subsequent criminal proceedings connected therewith.

(8) "Misdemeanor" means and includes any crime of any type, whether or not related to insurance, which crime is designated as a "misdemeanor" by statute in the state of prosecution, or is so designated in the charges, or is punishable under the law of the prosecuting jurisdiction by imprisonment of one year or less. The term includes misdemeanors of all degrees.

(9) "Pre-trial Intervention" refers to a program operated under Section 948.08, Florida Statutes, or a similar program in another state.

(10) "Time of application" is the date an application is received by the Department or received on behalf of the Department by sources utilized by the Department in its licensure process.

(11) "Trigger Date" is the date on which an applicant was found guilty, or pled guilty, or pled no contest to a crime; or, where that date is not ascertainable, the date of the charges or indictment.

(12) "True Copy" or "Certified true copy" means a copy of a court or government agency paper which bears an original certification of the clerk or other official of the court or agency to the effect that the paper(s) are accurate copies of records of the court or agency.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS. History—New \_\_\_\_\_.

4-211.042 Effect of Law Enforcement Records on Applications for Licensure.

(1) General Policy Regarding Conduct Prior to Licensure. The Department is concerned with the law enforcement record of applicants for the purpose of ascertaining from those records whether the person would represent a significant threat to the public welfare if licensed under Chapter 626, Florida Statutes. It is no part of the Department's responsibilities, and the Department does not attempt, to "penalize", "discipline", or "punish" any person concerning any conduct prior to licensure.

(2) Duty to Disclose Law Enforcement Record. Every applicant shall disclose in writing to the Department the applicant's entire law enforcement record on every application for licensure, as required therein, whether for initial, additional, or reinstatement of licensure. This duty shall apply even though the material was disclosed to the Department on a previous application submitted by the applicant.

(3) Policy Specifically Concerning Effect of Criminal Records.

(a) The Department interprets Sections 626.611(14), and 626.621(8), Florida Statutes, which subsections relate to criminal records, as applying to license application proceedings. The Department interprets those statutes as not limiting consideration of criminal records to those crimes of a business-related nature or committed in a business context. More specifically, it is the Department's interpretation that these statutes include crimes committed in a non-business setting, and that such crimes are not necessarily regarded as less serious in the license application context than are crimes related to business or committed in a business context.

(b) Fingerprint delays. The Department shall not delay licensure due to processing of fingerprint cards; provided, however, that the Department interprets Section 626.211(1), Florida Statutes, to mean that Department delays based on the applicant's failure to supply the Department with a properly executed and readable fingerprint card are not delays such as are prohibited by that statute. The Department shall not process an application for which fingerprints are required, except upon receipt of a readable and properly executed fingerprint card.

(c) General Procedure. The applicant shall supply the Department with required documentation, as specified in this rule, as to all matters appearing on the law enforcement record or shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The application shall be addressed as set forth in Rule 4-211.0035, F.A.C. All documentation shall be completely legible. Required documentation includes:

1. For arrests, the police arrest affidavit or arrest report or similar document (need not be certified true copy).
2. The charges (certified true copy).
3. Plea, judgment, and sentence (certified true copy).
4. Order of entry into pre-trial intervention, and where applicable the order of termination of pre-trial intervention showing dismissal of charges (all certified true copies).

(4) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The Department finds that all matters that are part of an applicant's law enforcement record are material elements of the application, and finds that the omission of any part of the law enforcement record required to be disclosed on the application is a material misrepresentation or material misstatement in and of itself. The applicant shall have violated Section 626.611(2) or 626.621(1), Florida Statutes, if the applicant fails to provide the Department with the documentation required by this rule.

(b) The Department finds failure to fully reveal the entire law enforcement record as called for by the application to reflect adversely on the character, fitness, or trustworthiness of the applicant, and the more recent the omitted element was, the more adversely it reflects on the applicant. Therefore, in instances where the applicant failed to fully and properly disclose the law enforcement record on the application, the Department finds it generally necessary to impose a waiting period, or to extend a waiting period otherwise specified in this rule, during which period licensure shall be denied, to provide some assurance that the applicant has overcome any weakness or tendency that led to the omission. The waiting period specified herein runs from the later of the date the Department issues a letter denying the application, or the end of any waiting period otherwise specified in this rule. The waiting period attributable to omissions is as set out below.

1. Class A or B crime omitted, where the trigger date was more than 10 years before time of application, add 1 year. If the trigger date was 10 years prior, or less than 10 years prior, to the time of application, add 2 years.

2. Class C crime omitted, add 1 year.

3. Omission of any arrest, pending criminal charges, pre-trial intervention, or other part of the law enforcement record required to be disclosed on the application, add 1 year.

(c) An applicant whose application is denied under this subsection shall resubmit another application and applicable fee as set forth in Section 624.501, Florida Statutes, on the application form respective to the type and class of license sought.

(d) After the waiting period has elapsed, the Department shall consider the application if it is resubmitted in good form with applicable fees, and licensure shall be granted if the licensee then meets all the requirements and criteria for licensure as set out in the then applicable rules and statutes.

(e) Formal Record to Be Made. The Department finds that submission of an application that is inaccurate as to law enforcement history is a matter of such weight that a formal record of the application shall be made and preserved by Department order for reference and consideration should the applicant subsequently become licensed and violate any portion of the insurance code. To this end, applicants are required to execute a settlement acknowledging the inaccuracy as a prerequisite to becoming licensed after all waiting periods have elapsed and the applicant is otherwise eligible for licensure.

(5) Misdemeanor Crimes.

(a) Application for licensure shall not be denied or delayed based solely on the fact that an applicant was found guilty of, or pled guilty or no contest to, a misdemeanor, unless the misdemeanor is an insurance-related misdemeanor or a misdemeanor involving breach of trust or dishonesty; provided further, that repeated misdemeanors, or a misdemeanor in

combination with other conduct shall merit denial of licensure if they reflect on an applicant's character, fitness, or trustworthiness to engage in the business of insurance.

(b) The Department finds that an insurance-related misdemeanor or a misdemeanor involving breach of trust or dishonesty demonstrates a lack of fitness or trustworthiness to be licensed to engage in the business of insurance and constitutes grounds for denial of licensure, pursuant to Section 626.611(7), Florida Statutes. The Department finds that the waiting period necessary to overcome the demonstrated lack of fitness and trustworthiness is equivalent to the waiting period imposed for a class "A" felony, and therefore, an applicant whose law enforcement record includes such a misdemeanor is subject to the same waiting period as a class "A" crime.

(c) The Department shall not impose any waiting period pursuant to this rule where the only crime in an applicant's law enforcement record is a single misdemeanor crime that results from the applicant's passing of a worthless check, or obtaining property in return for a worthless check, and the amount of the check or checks involved in the single misdemeanor crime is \$500 or less. However, this subparagraph shall not apply where a misdemeanor crime resulting from the applicant's passing of a worthless check, or obtaining property in return for a worthless check is not the only crime in an applicant's law enforcement record.

(6) Probation. The Department shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving a probationary term on any felony crime, or any misdemeanor crime, except for those crimes specified in Chapter 316, Florida Statutes, which are not punishable by imprisonment. The Department shall not substantively consider an application until the applicant has successfully completed his or her probationary term.

#### (7) Classification of Felony Crimes.

(a) The Department makes a general classification of felony crimes into three classes: A, B, and C, as listed in subsections (23), (24), and (25) of this rule. The lists refer only to such crimes when they are felonies, since certain of the crimes could be misdemeanors in some jurisdictions and felonies in other jurisdictions.

(b) These classifications reflect the Department's evaluation of various crimes in terms of moral turpitude, and of the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by someone who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) The lists are not all-inclusive. Where a particular crime involved in an application is not listed in this rule, the Department has the authority to analogize the crime to the most

similar crime that is listed. No inference is to be drawn from the absence of any crime from this list, to the effect that said crime is not grounds for adverse action under this rule.

(e) In evaluating law enforcement records, the Department shall use the highest classification into which the crime fits, where "A" is the highest classification.

(f) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(8) Required Waiting Periods For A Single Felony Crime. The Department construes Sections 626.611 and 626.621, Florida Statutes, to require that an applicant whose law enforcement record includes a single felony wait for a period of time before becoming eligible for licensure in order to assure that the criminal tendency or weakness has been overcome. The Department finds it necessary for an applicant whose law enforcement record includes a single felony crime to wait the time period specified below (subject to the mitigating factors set forth elsewhere in this rule) before licensure, so that licensure is granted without undue risk to the public welfare. All waiting periods run from the trigger date.

(a) Class A Crime. The applicant will not be granted licensure until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted licensure until 7 years have passed since the trigger date.

(c) Class C Crime. The applicant will not be granted licensure until 5 years have passed since the trigger date.

(d) The Department shall not impose any waiting period pursuant to this rule where the only crime in an applicant's law enforcement record is a single felony crime that results from the applicant's passing of a worthless check, or obtaining property in return for a worthless check, and the amount of the check or checks involved in the single felony crime is \$500 or less. However, this subparagraph shall not apply where a felony crime resulting from the applicant's passing of a worthless check, or obtaining property in return for a worthless check is not the only crime in an applicant's law enforcement record.

#### (9) Applicants With Multiple Crimes.

(a) The Department construes Sections 626.611 and 626.621, Florida Statutes, to require that an applicant whose law enforcement record includes multiple felony crimes wait longer than those whose law enforcement record includes only a single felony crime before becoming eligible for licensure in order to assure that such applicant's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Department finds it necessary that a longer waiting period be utilized in such instances, before licensure can safely be granted. Accordingly, where the applicant has been found guilty or pled guilty or pled no contest to more than one felony or to a felony and one or more misdemeanors, or to a combination of misdemeanors and felonies, the Department shall add 5 years to the waiting period for each additional

felony or insurance-related misdemeanor, or misdemeanor involving a breach of trust or dishonesty, and one year each for all other misdemeanors.

(b)1. The additional periods are added to the basic waiting period for the one most serious crime, and the combined total waiting period then runs from the trigger date of the most recent misdemeanor or felony crime.

2. Example: In June 1953, the applicant was convicted of assault with a deadly weapon; and in 1985, of simple battery. The more serious crime is the assault, which is a class "A" crime, for which the waiting period is 15 years. Since there is one additional felony, an additional 5 years of waiting period is required. The combined 20 year waiting period runs from the most recent 1985 crime trigger date. The extended waiting period is subject to being shortened pursuant to the usual mitigating factor procedures set forth in this rule.

(d) Classification as "Single Crime" versus "Multiple Crimes." Multiple criminal charges arising out of the same act, or related acts performed over a relatively short period of time and in a concerted course of conduct, are treated by the Department as one crime for application of this rule. The Department will generally process the one most serious of the charges as if it were the only crime. However, charges describing separate but similar acts are treated as multiple crimes.

1. Example 1: Applicant gets drunk in public (public drunkenness), and while drunk starts a fight (assault), breaks some private property (criminal mischief), and resists the arresting officer. This would be treated as one crime.

2. Example 2: Applicant assaults a civil rights demonstrator, and is prosecuted by state officials for assault, and by federal officials for deprivation of civil rights. This would be treated as one crime.

3. Example 3: Applicant has a history of getting drunk and starting fights, and has done this on 3 separate occasions, resulting in 3 separate criminal proceedings and convictions over the last 10 years. These would be treated as three separate crimes.

4. Example 4: In one criminal court proceeding applicant is charged and convicted of 6 separate counts of mail fraud. The applicant ran mail-order advertisements offering for sale goods that did not exist, and on 6 occasions upon receipt of orders with payment, the applicant kept the money and made no attempt to fill the order. These 6 orders were placed at various times over a 24-month period. These would be treated as multiple crimes.

5. Example 5: Over the course of several days, the applicant stole a credit card; the applicant altered a driver's license to assist in using the credit card; and the applicant used the credit card to obtain goods fraudulently. These are all prosecuted in a single proceeding alleging 3 counts of criminal conduct. The Department would treat these as one crime.

#### (10) Mitigating Factors.

(a) The usual waiting period specified above shall be shortened upon proof of one or more of the following as are pertinent. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual waiting period; provided that an applicant shall not be permitted an aggregate mitigation of more than 4 years for the following factors.

1. One year is deducted if the probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the applicant would pose no significant threat to public welfare if licensed as an agent or other insurance representative.

2. One year is deducted if restitution or settlement has been made for all crimes wherein restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.

3. One year is deducted if the applicant was under age 21 when the crime was committed, if there is only one crime on the applicant's law enforcement record. This mitigating factor shall not be applicable to an applicant who qualifies for 3 years of mitigation pursuant to mitigating factor 4 immediately below.

4. Three years are deducted if the applicant was under age 21 when the crime was committed, if there is only one crime on the applicant's law enforcement record, and if that single crime is not insurance-related and does not involve moral turpitude or a breach of trust or dishonesty.

5. One year is deducted if the applicant furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

(b) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

#### (11) Circumstances Not Constituting Mitigation.

(a) The Department finds that no mitigating weight exists in the provisions of Sections 626.611 and 626.621, Florida Statutes, and none will be given, for the following factors:

1. Type of Plea. The Department draws no distinction among types of pleas; i.e., found guilty; pled guilty; pled nolo contendere.

2. Collateral Attack on Criminal Proceedings. The Department will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results wherein the applicant was found guilty or pled guilty or no contest. Thus the Department will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

3. The Department finds that subjective factors involving state of mind, generally have no mitigating weight. Examples include such assertions that the crime was the result of the emotional stress of a divorce proceeding, or the financial stress of a failing business.

(12) Other Mitigating Factors. An applicant is permitted to submit any other factor which the applicant believes should decrease the waiting period before licensure is allowed. The Department will shorten the usual waiting period based on the other factors if those other factors evidence a significant diminution in the applicant's propensity to violate the law. The amount by which the usual waiting period will be reduced will be commensurate with the degree to which the factor or factors evidence the diminution in the applicant's propensity to violate the law. However, the Department finds, based on Department experience, that the mitigating factors specified and given weight in this rule are generally the only factors sufficiently verifiable, objective, and meaningful, as to merit a shortening of the usual waiting period.

(13) Effect of Pending Appeal in Criminal Proceedings; Reversal on Appeal.

(a) The Department interprets the statutory grounds for denial of licensure as arising immediately upon a finding of guilt, or a plea of guilty or no contest, regardless of whether an appeal is or is allowed to be taken. The Department will not wait for the outcome of an appeal to deny licensure, unless a Florida court specifically stays the Department's adverse action.

(b) If on appeal the conviction is reversed, the Department shall immediately drop the said crime as grounds for denial of license, but shall, if supported by clear and convincing evidence, notwithstanding the reversal, consider the acts alleged in the criminal proceeding as reflecting on an applicant's character, trustworthiness, and fitness for licensure. If the conviction is later reinstated, the Department shall again count the "crime" itself as grounds for denial of licensure.

(14) General Policy Regarding Law Enforcement Matters Not Resulting in a Finding or Plea of Guilt or No Contest.

(a) Fitness and Trustworthiness. The Department interprets Section 626.611(7), Florida Statutes, relating to demonstrated lack of fitness or trustworthiness, as being applicable to license application proceedings. Furthermore, the

Department interprets said section as not limiting the evidence demonstrating the unfitness or untrustworthiness to evidence arising in an insurance context. For example, if an applicant is shown to have seriously abused the trust of customers in a former role as a securities broker, this evidence, if clear and convincing, might merit denial of an insurance agent license application.

(b) Character. The Department interprets Section 626.171(2)(f), Florida Statutes, as imposing upon the Department a duty to evaluate the "character" of an applicant, and to deny licensure to an applicant who has serious flaws as to such character. The Department interprets "character" to mean the applicant's demonstrated adherence to commonly accepted norms and standards of conduct in society.

(c) Charges Acquitted, Dismissed: General Policy. The Department finds that it is authorized by Section 626.611(7), Florida Statutes, to inquire into the facts underlying any criminal charge of which the applicant was acquitted or which was dismissed in appropriate cases, to deny licensure where such facts in context show a lack of fitness, trustworthiness, or character. A dismissal or acquittal might reflect true innocence, procedural problems peculiar to the criminal justice system, or the extremely high standard of proof in criminal proceedings. Evidence insufficient to support a finding of criminal guilt might be sufficient to support administrative action because of the differing burdens of proof and evidentiary and procedural rules for administrative proceedings versus criminal proceedings.

(d) Arrests, Pending Charges, and Pre-trial Interventions: General Policy.

1. The Department finds that information as to arrests and pre-trial interventions occurring within 12 months of time of application and all pending criminal charges as of time of application to be necessary and pertinent disclosures on the application, pursuant to Section 626.171(2)(f), Florida Statutes. The Department finds that such matters often supply particularly timely evidence of an applicant's current character, fitness, and trustworthiness, and in some instances reveal criminal court proceedings underway which have not yet reached final disposition in the criminal justice system.

2. The Department shall generally not draw any adverse inference against the applicant solely on the basis that the applicant was arrested, or is the subject of pending criminal charges. However, the Department is authorized to inquire into the facts underlying the arrest or pending criminal charges, and where there is clear and convincing evidence that a serious impropriety was committed by the applicant, the Department shall in appropriate cases deny licensure where such facts in context show a substantial lack of fitness, trustworthiness, or character.

(15) Pre-Trial Intervention: Specific Policy.

(a) It is the Department's interpretation of Section 948.08, Florida Statutes, relating to Pre-trial Intervention, that same, and similar programs in other states, are a matter of legislative grace to save persons who are guilty of a non-violent, first-time felony from incurring a criminal record; and that entry into Pre-trial Intervention is conclusive evidence that the criminal charges involved were meritorious, even though ultimately dismissed after the successful conclusion of the pre-trial intervention.

(b) The Department will not grant licensure to any person who at time of application is participating in a pre-trial intervention program. The Department finds it necessary to the public welfare to wait until the pre-trial intervention is successfully completed, before licensure will be considered.

(c) The Department shall generally not deny licensure to an applicant where the only law enforcement record consists of a successfully completed pre-trial intervention. However, where the law enforcement record includes matters in addition to the pre-trial intervention, whether previous or subsequent, the Department will consider adverse to the applicant the matters involved in the pre-trial intervention, because those matters reflect on the applicant's character, fitness, or trustworthiness.

(16) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge and is permitted in fact to affirmatively deny, any arrest or criminal proceeding, the record of which has been legally and properly expunged or sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Department.

(b)1. The Department interprets the legislative intent in allowing a matter to be sealed or expunged to be that the matter thus sealed or expunged not be permitted to be held against the subject as a "crime" per se, and that the matter not be permitted to be proved against the subject by reference to the court's findings or verdict.

2. However, the Department shall consider the facts underlying a sealed or expunged criminal record against the applicant as they reflect on fitness, character, or trustworthiness, if the facts are provable by the Department independent of use of the court record. The Department is permitted to use the same or different evidence as was used in the court proceeding. As a practical matter, due to Department resource limitations and the difficulty of establishing such matters independent of the court record, the Department does not generally attempt to pursue or follow-up on matters that are part of a sealed or expunged court record, except in unusual circumstances, which include:

a. There appears to be more than one sealed or expunged case involving the applicant.

b. The order of sealing or expungement appears to the Department to have been obtained by misleading the court.

c. The crime was particularly pertinent to the practice of insurance.

d. Any member of the public, including the victim of the crime, upon learning of the application for license, asks that the Department further consider the matter.

e. The applicant failed to reveal the matter in his or her application and the matter was not then sealed or expunged, having been sealed or expunged subsequent to the application's being submitted.

(c) Matters Sealed or Expunged Subsequent to Application. Occasionally an applicant will have a matter sealed or expunged after submitting his or her application. In such situations the Department policy is as follows:

1. If the applicant properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Department will cease to consider the matter as a "crime" per se, and will further pursue the matter only under the unusual conditions described above.

2. If the applicant did not reveal the matter on the application, the Department will, if the Department finds that the applicant would pose an undue threat to the public welfare if licensed, take one of the following courses of action, depending on Department resources available: petitioning the court to re-open the record in view of the false application; or denying the application or seeking revocation on the ground that the failure to reveal the matter shows deceit and reflects adversely on the character, fitness, or trustworthiness of the applicant.

(d) Sealing or Expunging Department Records.

1. It is the Department's interpretation of Florida statutes regarding sealing or expunging records that the Department is only required to expunge its records of references to the subject criminal proceedings upon receipt of a copy of the Court's Order of Sealing or Expunction of such records.

2. The Department generally interprets a Court's Order of Sealing or Expunction only to apply to references to the court proceedings and copies of court records relating to those proceedings in the Department's possession, and not to apply to references in the Department's records to the underlying matter where those references appear in the Department's records via evidence other than the court proceedings or record.

3. When required to seal or expunge its records, the Department interprets the law to allow the Department to require payment of a reasonable fee by the applicant or licensee to cover the estimated actual cost to the Department, to include staff time, supplies, and other necessary activities. Failure to pay the fee will be considered a disciplinary violation or cause to deny licensure.

4. Where the Department seals or expunges its records, the following procedures are used by the Department as to microfilm records. It is Department policy not to physically delete or mask documents from microfilm records. Instead, the

Department deletes reference to the documents from the microfilm index, thus effectively eliminating the records. It is Department policy that this satisfies a sealing or expungement order unless otherwise expressly directed by a court. The Department's licensure records generally exist only on hundreds of rolls of microfilm, with thousands of documents covering thousands of licensees, per microfilm roll. The Department does not have the equipment to edit and splice the microfilm, and in any event splicing the film would shorten the life and dependability of the film, endangering the only records relating to thousands of licensees. It is not feasible to expunge certain documents on a roll, by printing all the documents on the roll, then deleting those to be expunged, and then re-microfilming the remainder; same is not feasible both because the quality of the re-microfilmed material would be so poor as to render much of it unreadable when subsequently printed out, and the Department does not have the resources to perform this task.

(17) Effect of a Pardon.

(a) Pardoned crimes must be reported on the application as part of the law enforcement record. However, the applicant shall clearly indicate that a pardon has been granted for the crime, and attach supporting paperwork. The burden of proof shall be on the applicant to prove the pardon by certified true copy of the pardon and related documents.

(b) A pardoned crime generally will not be considered against the applicant by the Department.

(c) However, this general policy is subject to the following exceptions, in which case the pardoned crime will not be ignored by the Department:

1. The applicant has subsequently been found guilty, or pled guilty or no contest, to any felony or misdemeanor; or

2. The pardoned crime directly involved the business of insurance.

(d) When any crime falls within either of these two exceptions, the Department shall apply the usual waiting periods and mitigating factors set out in this rule unless the Department finds that due to extraordinary reasons the applicant would still pose an undue threat to the public welfare if licensed.

(e) The Department will not withhold or stay denial of a license application pending action on requests for pardon.

(18) Effect of Restoration of Civil Rights.

(a) This subsection relates to restoration of civil rights under Section 112.011, Florida Statutes.

(b) A crime as to which civil rights have been restored remains part of the law enforcement record and must be revealed on the application.

(c) With regard to a crime in an applicant's law enforcement record as to which civil rights have been restored, the Department finds that apart from their criminal nature, the acts underlying such crimes demonstrate a lack of fitness, or trustworthiness of an applicant to be licensed to engage in the

business of insurance. The Department finds that the waiting period necessary to overcome the demonstrated lack of fitness or trustworthiness is equivalent to the waiting period imposed for the corresponding felony class. For example, a robbery as to which civil rights have been restored would require a 15 year waiting period which is equivalent to the waiting period for the corresponding class A felony; i.e., robbery at paragraph (23)(i) below. In such instances the Department does not deny licensure because of the crime, but because of the nature of the underlying acts.

(d) The Department will recognize restoration of civil rights by other states or the federal government when evidenced by a certified true copy of the court or administrative order restoring the rights.

(e) The burden is upon the applicant to prove restoration of civil rights by certified true copy of government or court records reflecting said action.

(19) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Department treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.

2. Found guilty; entered a finding of guilt.

3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.

4. Nolo contendere; no contest; did not contest; did not deny; no denial.

5. Adjudication of guilt withheld; Adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.

6. Nolle prosequi; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Department will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(20) Application of 2-Year Re-Application Period; Moral Turpitude.

(a) The Department interprets Section 626.641, Florida Statutes, as setting a 2-year time period in which the Department is not required to consider or process an application for re-licensure after revocation. However, after the 2 years have elapsed, although the Department cannot refuse to process and in good faith consider an application, Section 626.641, Florida Statutes, does not establish any right to licensure or re-licensure after the expiration of 2 years, but rather ensures only the good-faith consideration of an application for licensure.

(b) Section 626.641, Florida Statutes, on its face applies only to revocations and suspensions. However, to the extent the section is by inference applicable to denial of applications, the Department interprets it as follows. The Department shall



deny an application for licensure if the applicant's law enforcement record includes a crime of moral turpitude with a trigger date less than 2 years prior to the date of application, which is mandatory grounds for denial or revocation of license. After the passage of 2 years, such an applicant has a right to have the application received and considered in good faith by the Department. Any person whose crime was not one of moral turpitude has a right to apply for licensure and have the application considered in good faith even immediately following the crime.

(c) It is the Department's policy that this rule complies with and implements the intent of Section 626.641, Florida Statutes, in that there are listed and made available in this rule sufficient meaningful mitigating factors, such that any single crime, notwithstanding the "waiting periods" specified herein, can be overcome as a bar to licensure within a reasonable period of time after commission of the crime.

(d) The Department interprets Section 626.611(14), Florida Statutes, as literally requiring compulsory denial of an application for licensure of any applicant whose law enforcement record includes a crime of moral turpitude. However, the Department's interpretation of said subsection is that, notwithstanding its literal wording, it is not intended to be a permanent ban of licensure concerning such persons. The Department interprets said subsection to require denial until it is very clear that the person would no longer pose a threat to the public welfare if licensed. This rule, and the waiting periods and mitigating factors set out herein, comprise the Department's finding as to how long such a period should be.

(21) Imprisoned Persons. Notwithstanding any provision to the contrary in this rule, the Department shall not license any applicant under Chapter 626, Florida Statutes, while the applicant is imprisoned, under arrest, or serving a sentence for any crime. Further, the Department shall not license any applicant who has been released from imprisonment until the later of the period otherwise set out in these rules or 1 year from release. The Department finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least one year on good behavior, before licensure can safely be granted without undue risk to the public welfare.

(22) Effect of Waiting Periods. The waiting periods established in this rule do not give a licensee a right to licensure after any set period of time if the Department finds additional evidence that the applicant still possesses a criminal propensity which poses an undue threat to the public welfare.

(23) Class "A" Crimes include all those listed in this subsection, where such crimes are felonies, and all are of equal weight notwithstanding from which subparagraph they are drawn. The Department finds that each felony crime listed in this subsection is a crime of moral turpitude.

- (a) Submitting false insurance claims or applications.
- (b) Crimes relating to workers' compensation insurance;

(c) Theft or other dishonest dealings with premiums or claims money;

(d) Making false reports to insurance regulatory officials;

(e) Theft or embezzlement from an insurance company or agency;

(f) Armed Robbery (face-to-face theft by threat of force or force).

(g) Extortion.

(h) Bribery.

(i) Misuse of public office.

(j) Obstructing justice.

(k) Treason against the United States, or a state, district, or territory thereof.

(l) Abuse of elderly or disabled persons.

(m) Altering public documents.

(n) Forgery.

(o) Perjury.

(p) Racketeering.

(q) Witness tampering.

(r) Child abuse.

(s) Theft

(t) Larceny.

(u) Burglary.

(v) Breaking and entering.

(w) Fraud.

(x) Embezzlement.

(y) Tax evasion.

(z) Defrauding an innkeeper.

(aa) Passing worthless check(s).

(bb) Failure to pay tax.

(cc) Buying, receiving, concealing, or possessing stolen property.

(dd) Fraudulent obtaining of food stamps or other welfare fraud.

(ee) Shoplifting.

(ff) Adulteration or poisoning of drugs or food.

(gg) Illegal possession of a firearm.

(hh) Impersonating or attempting to impersonate a law enforcement officer.

(ii) Robbery.

(jj) Unlawful possession of a postal key.

(kk) Securities fraud.

(ll) Sale of unregistered securities.

(mm) Sale of securities by an unregistered dealer.

(nn) Postal fraud.

(oo) Obtaining controlled substance by fraud.

(pp) Not paying required tax as a transferee of a controlled substance.

(qq) Uttering a forged check.

(rr) Forgery of a deed.

- (ss) Defrauding the government.
- (tt) Criminal possession of a forged instrument.
- (uu) Credit card fraud.
- (vv) Conspiracy.
- (ww) Carrying a concealed weapon /firearm.
- (xx) Murder in all degrees.
- (yy) Aggravated Assault (e.g., as with a deadly weapon).
- (zz) Aggravated Battery (e.g., as with a deadly weapon).
- (aaa) Rape.
- (bbb) Sexually molesting any minor.
- (ccc) Sexual battery.
- (ddd) Arson.
- (eee) Aircraft piracy/hijacking.
- (fff) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.
- (ggg) Deriving income from another person's prostitution activities.
- (hhh) Running a gambling establishment.
- (iii) Unlawful placing, throwing, or discharging a bomb.
- (jjj) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.
- (kkk) Kidnapping.
- (lll) Incest.
- (24) Class "B" Crimes include the following felony crimes:
  - (a) Manslaughter.
  - (b) Simple Assault.
  - (c) Simple Battery.
  - (d) Gambling.
  - (e) Possession of burglary tools.
  - (f) Resisting arrest with violence.
  - (g) Damage to Property.
  - (h) Criminal mischief.
- (25) Class "C" Crimes include the following felony crimes:
  - (a) Public drunkenness.
  - (b) Driving while intoxicated.
  - (c) Trespassing.
  - (d) Resisting arrest without force.
  - (e) Disorderly conduct.
  - (f) Solicitation of prostitution.
  - (g) Prostitution.
  - (h) Obscenity.
  - (i) Bigamy.
  - (j) Sale of fireworks.
  - (k) Criminal trespass.
  - (l) Cruelty to animals.
  - (m) Personal use of controlled substances (illegal drugs).

- (n) Possession of controlled substances (illegal drugs) for personal use.
- (o) Possession of drug paraphernalia for personal use.
- (p) Domestic disturbance not involving violence.
- (q) Violation of fish and game laws.
- (r) Crimes of civil disobedience relating to matters of conscience (e.g., burning of draft cards; nonviolent resisting of arrest at protests).
- (s) Illegal possession of weapon.
- (t) Fleeing arrest or fleeing a law enforcement officer.
- (u) Escape.

(26) Foreign Law Enforcement Records. In the event that a law enforcement record includes convictions, charges, or arrests outside the United States, the Department shall consider the following factors to reduce, eliminate, or apply a waiting period:

- (a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;
- (b) The degree of penalty associated with the same or similar crimes in the United States; and
- (c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS. History-New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Audrey Huggins, Bureau Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Insurance  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Hale, Director, Division of Agent and Agency Services, Department of Insurance  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2001

**DEPARTMENT OF INSURANCE**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Purpose	4-231.010
Scope	4-231.020
Definitions	4-231.030
Penalties for Violation of Section 626.611	4-231.080
Criminal Proceedings	4-231.150

**PURPOSE AND EFFECT:** The purpose of the proposed rulemaking is to implement the Department's duty under Section 624.307(1), Florida Statutes, to enforce sections 626.611, 626.621, 626.631, 626.641, 626.681, and 626.691, Florida Statutes, by establishing standards for penalties

described in those statutory sections, and interpreting provisions in those sections as they relate to penalties imposed upon licensees.

SUMMARY: The proposed rules establish standards for penalties and interpret provisions in the referenced statutes as they relate to penalties imposed upon licensees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 626.601, 626.611, 626.621, 626.631, 626.641, 626.681, 626.691 FS.

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

TIME AND DATE: 9:30 a.m., November 29, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Phil Fountain, Bureau Chief, Bureau of Agent and Agency Investigations, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5600

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

THE FULL TEXT OF THE PROPOSED RULES IS:

4-231.010 Purpose.

The purpose of this rule chapter is to implement the Department's duty under Section 624.307(1), Florida Statutes, to enforce Sections 626.611, 626.621, 626.631, 626.641, 626.681, and 626.691, Florida Statutes, by establishing standards for penalties described in those statutory sections, and interpreting provisions in those sections as they relate to penalties imposed upon licensees specified in Rule 4-231.020, F.A.C. give notice of the penalties which will normally be imposed against specified licensees for violation of particular provisions of the Insurance Code, and rules and orders of the Department.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.611, 626.621, ~~626.631, 626.641,~~ 626.681, 626.691 FS. History--New 7-13-93, Amended \_\_\_\_\_.

4-231.020 Scope.

- (1) No change.

(2) This rule chapter does not apply to title insurance agents, insurance administrators, surplus lines agents, or managing general agents or health care risk managers.

~~(3) This rule chapter does not apply to crimes described in section 18 U.S.C. 1033.~~

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.681, 626.691 FS. History--New 7-13-93, Amended 8-15-00, \_\_\_\_\_.

4-231.030 Definitions.

The following definitions shall apply for purposes of this rule chapter.

- (1) through (3) No change.

(4) "Crimes involving moral turpitude" means each felony crime identified in subsection 4-211.042(23), F.A.C.

- (4) through (8) renumbered (5) through (9) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.681, 626.691 FS. History--New 7-13-93, Amended \_\_\_\_\_.

4-231.080 Penalties for Violation of Section 626.611.

If it is found that the licensee has violated any of the following subsections of Section 626.611, Florida Statutes, for which compulsory suspension or revocation is required, the following stated penalty shall apply:

- (1) No change.

- (2) s. 626.611(2), Florida Statutes

(a) Suspension 12 3 months if, had the license application been accurate, the application would have been granted, based on the Department licensing rule applicable to the application at the time the Department issued the license, and the documentation in the applicant's file at the time the Department issued the license.

(b) Revocation if, had the license application been accurate, the application would have been denied, based on the Department licensing rule applicable to the application at the time the Department issued the license.

- (3) through (15) No change.

- (16) s. 626.611(16), F.S. - suspension 12 months.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.681, 626.691 FS. History--New 7-13-93, Amended \_\_\_\_\_.

4-231.150 Criminal Proceedings.

(1) If it is found that a licensee has violated either section 626.611(14) or 626.621(8), Florida Statutes, the following stated penalty shall apply:

~~(a)(1)~~ If the licensee is convicted by a court of a violation of the Insurance Code or a felony (regardless of whether or not such felony is related to an insurance license), the penalty shall be revocation.

~~(b)(2)~~ If the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of ~~one~~ (1) year or more under the law of the United States of America or of any state thereof or under the law of any other country, which



Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ann Lazar, Planning Consultant, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545 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 RULES IS: Mike McDaniel, Growth Management Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

THE FULL TEXT OF THE PROPOSED RULES IS:

(The following rule section was advertised in the Rule Development Notice as 28-18.001. The number is being changed as follows:)

28-18.100 Purpose and Effect.

(1) The purpose of this Chapter is to amend the Transitional Comprehensive Plan and Land Development Regulations of the City of Marathon within the Florida Keys Area of Critical State Concern, pursuant to Section 380.0552(9), F.S.

(2) As provided in Section 380.05(10) and 380.0552(7), F.S., the Transitional Comprehensive Plan and Land Development Regulations of the City adopted herein shall be superseded by amendments which are proposed by the City and approved by the Department of Community Affairs pursuant to Section 380.05(6) and 380.0552(9), F.S. The City Transitional Comprehensive Plan and Land Development Regulations shall be superseded by the new City Comprehensive Plan and new City Land Development Regulations upon approval by the Department of Community Affairs pursuant to Section 380.05(6) and 380.0552(9), F.S.

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History—New \_\_\_\_\_.

(The following rule section was advertised in the Rule Development Notice as 28-18.002. The number is being changed as follows:)

28-18.200 Comprehensive Plan.

The Transitional Comprehensive Plan of the City of Marathon established by Chapter 99-427, Laws of Florida, is amended as follows:

(1) Policy 101.2.14. Notwithstanding any other provisions of the Transitional Comprehensive Plan of the City of Marathon, the following shall apply:

(a) The number of permits issued for new residential development under the rate of growth ordinance shall not exceed a total unit cap of 30 new residential units per year. The restored permits (6) are encouraged to be dedicated to

affordable housing. This allocation represents the total number of new permits for development that may be issued during a ROGO year. No exemptions or increases in the number of new permits, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement for affordable housing between the Department and the local government, shall be allowed. For Year 5, the interim Permit Allocation System shall allow a minimum of 11 new residential permits. If fewer than 11 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits.

(b) Notwithstanding any other provision of the comprehensive plan, ROGO allocations and nutrient reduction credits utilized for affordable housing projects may be pooled and transferred between ROGO subdistricts and between local government jurisdictions within the Florida Keys ACSC. Any such transfer between local government jurisdictions must be accomplished through an interlocal agreement between the sending and receiving local governments.

(c) Nutrient reduction credits earned by construction of a central sewer system using best available technology or advanced wastewater treatment shall be earned at the time that a wastewater construction permit is issued by DEP for each phase of the project and a design/build or construction contract has been executed.

(d) Beginning August 1, 2002, and each year of the work program (set out in policy 101.2.13) thereafter, the City and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved.

(e) The Work Program in Policy 101.2.13 for Year 4, Year 5, Year 6, and Year 7 shall be modified as follows:  
YEAR FOUR (July 13, 2000 through July 12, 2001)

A. Complete Storm Water Master Plan. Identify priority projects for implementation and seek funding for plan implementation.

Agencies: City, DCA, DEP, DOT, SFWMD, EPA and WQSC.

B. Complete Phase II of the carrying capacity study (data analysis) and present initial recommendations to review agencies.

Agencies: City, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

C. Continue efforts to secure funding for the Marathon Facility, initiate construction of Little Venice wastewater treatment facility. Establish baseline water quality for surface and groundwater quality potentially impacted by Little Venice project.

Agencies: City, DCA, DEP, FCAA, WQSC and EPA.

YEAR FIVE (July 13, 2001 through July 12, 2002)

A. Execute interagency agreements to define construction schedule for selected storm water improvement projects. Complete land acquisition and final design for selected treatment strategies for Storm Water Master Plan.

Agencies: City, DCA, DEP, DOT, WQSC and SFWMD.

B. Complete final draft of the carrying capacity study including acceptance by review agencies.

Agencies: City, FKAA, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

C. Secure funds for Phase II (to be determined) of the Marathon Facility and continue construction of Little Venice facility.

Agencies: City, FKAA, DEP, DCA, EPA and WQSC.

D. Continue eliminating cesspits and inoperative septic tanks in areas outside of Hot Spots.

Agencies: City, DOH, FKAA and WQSC.

YEAR SIX (July 13, 2002 through July 12, 2003)

A. Initiate construction of selected projects as identified in the Storm Water Master Plan.

Agencies: County, SFWMD, DEP, DCA, DOT, EPA and WQSC.

B. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the City's Future Land Use Map series and changes to the map series and the "as of right" and "maximum" densities authorized for the plan's future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.

Agencies: City, FKAA, FFWCC, DCA, DEP, DOH, DOT, SFWMD, SFRPC, EPA, Army COE, WQSC, and USFWS, and other interested parties to include representatives of environmental organizations and development interests.

C. Initiate construction of Phase II of the Marathon Facility and complete construction and begin operating the Little Venice Facility.

Agencies: City, FKAA, DCA, DEP, EPA and WQSC.

D. Complete the elimination of all cesspits in areas outside of Hot Spots.

Agencies: City, FKAA, DOH and WQSC.

YEAR SEVEN (July 13, 2003 through July 12, 2004)

A. Continue implementing selected projects as identified in the Storm Water Master Plan.

Agencies: City, DCA, DEP, DOT, SFWMD, EPA and WQSC

B. Continue construction of the Marathon Facility.

Agencies: City, FKAA, DCA, DEP, EPA and WQSC.

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History—  
New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mike McDaniel, Growth Management Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Administration Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2001

**ADMINISTRATION COMMISSION**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Land Planing Regulations for the Florida Keys Area of Critical State Concern – Monroe County 28-20

RULE TITLE: RULE NO.:

Comprehensive Plan 28-20.100

PURPOSE, EFFECT AND SUMMARY: To amend the Work Program set forth at Policy 101.2.13 of the Monroe of the County Comprehensive Plan to increase the annual residential permitting cap and encourage the increase to be dedicated to affordable housing, specify the point at which nutrient reduction credits can be earned when a central sewer system will be built, establish the date for the next report to the Administration Commission, extend the due date for local governments to implement the carrying capacity study, extend the time frame for wastewater improvements, and allow Residential Rate of Growth allocations and nutrient reduction credits to be transferred across sub-areas and jurisdictions for purposes of affordable housing.

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

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

SPECIFIC AUTHORITY: 380.05(8), 380.0552(9) FS.

LAW IMPLEMENTED: 380.0552 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: 5:00 p.m. – 7:00 p.m., November 28, 2001

PLACE: Marathon Government Center, 2798 Overseas Highway, Second Floor, Emergency Operations Center, Marathon, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ann Lazar, Planning Consultant, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545 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: Mike McDaniel, Growth Management Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

THE FULL TEXT OF THE PROPOSED RULE IS:

(This rule was originally proposed as 28-20.101 as outlined in 28-20.019, Florida Administrative Code, but now we have returned to the original number of 28-20.100 to avoid confusion and misunderstandings since only a small section of the overall rule is changed. Therefore, although the entire rule was underlined in the original advertisement the proposed rule is shown in the coded style of underline and strike-through.

The Monroe County Comprehensive Plan Policy Document and Map Atlas, which are adopted by Monroe County Ordinance 016-1993 as the same exists on May 15, 2001, is hereby amended as follows:)

28-20.100 Comprehensive Plan.

Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, DOH, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For Years 3 and 4 of the Work Program, the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations. Additional new residential permits will be allowed but limited to the number of nutrient reduction credits earned within the same unincorporated ROGO area. Nutrient reduction credits shall be earned consistent with Table 1 below. Nutrient reduction credits earned by construction of a central sewer system using best available technology or advanced wastewater treatment shall be earned at the time that

a wastewater construction permit is issued by DEP for each phase of the project and a design/build or construction contract has been executed. Nutrient reduction credits earned using funds provided by the State and matched by the County in fiscal years 1997-98 and 1998-99 will be used to offset the nutrient impacts of the 88 new residential permits per year, but may not be used for additional new residential permits until such time as these funds generate more than 88 nutrient reduction credits for Years 3 and 4. For Year 5, the interim Permit Allocation System shall allow a minimum of ~~77~~ 88 new residential permits. If fewer than ~~77~~ 88 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits. For Year 6 and beyond, the interim permit allocation system shall limit the number of permits issued for new residential development to the number of nutrient reduction credits earned within the same unincorporated ROGO area. For all years the number of permits issued for new residential development under the Rate of Growth Ordinance shall not exceed a total unit cap of ~~197~~ ~~482~~ new residential units per year. The restored permits (39) are encouraged to be dedicated to affordable housing. This allocation represents the total number of new permits for development that may be issued during a ROGO year. No exemptions or increases in the number of new permits, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement for affordable housing between the Department and the local government in the critical areas, may be allowed. Monroe County shall develop a tracking system for monitoring the nutrient reduction credits earned. The tracking system shall commence upon the effective date of this rule and the number of nutrient reduction credits earned shall be cumulative and may be applied to future years of the interim Permit Allocation System.

Table 1  
Nutrient Reduction Credits  
Treatment System Upgraded To

	Treatment System Upgraded To			
	On-site Treatment OWNR or Equivalent	Centralized System		
	On-site Treatment and Disposal Systems	Secondary Treatment	Best Available Treatment (BAT)	Advanced Wastewater Treatment (AWT)
Cesspit Substandard	1 EDU Credit	1 EDU Credit	1.0 EDU Credit	1.5 EDU Credit
OSTDS Approved	0.5	0	1	1.5
OSTDS Secondary Treatment	n/a	n/a	1	1.5

Additionally, the unit cap for new residential development shall be linked to the following work program which identifies actions necessary to correct existing wastewater and storm water problems, as well as actions necessary to determine appropriate future growth. Beginning August 1, ~~2002~~ 2000, and each year of the work program thereafter, Monroe County and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. The Commission shall consider the findings and recommendations provided in those reports and shall determine whether substantial progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that substantial progress has not been made, the unit cap for new residential development shall be reduced by at least 20 percent for the following year. If the Commission determines that substantial progress has been made, then the Commission shall increase the unit cap for new residential development for the following year up to a maximum of ~~197~~ 227 units. Other agencies identified in the work program, or any interested persons, may likewise report and make recommendations for consideration by the Commission. Notwithstanding any other dates set forth in this plan, the dates set forth in the work program shall control where conflicts exist. For each task in the work program, the Department of Community Affairs shall request of all relevant and appropriate federal, state, regional, and local agencies that they contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the county in completing the task. Each such agency shall prepare, in coordination with the county, a section to be included in Monroe County's reports which indicates the agency's actions relative to the work plan. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating with Monroe County, and relevant state and federal agencies, in the implementation of the tasks related to water quality, wastewater and storm water facilities, and in the development and implementation of the carrying capacity study. The Steering Committee will provide technical assistance and substantive comments and recommendations to ensure that the county's wastewater and storm water master plans and the carrying capacity study are consistent with the objectives of the FKNMS Water Quality Protection Program. The Steering Committee will make recommendations on wastewater systems and Hot Spot priorities prior to implementation by the County. It is the intent of this rule to accelerate the pace, and increase the effectiveness of the current cesspit replacement effort through both a regulatory and an incentive-based program. No later than August, 1999 Monroe County shall engage in a public education program to ensure that the public understands that the County is committed to the swift

identification and replacement of cesspits, as a full partner with the Department of Health. The public education program shall explain the role of cesspit removal in the overall context of the Work Plan and Wastewater Master Plan. The County and the state shall request the participation of the Steering Committee in the public education program as well as the Florida Keys Aqueduct Authority.

#### WORK PROGRAM

YEAR ONE (ending December 31, 1997)

A. Complete Phase I (data collection) for the Wastewater and Storm Water Master Plans, and secure funding for plan completion. (Ref. County obj. 901.4)

Agencies: County, DCA, DEP, DOH and SFWMD.

B. Complete a conceptual plan or scope of work to develop a carrying capacity. The carrying capacity analysis shall be designed to determine the ability of the Florida Keys ecosystem, and the various segments thereof, to withstand all impacts of additional land development activities. The analysis shall be based upon the findings adopted by the Administration Commission on December 12, 1995, or more recent data that may become available in the course of the study, and shall be based upon the benchmarks of, and all adverse impacts to, the Keys land and water natural systems, in addition to the impact of nutrients on marine resources. The carrying capacity analysis shall consider aesthetic, socioeconomic (including sustainable tourism), quality of life and community character issues, including the concentration of population, the amount of open space, diversity of habitats, and species richness. The analysis shall reflect the interconnected nature of the Florida Keys' natural systems, but may consider and analyze the carrying capacity of specific islands or groups of islands and specific ecosystems or habitats, including distinct parts of the Keys' marine system. (Ref. 1991 Stip. Settlement Agreement)

Agencies: County, DCA, DEP, DOH, DOT, GFC, SFWMD, NMS, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

C. Complete AWT/OSDS demonstration study and initiate rulemaking for new standards for OSDS. (Ref. County pol. 901.4.3)

Agencies: DOH.

D. Complete Marathon Facilities Plan and secure funding for the facility site(s). The wastewater facilities plan should implement the most cost effective method of collecting, treating, and disposing of wastewater, and shall include an investigation of the feasibility of using alternative nutrient-stripping on-site disposal systems. The development of the facilities plan shall be a component of the Wastewater Master Plan as that Plan is developed.

Agencies: County, DCA and DEP.

E. Continue cesspit elimination process with identification of Hot Spots as first priority in accordance with Objective 901.2, and seek funding for cesspit identification. Enter into an



interlocal agreement with DOH to specify the responsibilities and procedures for the OSDS inspection/compliance program as required by Policy 901.2.3. Adopt an ordinance which specifies the implementation procedures for the OSDS inspection/compliance program. The ordinance shall include authorization for DOH to inspect wastewater treatment systems on private property as required by Policy 901.2.3. (Ref. County obj. 901.2)

Agencies: County, DCA and DOH.

F. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies: County, Land Authority and DEP.

G. Revise the Habitat Evaluation Index (HEI) based on peer review.

Agencies: County, DCA, DEP, GFC and Federal agencies.

YEAR TWO (ending December 31, 1998)

A. Complete the Wastewater and Storm Water Master Plans and execute interagency agreements to define construction schedule by phases. Document that significant reduction in nutrients will be achieved each year thereafter within each of the sub-areas. The Master Plans shall include facility plans for all proposed treatment strategies, and determine retrofit and funding requirements for Hot Spots and cesspits identified in D. below.

Agencies: County, DCA, DEP and DOH.

B. Secure funding for the carrying capacity study and initiate Phase I (data collection) of the study.

Agencies: County and DCA.

C. Complete final design for Marathon Facilities Plan and secure facility site(s).

Agencies: County, DCA and DEP.

D. Complete cesspit ID process in Hot Spots, excluding the Marathon area.

Agencies: County, DCA and DOH.

E. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies: County, Land Authority, GFC and DEP.

F. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)

Agencies: County, DCA, SFWMD, USFWS.

YEAR THREE (January 1, 1999 through July 12, 2000)

A. Complete and begin implementation of Wastewater Master Plan. Utilizing the findings of the Wastewater Master Plan and recommendations of the Water Quality Steering Committee relating to Hot Spots do the following: refine and prioritize areas identified as Hot Spots, determine retrofit and funding requirements for priority Hot Spots and cesspit replacement for areas outside those areas identified for central or cluster wastewater collection systems, and begin developing facility plans for priority Hot Spots. Execute interagency

agreements to define facility plan, design and construction schedules for each Hot Spot facility. Establish a water quality monitoring program to document the reduction in nutrients as a result of these facilities. Complete a wastewater treatment finance plan and a service area implementation plan, and continue efforts to secure funding for Wastewater Master Plan implementation, with priority given to Hot Spots. Determine the feasibility and legal ramifications of establishing an escrow account as a means of providing long-term funding for replacing cesspits or substandard onsite sewage systems. Establish a mechanism such as special assessments, impact fees, infrastructure surcharge, or other dedicated revenues, to fund the local share of wastewater improvements in Years Four and Five. Seek to provide comparable subsidies for both wastewater collection systems and individual cesspit replacement.

Agencies: County, FCAA, DCA, DEP, DOH, SFWMD, EPA and Water Quality Protection Program Steering Committee (WQSC).

B. Secure funding for Storm Water Master Plan development, contract selected firm for development of Master Plan, and complete Phase I (data collection). Determine the feasibility of providing nutrient reduction credits for stormwater improvements.

Agencies: County, DCA, DOT, SFWMD, EPA and WQSC.

C. Conclude acquisition of North Key Largo Hammocks CARL project. Make offers to 33% of remaining private owners with property located in other CARL project boundaries.

Agencies: County, Land Authority and DEP.

D. Secure remaining funds for the carrying capacity study, conduct workshops as outlined in the Scope of Work, select prime contractor, and initiate Phase I (data collection) of the study.

Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, GFC, DOT, and other interested parties to include representatives of environmental organizations and development interests.

E. Continue efforts to secure funding for the Marathon Facility. Complete Little Venice construction design, secure lands needed for Little Venice facility, and begin bid process and selection of construction firm. Design a water quality monitoring program to document Little Venice project impacts.

Agencies: County, FCAA, DCA, DEP, WQSC, and EPA.

F. Continue cesspit identification by providing notice to all property owners with unknown systems, outside of Hot Spots. Initiate replacement of cesspits outside of Hot Spots. Award financial assistance grants to qualified applicants using FY 1997-98 state funds to ensure a minimum of 70 cesspit replacements. Develop a low interest loan and grant program to assist all residents in replacing cesspits, with priority of funds going, in order of preference, to very low-, low- and

moderate-income households. Investigate the appropriateness of transferring credits among ROGO areas and awarding nutrient reduction credits for future committed water quality treatment facilities.

Agencies: County, DCA, FCAA, WQSC and DOH.

G. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)

Agencies: County, FCAA, DEP, DCA, SFWMD, EPA, WQSC and USFWS.

H. Develop an integrated funding plan for the purchase of land from ROGO applicants who have competed unsuccessfully for four consecutive years and applied for administrative relief.

Agencies: County.

I. The County, in conjunction with DCA, shall assess the feasibility of applying the nutrient reduction credit requirement to new commercial development.

Agencies: County and DCA.

YEAR FOUR (July 13, 2000 through July 12, 2001)

A. Continue implementation of Wastewater Master Plan, execute interagency agreements to define construction schedule by phases, and continue developing facility plans for selected priority Hot Spots in each ROGO area. Secure funding to implement the Wastewater Master Plan. Document that reduction in nutrients has been achieved within each of the sub-areas.

Agencies: County, FCAA, DCA, DEP, DOH, EPA and WQSC.

B. Complete Storm Water Master Plan. Identify priority projects for implementation and seek funding for plan implementation.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC.

C. Make offers to 50% of remaining private owners with property located in CARL project boundaries.

Agencies: County, Land Authority and DEP.

D. Complete Phase II of the carrying capacity study (data analysis) and present initial recommendations to review agencies.

Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

~~E. Continue efforts to secure funding for the Marathon Facility, initiate construction of Little Venice wastewater treatment facility.~~ Establish baseline water quality for surface and groundwater quality potentially impacted by Little Venice project.

Agencies: County, DCA, DEP, FCAA, WQSC and EPA.

F. Complete cesspit identification and continue cesspit replacement outside of Hot Spots, with a priority of funds going, in order of preference, to low- and moderate-income households; ensure that a minimum of 88 cesspits are replaced.

Agencies: County, FCAA, WQSC and DOH.

YEAR FIVE (July 13, 2001 through July 12, 2002)

A. Continue implementation of the Wastewater Master Plan pursuant to executed interagency agreements. Begin construction of wastewater facilities in selected priority Hot Spots.

Agencies: County, FCAA, DCA, DOH, DEP, EPA, and WQSC.

B. Execute interagency agreements to define construction schedule for selected priority storm water improvement projects. Complete land acquisition and final design for selected treatment strategies for Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, WQSC and SFWMD.

C. Conclude negotiations with all willing owners with property within CARL project boundaries. Acquire a total-to-date of 45% of the Key Deer/Coupon Bight project and 25% of the Florida Keys Ecosystems project from willing sellers.

Agencies: County, Land Authority, and DEP.

~~D. Complete final draft of the carrying capacity study including acceptance by review agencies. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the County's Future Land Use Map series and changes to the map series and the "as of right" and "maximum" densities authorized for the plan's future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.~~

Agencies: County, FCAA, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

~~E. Secure funds for Phase II (to be determined) of the Marathon Facility and continue construction of Little Venice facility.~~

~~Agencies: County, FCAA, DEP, DCA, EPA and WQSC.~~

~~E.F. Continue eliminating cesspits and inoperative septic tanks in areas outside of Hot Spots.~~

Agencies: County, DOH, FCAA and WQSC.

YEAR SIX (July 13, 2002 through July 12, 2003)

A. ~~Finalize~~ Continue construction ~~of and begin operating~~ wastewater facilities in Hot Spots begun in previous year. Contract to design and construct additional wastewater

treatment facilities in Hot Spots in accordance with the schedule of the Wastewater Master Plan. Continue implementation of Wastewater Master Plan with emphasis on Hot Spots.

Agencies: County, FCAA, DEP, DOH, DCA, EPA and WQSC.

B. Initiate construction of selected priority projects as identified in the Storm Water Master Plan.

Agencies: County, SFWMD, DEP, DCA, DOT, EPA and WQSC.

~~C. Continue implementation of the carrying capacity study. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the County's Future Land Use Map series and changes to the map series and the "as of right" and "maximum" densities authorized for the plan's future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.~~

Agencies: County, FCAA, FFWCC, DCA, DEP, DOH, DOT, SFWMD, SFRPC, EPA, Army COE, WQSC, and USFWS, and other interested parties to include representatives of environmental organizations and development interests.

~~D. Initiate construction of Phase II of the Marathon Facility and complete construction and begin operating the Little Venice Facility.~~

~~Agencies: County, FCAA, DCA, DEP, EPA and WQSC.~~

~~D.E. Complete the elimination of all cesspits in areas outside of Hot Spots.~~

Agencies: County, FCAA, DOH and WQSC.

YEAR SEVEN (July 13, 2003 through July 12, 2004)

A. Finalize construction and begin operating wastewater facilities in Hot Spots. Continue implementation of Wastewater Master Plan with continued emphasis on Hot Spots.

Agencies: County, FCAA, DEP, DCA, DOH, EPA and WQSC

B. Continue implementing selected priority projects as identified in the Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC

~~C. Continue construction of the Marathon Facility.~~

~~Agencies: County, FCAA, DCA, DEP, EPA and WQSC.~~

(2) Policy 901.1.1

Monroe County shall ensure that, at the time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities, including wastewater treatment facilities and onsite sewage treatment and disposal systems, are

available to support the development at the adopted level of service standards, concurrent with the impacts of such development. [9J-5.011(2)(c)2.]

Permanent Level of Service Standards.

(A) The permanent level of service standards for wastewater treatment in Monroe County are as provided in Chapter 99-395, Laws of Florida.

(B) The County and the State shall actively engage in an educational program to reduce demand for phosphate products.

(C) The County shall require mandatory pump-out of septic tanks and require regular reports from qualified contractors to ensure proper septage disposal.

(2) Policy 101.2.14 is created to read:

Notwithstanding any other provision of the comprehensive plan, ROGO allocations and nutrient reduction credits utilized for affordable housing projects may be pooled and transferred between ROGO subdistricts and between local government jurisdictions within the Florida Keys ACSC. Any such transfer between local government jurisdictions must be accomplished through an interlocal agreement between the sending and receiving local governments.

Specific 380.05(8), 380.0552(9) FS. Law Implemented 380.0552 FS. History--New 1-2-96, Amended 7-17-97, 7-26-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mike McDaniel, Growth Management Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE : The Administration Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2001 (advertised as 28-20.101)

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE TITLES:	RULE NOS.:
Classification of Hospitals	59A-3.202
Licensure Procedure	59A-3.203
Investigations and License, Life Safety and Validation Inspections	59A-3.204

PURPOSE AND EFFECT: The purpose and the effect of the rule will be to amend sections of Chapter 59A-3 Hospital Licensure rule to incorporate by reference *Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care in Hospitals* dated November 2001.

SUMMARY: Sections of Chapter 59A-3 Hospital Licensure rule is being amended to incorporate by reference *Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care in Hospitals*, dated November 2001, which defines minimum criteria and the scope of services that differentiate levels of inpatient care for children in hospitals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The agency has prepared a Statement of Estimated Regulatory Costs pursuant to section 120.541, Florida Statutes that shall be provided upon request.

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: 395.1055 FS.

LAW IMPLEMENTED: 395.001, 395.003, 395.004, 395.0161, 395.104, 395.1055 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., November 27, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Debby Walters, Senior Health Policy Analyst, Office of Health Policy, Building 3, 2727 Mahan Drive, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-3.202 Classification of Hospitals.

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

(c) Class I or general hospitals and class II specialty hospitals that provide inpatient pediatric care shall be designated as having an inpatient pediatric primary care program, an inpatient pediatric secondary care program, an inpatient pediatric secondary care program with expanded services, an inpatient pediatric tertiary care program, an inpatient pediatric tertiary care program with expanded services, or an inpatient pediatric quaternary care program. Designation shall be based on meeting specific criteria as set forth in Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care document, dated November 2001, for program designation, which is hereby incorporated by reference and available from the Agency for Health Care Administration Building 3, 2727 Mahan Drive, Tallahassee, Florida. The main telephone number for the Agency is: 850-410-2433. Hospitals that elect not to provide inpatient pediatric care, but provide emergency services and are not classified as a rural hospital shall at a minimum meet the standards established for primary care pediatric emergency services as provided in Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care in Hospitals dated November 2001.

(d)(e) Class III specialty hospitals offering a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders which include:

1. through 4. No change.

~~(e)(d)~~ Class IV specialty hospitals restricted to offering Intensive Residential Treatment Programs for Children and Adolescents, pursuant to s. 395.002(16), F.S.

(2) through (5) No change.

Specific Authority 395.1055 FS. Law Implemented 395.001, 395.002, 395.1055, 408.035, 408.036 FS. History—New 9-4-95, Amended \_\_\_\_\_.

59A-3.203 Licensure Procedure.

(1) through (2) No change.

(a) Each hospital applying for a license shall be designated by a distinctive name, and the name shall not be changed without first notifying the licensing agency, and receiving approval in writing. Duplication of an existing hospital name is prohibited in new hospitals. Each hospital providing inpatient pediatric care shall have on its license designation as an inpatient pediatric primary care program, an inpatient pediatric secondary care program, an inpatient pediatric secondary care program with expanded services, an inpatient pediatric tertiary care program, an inpatient pediatric tertiary care program with expanded services or an inpatient pediatric quaternary care program. The following documents shall be prepared at the time of the initial application, and shall be available for review by the agency at the initial licensure inspection:

1. through 6. No change.

(b) No change.

1. through 5. No change.

6. Approval for licensure from the agency's Office of Plans and Construction; ~~and~~

7. Evidence of medical malpractice insurance through the Patient Compensation Fund or other means of demonstrating financial responsibility as provided for under Chapter 766, F.S.; ~~and~~

8. Each hospital having an inpatient pediatric program shall submit to the agency's Bureau of Health Facility Regulation a completed Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care Checklist, Form ### November 2001, and Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care Designation Certification Form ### 2001, certifying that the hospital meets all of the standards as set forth in Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care document, dated November 2001, for the selected designation.

(c) All currently licensed Class I and Class II hospitals that provide inpatient pediatric care shall within 90 days of the effective date of this rule submit to the agency's Bureau of Health Facility Regulation a completed Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care Checklist Form ### 2001 and Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care Designation Certification Form ###, 2001 certifying that the hospital meets

all of the standards as set forth in Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care document, dated November 2001, for the selected designation.

~~(d)~~(e) All applications for change of ownership shall include:

1. through 6. No change.

~~(e)~~(f) An application for biennial licensure renewal must be accompanied by:

1. through 2. No change.

3. An updated Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care Checklist, Form ###, 2001 and Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care Designation Certification Form ###, 2001 certifying that the hospital meets all of the standards as set forth in Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care document dated November 2001 for the selected designation for those hospitals providing pediatric emergency and inpatient pediatric services.

~~(f)~~(g) An application for the addition of beds or off-site outpatient facilities to a hospital's license must include:

1. through 2. No change.

~~(g)~~(h) Evidence of medical malpractice insurance through the Patient Compensation Fund or other means of demonstrating financial responsibility as provided for under Chapter 776, F.S., must be submitted annually to the agency.

~~(h)~~(i) Upon receipt of a completed initial application the agency shall conduct a survey of the facility to determine compliance with Chapter 395, F.S., Part I, and Rules 59A-3.077-3.093 and 59A-3.200-3.232.

~~(i)~~(j) When the applicant and hospital are in compliance with Chapter 395, F.S., Part I and Rules 59A-3.077 through 3.093 and 59A-3.200 through 3.232, F.A.C., and have received all approvals required by law, the agency shall issue a license.

~~(j)~~(k) A single license will be issued to a licensee for facilities located on separate premises, upon request of the applicant. The license will specifically state the location of the facilities, their services and the license beds available on each separate premise. Such a license shall also specifically identify the general or specialty classification of hospitals located on separate premises. For those hospitals providing inpatient pediatric care the inpatient pediatric program designation shall be listed separately for each premise.

(3) through (12) No change.

Specific Authority 395.003, 395.004, 455-239 395.0161, 395.1055 FS. Law Implemented 395.001, 395.003, 395.004, 395.0161, 395.1055,408.035, 408.036,455-239 FS. History--New 9-4-95, Amended 6-18-96,\_\_\_\_\_.

59A-3.204 Investigations and License, Life Safety and Validation Inspections.

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

(c) To respond to licensure, life safety, and emergency access complaints; ~~or~~

(d) To protect the public health and safety; or

(e) To assure compliance with Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care in Hospitals dated November 2001.

(2) NON-ACCREDITED HOSPITALS – Hospitals which are not accredited by a hospital accrediting organization will be subject to a scheduled annual licensure inspection survey. Compliance with Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care in Hospitals, dated November 2001, shall be included in the annual survey for those hospitals providing pediatric emergency and inpatient pediatric care.

(a) through (d) No change.

(3) through (6) No change.

(7) VALIDATION INSPECTIONS – Each year, the agency shall conduct validation inspections on a minimum of five percent of those hospitals that have undergone a full accreditation inspection from a hospital accrediting organization, within 60 days of the accreditation survey, to determine ongoing compliance with licensure requirements. Compliance with Florida's Standards for Pediatric Emergency and Inpatient Pediatric Care in Hospitals, dated November 2001, shall be included in the survey for those hospitals designated as providing pediatric emergency and inpatient pediatric care.

(a) through (d) No change.

(8) through (11) No change.

Specific Authority 395.0161, 395.1055 FS. Law Implemented 395.001, 395.003, 395.004, 395.0161, 395.1055, 408.035, 408.036 FS. History--New 9-4-95, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Debby Walters, Senior Health Policy Analyst, Office of Health Policy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Managed Care and Health Quality**

RULE TITLES:	RULE NOS.:
Licensure, Administration and	
Fiscal Management	59A-4.103
Facility Policies	59A-4.106
Risk Management and Quality Assurance	59A-4.123
Evaluation of Nursing Homes and	
Licensure Status	59A-4.128

PURPOSE AND EFFECT: The Agency proposes to amend Rules 59A-4.103, 59A-4.106, 59A-4.123, and 59A-4.128 consistent with provisions of Section 400.062, F.S., Section 400.147, F.S., and Section 400.23, F.S., which became effective May 15, 2001. The amendments to Rule 59A-4.103

specifies the various documents used for reporting purposes by a nursing home as well as the establishment of an annual license fee; the amendment to Rule 59A-4.106 relates to documentation required in transfer and discharge notices; the amendments to Rule 59A-4.123 cites risk management and assurance requirements and documentation relating to those requirements; and the amendments to Rule 59A-4.128 reflects the adoption of a licensure status system.

SUMMARY: Amends rules pertaining to minimum standards for nursing homes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

The proposed rule does not establish any new standards of the nursing homes beyond that which is required by public law.

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: 400.147 FS.

LAW IMPLEMENTED: 400.147(13) 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 26, 2001

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Richard Kelly, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, or call (850)488-5861

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-4.103 Licensure, Administration and Fiscal Management.

(1) The licensee or prospective licensee shall make application for an initial, renewal or change of ownership license to operate a nursing home facility and shall provide all of the information required by ~~section 400.071, F.S.~~ this rule and Chapter 400, Part II, F.S., on AHCA Form 3110-6001, October, 2001, "Application for Nursing Home Licensure", which is incorporated by reference and AHCA Forms 3110-0011, 3110-0011A, 3110-0011B, 3110-0011C, and 3110-0011D, August, 2001, "Controlling Interest Affidavit for Nursing Homes", and AHCA Form 1332-0001, October, 2001, "Proof of Financial Ability Schedule", available from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida 32308.

(2) The licensure fee shall be included with the application. ~~An~~ The annual fee is \$50 per bed required as ~~calculated to cover the cost of licensure is \$33.00 per bed,~~ described in Section 400.062(3), F.S., plus the resident

protection fee of \$.25 per bed and the Data Collection and Analysis Health Care Board Assessment of \$6.00 per bed as authorized by Section 408.20(1)(b), F.S. Costs of Nursing Home Statistical Unit, March 9, 1994. ~~The calculation for this assessment is incorporated by reference, for a total of \$39.25 per bed.~~ The Data Collection and Analysis Health Care Board Assessment is waived for facilities having a certificate of authority under Chapter 651, F.S.

(3) Single copies of AHCA forms incorporated by reference within this chapter may be obtained from the AHCA, Long Term Care Section, 2727 Mahan Drive MS 33, Tallahassee, Florida 32308.

(4) Administration.

(a) The licensee of each nursing home shall have full legal authority and responsibility for the operation of the facility.

(b) The licensee of each facility shall designate one person, who is licensed by the Agency for Health Care Administration, Board of Nursing Home Administrators under Chapter 468, Part II, F.S., as Administrator who oversees the day to day administration and operation of the facility.

(c) Each nursing home shall be organized according to a written Table of Organization.

(d) The licensee shall submit a monthly vacant bed report which is incorporated by reference by using AHCA Form 3110-0013, October, 2001, "Nursing Home Monthly Bed Vacancy Report", as authorized by Section 400.141, F.S. This form is available from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308.

(e) Submit Nursing Home Staffing Report which is incorporated by reference by using AHCA Form 3110-0012, October, 2001, "Nursing Home Staffing Report", as authorized by Section 400.141, F.S. This form is available from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308.

(5) Fiscal Management.

(a) The licensee, for each nursing home it operates, shall maintain fiscal records in accordance with the requirements of Chapter 400, Part II, F.S., and these rules.

(b) An accrual or cash system of accounting shall be used to reflect transactions of the business. Records and accounts of transactions, such as, general ledgers and disbursement journals, shall be brought current no less than quarterly and shall be available for review by authorized representatives of appropriate State and Federal agencies.

(c) A licensee shall obtain a surety bond as required by Chapter 400, Part II, F.S. It shall be based on twice the average monthly balance in the resident trust fund during the prior fiscal year or \$5,000, whichever is greater. A licensee who owns more than one nursing home may purchase a single surety bond to cover the residents' funds held in nursing homes located within the same AHCA service district. A surety bond shall contain substantially the same language as is found in

AHCA Form 3110-6002, July, 2001 ~~Aug. 1993~~, Surety Bond, which is incorporated by reference. The surety bond AHCA 3110-6002, July, 2001 ~~Aug. 1993~~ may be obtained from, and shall be filed with the AHCA, 2727 Mahan Drive, Tallahassee, Florida 32308.

(d) A self-insurance pool, which may be an interest bearing account, may be established to provide compensation to any resident suffering financial loss in accordance with the provisions of 400.162(5)(c), F.S., as the result of one or more of the member licensees violating any of the provisions of Section 400.162, F.S.

1. Such self-insurance pool shall be administered under the direction of an elected board of trustees. The membership of the board of trustees shall be composed of one representative from each participating licensee.

2. An application for establishing a self-insurance pool shall be made by the trustees to the AHCA. Such application shall contain the following information: the names, complete addresses, and affiliation of the trustees; the name and complete address of each licensee participating in the pool; the total dollar amount of the pool; and the name and complete address of the bank in which the account is maintained and the account number. The application shall be accompanied by:

a. An individual application from each licensee applying for membership in the self-insurance pool. Such application shall contain the following information: the name, telephone number, and complete address of the facility; the name, telephone number, and complete address of the licensee; the name of the facility's administrator, manager or supervisor, his license and renewal number; the names of all employees involved in the administration of the resident trust fund account; the average monthly balance in the resident trust fund account during the prior year; the total dollar amount the licensee has deposited in the self-insurance pool; and the name and complete address of the bank in which the account is maintained and the account number.

b. Prima facie evidence showing that each individual member of the pool has deposited an amount equal to twice the average monthly balance of the trust fund account or \$5,000.00 dollars, whichever is greater, in a separate account maintained by the board of trustees in the name of the self-insurance pool in a chartered commercial bank in the State of Florida to secure performance of payment of all lawful awards made against any member or members of the self-insurance pool. 400.162(5), F.S., and these rules.

3. After the inception date of the pool, prospective new members of the pool shall submit an application for membership to the board of trustees. Such application shall contain the information specified in subparagraph (5)(b)2. The trustees may approve the application for membership in accordance with these rules. If so approved, the application for membership in accordance with these rules shall be filed with the AHCA. Participation in a pool by a particular licensee shall

be approved by the AHCA if the licensee indicates in its application that it does meet the requirements of Section 400.162(5), F.S., and these rules and verification is provided to document the financial status indicated on the application.

4. The amount deposited in such an account shall be maintained at all times.

(e) If, at any time during the period for which a license is issued, a licensee who has not purchased a surety bond or entered into a self-insurance agreement is requested to hold funds in trust as provided in Section 400.162(5), F.S., the licensee shall notify the AHCA, in writing, of the request, and make application for a surety bond or for participation in a self-insurance agreement within seven days of the request, exclusive of weekends and holidays. Copies of the application, along with written documentation of related correspondence with an insurance agency or group, shall be maintained and shall be available for review. All notices required by this rule provision shall be sent to the AHCA, 2727 Mahan Drive, Tallahassee, Florida 32308.

Specific Authority 400.23 FS. Law Implemented 400.022, 400.0225, 400.071, 400.102, 400.111, 400.1183, 400.121, 400.141, 400.147, 400.151, 400.162, 400.179, 400.18, 408.20 FS. History—New 4-1-82, Amended 4-1-84, 8-1-85, 1-1-86, 11-12-89, 12-25-90, 10-6-91, Formerly 10D-29.103, Amended 4-18-94, 2-6-97, \_\_\_\_\_.

#### 59A-4.106 Facility Policies.

(1) Admission, retention, transfer, and discharge policies:

(a) Each resident will receive, at the time of admission and as changes are being made and upon request, in a language the resident or his representative understands:

1. A copy of the residents' bill of rights conforming to the requirements in 400.022, F.S.;

2. A copy of the facility's admission and discharge policies; and

3. Information regarding advance directives.

(b) Each resident admitted to the facility shall have a contract in accordance with s. 400.151, F.S., which covers:

1. A list of services and supplies, complete with a list of standard charges, available to the resident, but not covered by the facility's per diem or by Title XVIII and Title XIX of the Social Security Act and of bed reservation and refund policies of the facility.

2. When a resident is in a facility offering continuing care, and is transferred from independent living or assisted living to the nursing home section, a new contract need not be executed; an addendum may be attached to describe any additional services, supplies or costs not included in the most recent contract that is in effect.

(c) No resident who is suffering from a communicable disease shall be admitted or retained unless the medical director or attending physician certifies that adequate or appropriate isolation measures are available to control transmission of the disease.

(d) Residents may not be retained in the facility who require services beyond those for which the facility is licensed or has the functional ability to provide as determined by the Medical Director and Director of Nursing in consultation with the facility administrator.

(e) Residents shall be assigned to a bedroom area and shall not be assigned bedroom space in common areas except in an emergency. Emergencies shall be documented and shall be for a limited, specified period of time.

(f) All resident transfers and discharges shall be in accordance with the facility's policies and procedures, provisions of s. 400.022, F.S., and s. 400.0255, F.S., this rule, and other applicable state and federal laws and will include notices provided to residents which are incorporated by reference by using AHCA Form 3120-0002, 3120-0002A, Revised, May, 2001, "Nursing Home Transfer and Discharge Notice," and 3120-0003, Revised, May, 2001, "Fair Hearing Request For Transfer or Discharge From a Nursing Home," and 3120-0004, Revised, May, 2001, "Long-Term Care Ombudsman Council Request for Review of Nursing Home Discharge and Transfer." These forms may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308. The Department of Children and Family Services will assist in the arrangement for appropriate continued care, when requested.

(2) Each nursing home shall adopt, implement, and maintain written policies and procedures governing all services provided in the facility.

(3) All policies and procedures shall be reviewed at least annually and revised as needed with input from, at minimum, the facility Administrator, Medical Director, and Director of Nursing.

(4) Each facility shall maintain policies and procedures in the following areas:

- (a) Activities;
- (b) Advance directives;
- (c) Consultant services;
- (d) Death of residents in the facility;
- (e) Dental services;
- (f) Staff education, including HIV/AIDS training;
- (g) Diagnostic services;
- (h) Dietary services;
- (i) Disaster preparedness;
- (j) Fire prevention and control;
- (k) Housekeeping;
- (l) Infection control;
- (m) Laundry service;
- (n) Loss of power, water, air conditioning or heating;
- (o) Medical director/consultant services;
- (p) Medical records;
- (q) Mental health;
- (r) Nursing services;

- (s) Pastoral services;
- (t) Pharmacy services;
- (u) Podiatry services;
- (v) Resident care planning;
- (w) Resident identification;
- (x) Resident's rights;
- (y) Safety awareness;
- (z) Social services;
- (aa) Specialized rehabilitative and restorative services;
- (bb) Volunteer services; and

(cc) The reporting of accidents or unusual incidents involving any resident, staff member, volunteer or visitor. This policy shall include reporting within the facility and to the AHCA.

(5) Staff Education.

(a) Each nursing home shall develop, implement, and maintain a written staff education plan which ensures a coordinated program for staff education for all facility employees. The staff education plan shall be reviewed at least annually by the quality assurance committee and revised as needed.

(b) The staff education plan shall include both pre-service and in-service programs.

(c) The staff education plan shall ensure that education is conducted annually for all facility employees, at a minimum, in the following areas:

- 1. Prevention and control of infection;
- 2. Fire prevention, life safety, and disaster preparedness;
- 3. Accident prevention and safety awareness program;
- 4. Resident's rights;
- 5. Federal law, 42 CFR 483, Requirements for Long Term Care Facilities, September 26, 1991, which is incorporated by reference, and state rules and regulations, Chapter 400, Part II, F.S., and this rule;

6. The Florida "Right to Know" Hazardous Materials, Chapter 442, Florida Statutes;

(d) The staff education plan shall ensure that all nonlicensed employees of the nursing home complete an initial educational course on HIV/AIDS. If the employee does not have a certificate of completion at the time they are hired, they must have two hours within six months of employment or before the staff provides care for an HIV/AIDS diagnosed resident. All employees shall have a minimum of one hour biennially.

(6) Advance Directives.

(a) Each nursing home shall have written policies and procedures, which delineate the nursing home's position with respect to the state law and rules relative to advance directives. The policies shall not condition treatment or admission upon whether or not the individual has executed or waived an advance directive. In the event of conflict between the



facility's policies and procedures and the individual's advance directive, provision should be made in accordance with Section 765.308, Florida Statutes.

(7) The facility's policy shall include:

(a) Providing each adult individual, at the time of the admission as a resident, with a copy of "Health Care Advance Directives – The Patients' Right to Decide," as prepared by the Agency for Health Care Administration, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308, effective 1-11-93, which is hereby incorporated by reference, or with a copy of some other substantially similar document which is a written description of Florida's state law regarding advance directives;

(b) Providing each adult individual, at the time of the admission as a resident, with written information concerning the nursing home's policies respecting advance directives; and

(c) The requirement that documentation of the existence of an advance directive be contained in the medical record. A nursing home which is provided with the individual's advance directive shall make the advance directive or a copy thereof a part of the individual's medical record.

Specific Authority 400.141, 400.141(7), 400.23, 765.110 FS. Law Implemented 400.022, 400.0255, 400.102, 400.141, 400.141(7), 400.151, 400.23, 765.110 FS. History New 4-1-82, Amended 4-1-84, Formerly 10D-29.106, Amended 4-18-94, 1-10-95, 2-6-97, \_\_\_\_\_.

#### 59A-4.123 Quality Assessment Risk Management and Quality Assurance.

(1) The facility shall maintain a risk management quality assessment and quality assurance committee as required in section 400.147, F.S. consisting of the facility Administrator, Director of Nursing, Medical Director and at least three other members of the facility's staff.

(2) The facility shall use AHCA Form 3110-0009, Revised, October, 2001, "Confidential Nursing Home Initial Adverse Incident Report – 1 Day," and AHCA Form 3110-0010, 3110-0010A, and 3110-0010B, Revised, October, 2001, "Confidential Nursing Home Complete Adverse Incident Report – 15 Day," which are incorporated by reference when reporting events as stated in Section 400.147, F.S. These forms may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 quality assessment and assurance committee shall meet at least quarterly to develop and review facility policies and procedures, to identify issues to which quality assessment and assurance activities are necessary and to develop plans of action to correct identified quality deficiencies.

(3) Each facility shall use AHCA Form 3110-0008, and AHCA Form 3110-0008A, Revised, October, 2001, "Nursing Home Monthly Liability Claim Information", which are incorporated by reference when reporting liability claims filed against it as required by Section 400.147 (9), F.S. These forms

may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308.

Specific Authority 400.23 FS. Law Implemented 400.022, 400.102, 400.141, 400.147, 400.23 FS. History–New 4-1-82, Amended 9-5-82, 4-1-84, 8-1-85, 7-10-91, Formerly 10D-29.123, Amended 4-18-94, \_\_\_\_\_.

#### 59A-4.128 Evaluation of Nursing Homes and Licensure Status Rating System.

(1) The agency shall, at least every 15 months, evaluate and assign a licensure status rating to every nursing home facility. The evaluation and licensure status rating shall be based on the facility's compliance with the requirements contained in ~~Sections 59A 4.100 through 59A 4.128, of this rule, and Chapter 400, Part II, F.S. and the requirements contained in the regulations adopted under the Omnibus Budget Reconciliation Act (OBRA) of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health Related Programs), Subtitle C (Nursing Home Reform), as amended and incorporated by reference.~~

(2) The evaluation shall be based on the most recent licensure survey report, investigations conducted by the AHCA and those persons authorized to inspect nursing homes under Chapter 400, Part II, Florida Statutes.

(3) The licensure status rating assigned to the nursing home facility will be either conditional or; standard or superior. The licensure status rating is based on the compliance with the standards contained in this rule and Chapter 400, Part II, F.S. the standards contained in the OBRA regulations. Non-compliance will be stated as deficiencies measured in terms of scope and severity. For rating purposes, the following deficiencies are considered equal in severity: Class I deficiencies; Class II deficiencies; and those Substandard Quality of Care deficiencies which constitute either immediate jeopardy to resident health or safety or a pattern of or widespread actual harm that is not immediate jeopardy. Further for rating purposes, the following deficiencies are considered equal in severity: Class III deficiencies; and those Substandard Quality of Care deficiencies which constitute a widespread potential for more than minimal harm to resident health or safety, but less than immediate jeopardy with no actual harm.

(a) Class I deficiencies are those which present either an imminent danger, a substantial probability of death or serious physical harm and require immediate correction. Class II deficiencies are those deficiencies that present an immediate threat to the health, safety, or security of the residents of the facility and the AHCA establishes a fixed period of time for the elimination and correction of the deficiency. Substandard Quality of Care deficiencies are deficiencies which constitute either: immediate jeopardy to resident health or safety; a pattern of or widespread actual harm that is not immediate jeopardy; or a widespread potential for more than minimal harm, but less than immediate jeopardy, with no actual harm.

~~(b) Class III deficiencies are those which present an indirect or potential relationship to the health, safety, or security of the nursing home facility residents, other than Class I or Class II deficiencies.~~

~~(4) A conditional rating shall be assigned to the facility:~~

~~(a) if at the time of relicensure survey, the facility has one or more of the following deficiencies: Class I; Class II; or Substandard Quality of Care deficiencies which constitute either immediate jeopardy to resident health or safety or a pattern of or widespread actual harm that is not immediate jeopardy; or~~

~~(b) If at the time of the relicensure survey, the facility has Class III deficiencies, or Substandard Quality of Care deficiencies which constitute a widespread potential for more than minimal harm to resident health or safety, but less than immediate jeopardy, with no actual harm and at the time of the follow-up survey, such deficiencies are not substantially corrected within the time frame specified by the agency and continue to exist, or~~

~~(c) New class I or class II or Substandard Quality of Care deficiencies which constitute either immediate jeopardy to resident health or safety or a pattern of or widespread actual harm that is not immediate jeopardy are found at the time of the follow-up survey.~~

~~(d) A facility receiving a conditional rating at the time of the relicensure survey shall be eligible for a standard rating if:~~

~~1. All Class I deficiencies, Class II deficiencies, and those Substandard Quality of Care deficiencies which constitute either immediate jeopardy to resident health or safety or a pattern of or widespread actual harm that is not immediate jeopardy are corrected within the time frame established by the AHCA; and~~

~~2. All Class III deficiencies and those Substandard Quality of Care deficiencies which constitute a widespread potential for more than minimal harm to resident health or safety, but less than immediate jeopardy, with no actual harm are substantially corrected at the time of the follow-up survey. A facility receiving a conditional rating at the time of the relicensure survey shall not be eligible for a superior rating until the next relicensure survey.~~

~~(5) A standard rating shall be assigned to a facility, if at the time of the relicensure survey, the facility has:~~

~~(a) No class I or class II deficiencies and no Substandard Quality of Care deficiencies which constitute either immediate jeopardy to resident health or safety or a pattern of or widespread actual harm that is not immediate jeopardy, and~~

~~(b) Corrects all class III deficiencies and those Substandard Quality of Care deficiencies which constitute a widespread potential for more than minimal harm to resident health or safety, but less than immediate jeopardy, with no actual harm within the time frame established by the AHCA.~~

~~(6) A superior rating shall be assigned to a facility, if at the time of the relicensure survey, the facility has received a standard rating and meets criteria for a superior rating through enhanced programs and services as contained in (7) of this section.~~

~~(7) In order to qualify for a superior rating, the nursing facility must provide at least three enhanced programs or services which encompass the following areas:~~

- ~~(a) Nursing services.~~
- ~~(b) Dietary or nutritional services.~~
- ~~(c) Physical environment.~~
- ~~(d) Housekeeping and maintenance.~~
- ~~(e) Restorative therapies and self help activities.~~
- ~~(f) Social services.~~
- ~~(g) Activities and recreational therapy.~~

~~In order to facilitate the development of special programs or facility wide initiatives and promote creativity, these areas may be grouped or addressed individually. In establishing the facility's qualification for a superior rating, the AHCA survey team will use the Rating Survey and Scoring Sheet, Form No. AHCA 3110-6007, Nov., 1994, incorporated by reference, and may be obtained from the Agency for Health Care Administration.~~

~~(8) Upon initial licensure, a licensee can receive no higher than a standard license. After six months of operation, the new licensee may request that the agency evaluate the facility to make a determination as to the degree of compliance with minimum requirements under Chapter 400, Part II, F.S., and this rule to determine if the facility can be assigned a higher rating.~~

~~(9) Nursing facilities will be surveyed on this section of the rule beginning March 1, 1995.~~

Specific Authority 400.23 FS. Law Implemented 400.102, 400.19, 400.23 FS. History—New 4-1-82, Amended 4-1-84, 9-26-85, 7-21-87, Formerly 10D-29.128, Amended 8-15-94, 2-28-95, 10-13-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard F. Kelly, Health Services and Facilities Consultant,  
Managed Care and Health Quality

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

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

DATE NOTICE OR PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 27, 2001

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	59A-23.002
Quality Assurance	59A-23.004
Medical Records and Case Files	59A-23.005
Grievance Procedures	59A-23.006

**PURPOSE AND EFFECT:** The Agency for Health Care Administration is proposing to amend Rules 59A-23.002, F.A.C., Definitions; 59A-23.004, Quality Assurance; Rule 59A-23.005, F.A.C., Medical Records and Case Files; Rule 59A-23.006, F.A.C., and Grievance Procedures, F.A.C.; and to implement subsection (25) of Section 440.134, Florida Statutes. The effect of the proposed changes will include the following: renumber two paragraphs to include substantive rule provisions; clarify "delegated entity"; delete vague phrases in the rule provisions; delete wording that is not supported by statutory authority; add a form that describes the format required by the rule.

**SUMMARY:** Section 440.134(25), Florida Statutes, mandates that the Agency for Health Care Administration adopt rules specifying procedures for: requirements and procedures for case management, utilization management, and peer review; requirements and procedures for quality assurance and medical records; requirements and procedures for dispute resolution; requirements and procedures for reporting data regarding grievances, and provider networks; and clarification of workers' compensation managed care arrangement definitions.

**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:** 440.134(25) FS.

**LAW IMPLEMENTED:** 440.134 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 19, 2001

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 3, Tallahassee, Florida 32308-5403

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Betty Jean Cettie, Health Services and Facilities Consultant, Bureau of Managed Health Care, Agency for Health Care Administration, (850)414-8981

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

- 59A-23.002 Definitions.
- (1) through (3) No change.

(4) "Delegated entity" means a unit or single organization authorized by written agreement to act on behalf of the insurer to provide managed care services.

(4) through (18) renumbered (5) through (19) No change.

Specific Authority 440.134 FS. Law Implemented 440.134(1)(g), (5)(a),(6)(b),(c),(c) 4.,6.-9., (9),(10),(14)(b),(d),(16),(17),(25)(b),(c),(d),(g) FS. History--New 9-12-94, Amended 10-8-01,\_\_\_\_\_.

59A-23.004 Quality Assurance.

(1) Each insurer or delegated entity shall have an ongoing quality assurance program designed to objectively and systematically monitor and evaluate the quality of patient care, based upon the prevailing standards of medical practice in the community.

(1) through (6) renumbered (2) through (7) No change.

(8)(7) Utilization Management. The insurer or delegated entity shall have written policies and procedures for approving or denying requests for care in accordance with the agency's practice parameters where applicable, and with nationally recognized standards based on medical necessity. The program shall evaluate quality of care and services, and provide review prospectively, concurrently, and retrospectively including pre-certification mechanisms for elective admissions and non-emergency surgeries.

(a)1. through 11. No change.

(b)1. through 4. No change.

(9)(8) No change.

Specific Authority 440.134(25) FS. Law Implemented 440.134(6)(c)1.-8.,11., (7),(9),(10)(d),(11),(14)(a),(d),(15) FS. History--New 9-12-94, Amended 10-8-01,\_\_\_\_\_.

59A-23.005 Medical Records and Case Files.

(1) The insurer or delegated entity shall implement a system for managing electronic and paper medical information necessary to promote the prompt delivery of medical services in order to return the injured employee to work as soon as medically feasible.

(2)(4) Provider Medical Records. The insurer or delegated entity shall maintain or assure that its providers maintain a medical records system, which is consistent with professional standards, pursuant to Section 456.057 455-667, F.S. The insurer or delegated entity shall develop and implement policies and procedures that:

(a) through (d) No change.

(e) Identify the patient as follows:

1. Name;

2. Social Security, alien identification number, or other identification number (if applicable);

3. through 5. No change.

(f)1. through 11. No change.

(g) Require the insurer or delegated entity to request written consent of patients for release of medical records that are subject to the limitations in Section 381.004 381.044 and

~~456.057 455.241~~, F.S. and for obtaining and sharing all documents and medical records from providers necessary to carry out the provisions of Section 440.134, F.S.; and

(h) No change.

~~(3)(2)~~ Case Files. The insurer or delegated entity shall maintain electronic or paper medical information necessary to ensure the efficient functioning of the care coordination process. The insurer or delegated entity shall develop and implement a policy and procedure that protects the confidentiality and security of case file information including the transfer and storage of paper and electronic information, and the handling of information on HIV, substance abuse, and mental health. Case files shall contain necessary information for the coordination of quality patient care between providers, insurers, employees, and employers including:

(a) through (e) No change.

(f) Efforts toward rehabilitation and reemployment of the injured employee, ~~when applicable.~~

~~(4)(3)~~ Audits of provider records. The insurer or delegated entity shall implement an ongoing process for conducting medical record audits to determine compliance with the medical record standards specified under paragraphs ~~(2)(1)~~(d),(e), and (f). The insurer or delegated entity shall have a written methodology for determining the size and scope of the medical record audits that shall reflect the volume and complexity of services provided by the provider network. The insurer or delegated entity shall develop and implement an annual work plan for the medical record audits. The results of the audits shall be reported quarterly to the quality assurance committee and shall include the following:

(a) through (e) No change.

Specific Authority 440.134(25) FS. Law Implemented 440.134(5)(c), (6)(c)1.-4.,8.,(7),(8) FS. History–New 9-12-94, Amended 10-8-01,\_\_\_\_\_.

59A-23.006 Grievance Procedures.

(1) through (3) No change.

(4) The grievance procedure shall include the following:

(a) Requests for services. The insurer or delegated entity shall implement a procedure to address initial requests for services. Initial requests for services, such as a request for medical services, second opinions, or a change in providers, are not considered a complaint or grievance. The insurer or delegated entity shall evaluate requests for medical services within seven calendar days of receipt and shall notify the injured employee of the decision to grant the request, to deny it, or to request additional information. When the insurer or delegated entity denies a request it shall notify the injured employee in writing of the denial and the right to file a grievance. The insurer or delegated entity shall provide the employee with a copy of AHCA Form No. 3160-0019 (November 2000) which is incorporated by reference; If the insurer or delegated entity fails to respond within seven calendar days of receipt of the request, the injured employee

~~may make a complaint or file a written grievance; request shall be deemed denied and the insurer or delegated entity shall notify the injured employee in writing of the right to make a complaint or file a written grievance.~~

(b) No change.

(c) Written Grievance. The procedure for written grievances shall commence upon receipt of a signed grievance form AHCA Form No. 3160-0019 (November 2000) by the insurer or delegated entity, from the injured employee, provider, or their designated representative. A written grievance may be submitted or withdrawn at any time. The injured employee or provider is not required to make a complaint prior to filing a written grievance. The procedure shall include notice to the employer when a grievance has been filed. The insurer or delegated entity shall notify the injured employee and employer in writing of the resolution of the written grievance, and the reasons therefore within seven days of the final determination.

1. through 2. No change.

3. The grievance committee shall consist of not less than three individuals, of whom at least one must be a physician other than the injured employee’s treating physician, who is licensed under Chapter 458 or 459, F.S., and has professional expertise relevant to the issue. The committee shall review information pertaining to the issues being grieved and render a determination within 30 calendar days of receipt of the grievance by the committee unless the grieving party and the committee mutually agree to an extension that is documented in writing. If the grievance involves the collection of additional information from outside the service area, the insurer or delegated entity will have 14 additional calendar days to render a determination. The insurer or delegated entity shall notify the employee in writing within seven days of receipt of the grievance by the committee if additional information is required to complete the review of the grievance. ~~A maximum of 58 calendar days will be allowed for the resolution of the written grievance.~~

4. The insurer or delegated entity may allow but may not require arbitration as part of the grievance process. A grievance which is arbitrated pursuant to Chapter 682, F.S., is permitted an additional time limitation not to exceed 210 calendar days from the date the insurer or delegated entity receives a written request for arbitration from the injured employee. Arbitration provisions in a workers’ compensation managed care arrangement shall not preclude the employee from filing a request for assistance with the Division of Workers’ Compensation relating to non-medical issues.

5. An injured employee or provider grievance shall be submitted on AHCA Form No. 3160-0019, (November 2000). The insurer or delegated entity shall provide assistance to an injured employee unable to complete the grievance form and to those persons who have improperly filed a grievance.

~~6. The grievance process shall not address issues relating to indemnity benefits, vocational benefits, maximum medical improvement, impairment, medical mileage reimbursement, provider payments, attorney's costs and fees, compensability, and causation.~~

~~6.7.~~ The claimant or provider shall be considered to have exhausted all managed care grievance procedures if a determination on a grievance has not been rendered within the required timeframe specified in this section or other timeframe, as mutually agreed to in writing by the grieving party and the insurer or delegated entity.

~~7.8.~~ Upon completion of the grievance procedure, the insurer or delegated entity shall provide written notice to the employee of the right to file a petition for benefits with the Division pursuant to Section 440.192, F.S.

(5) through (12) No change.

(13) An annual report of all grievances filed by employees and providers shall be submitted to the Agency pursuant to paragraph 440.134(15)(g), F.S. The report shall list the number, nature, and resolution of all written employee and provider grievances. This report shall be submitted no later than March 31 for grievances filed during the previous calendar year in a format prescribed by the Agency on AHCA Form No. 3160-0012 (July 1997). This form is hereby incorporated by reference and is available by contacting AHCA, 2727 Mahan Drive, Tallahassee, Florida 32308, Bureau of Managed Health Care, Workers Compensation Managed Care Unit. It is also available at [www.fdhc.state.fl.us/Managed Health Care/WCMC](http://www.fdhc.state.fl.us/Managed Health Care/WCMC).

Specific Authority 440.134(25) FS. Law Implemented 440.134(1),(b),(d),(5), (c),(e),(6),(b),(c),(7),(8),(10),(c),(14),(d),(15) FS. History—New 9-12-94, Amended 10-8-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Thomas H. Warring, Agency for Health Care Administration, Acting Unit Manager

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The notice of Rule Development for 59A-23.002, Definitions; 59A-23.004, Quality Assurance; 59A-23.005, Medical Records and Case Files; 59A-23.006, Grievance Procedures; was published in Vol. 27, No. 7, Florida Administrative Weekly, February 16, 2001 edition

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

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

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

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

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

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

4. There will be an adjustment to the direct care component to adjust for the increased staffing requirements effective January 1, 2002. The Agency will compute an add-on to each provider's reimbursement rate for direct care to account for the additional costs incurred to comply with the minimum staffing requirements. The Plan will detail the requirements for obtaining an adjusted rate prior to January 1, 2002 for the increased staffing.

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

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

The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company. There will be an adjustment to the direct care component to adjust for the increased staffing requirements effective January 1, 2002. The Agency will compute an add-on to each provider's reimbursement rate for direct care to account for the additional costs incurred to comply with the minimum staffing requirements. The Plan will detail the requirements for obtaining an adjusted rate prior to January 1, 2002 for the increased staffing.

**SUMMARY:** The proposed amendment to rule number 59G-6.010 incorporates revisions to the Florida Title XIX Long-term care Reimbursement Plan by adjusting the patient care component of the nursing facilities per diem rate and the creation of direct care and indirect care subcomponents. The Agency is adjusting the patient care component effective January 1, 2002.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** A statement of estimated regulatory cost has not been prepared.

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

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED** 409.908 FS.

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

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

**PLACE:** 2727 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** John Owens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308

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

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-term Care Reimbursement Plan, Version ~~XXI~~ ~~XX~~ Effective Date \_\_\_\_\_ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99 1-11-00, 4-24-00, 9-20-00, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Mr. John Owens

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Mr. Bob Sharpe

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 23, 2001

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** August 31, 2001

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

**RULE TITLE:** Citations **RULE NO.:** 64B11-4.005

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

**SUMMARY:** The Board proposes to update its citation rule in accordance with current statutory requirements regarding contents.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY:** 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, 468.204 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 Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

64B11-4.005 Citations.

(1) through (3) No change.

(4) The Board designates the following as citation violations:

(a) Working on an inactive license or unlicensed activity, up to six months, for which the Board shall impose a \$100 per month penalty.

(b) Working on a license that was not timely renewed, up to six months, for which the Board shall impose a \$100 per month penalty.

~~(c) Failure to provide satisfaction including cost incurred within 45 days from the receipt of the Department's notification of receipt of check dishonored due to insufficient funds, for which the Board shall impose a penalty of \$100. Falsely certifying timely completion of required continuing education courses for renewal or initial licensure, if completed by the time the citation is to be issued, \$100 per contact hour wrongfully claimed.~~

~~(d) First time failure to complete required continuing education hours, which may also consist of or include required HIV/AIDS or end of life/palliative health care, during the biennial licensure period. For failure to complete less than 10 hours, the Board shall impose a penalty of \$500. For failure to complete 10 or more hours, the Board shall impose a penalty of \$1,000. In Addition, licensees shall take one additional hour of continuing education for each of the continuing education deficiencies, which shall not count towards meeting the continuing education renewal requirements for the next biennium.~~

~~(5) In addition to the penalties established in this rule, the Department may recover the costs of investigation in accordance with its rules. When the Department intends to assess the costs of investigation, the The penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department's cost of investigation.~~

(6) No change.

Specific Authority 456.077, 468.204 FS. Law Implemented 456.077, 456.072(3) FS. History--New 1-1-92, Formerly 21M-15.005, 61F6-15.005, Amended 11-13-96, Formerly 59R-63.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2001

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLES: RULE NOS.:

Osteopathic Physician Office Incident Reporting 64B15-14.0075

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

Approval of Osteopathic Physician Office Accrediting Organizations 64B15-14.0077

PURPOSE AND EFFECT: The purpose of these rule notices is to set forth language for the reporting of office incidents, requirements for osteopathic physicians office registration, inspection or accreditation, definitions, application information standards for accreditation, and renewal of approval of accrediting organizations.

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

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

LAW IMPLEMENTED: 459.005(2), 459.026 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: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-14.0075 Osteopathic Physician Office Incident Reporting.

(1) Definitions.

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

1. The death of a patient.
2. Brain or spinal damage to a patient.
3. The performance of a surgical procedure on the wrong patient.
4. The performance of a wrong-site surgical procedure; the performance of a wrong surgical procedure; or the surgical repair of damage to a patient resulting from a planned surgical procedure where the damage is not a recognized specific risk as disclosed to the patient and documented through the informed-consent process and if one of the listed procedures in this paragraph results in: death; brain or spinal damage; permanent disfigurement not to include the incision scar; fracture or dislocation of bones or joints; a limitation of neurological, physical or sensory function; or any condition that required transfer of the patient.
5. A procedure to remove unplanned foreign objects remaining from a surgical procedure.
6. Any condition that required the transfer of a patient to a hospital licensed under Chapter 395, Florida Statutes, from any facility or any office maintained by an osteopathic physician for the practice of medicine which is not licensed under Chapter 395, Florida Statutes.

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

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

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

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

1. The patient’s name, locating information, gender, age, diagnosis, date of office visit, and purpose of office visit.
2. A clear and concise description of the incident including time, date, and exact location within the office.

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

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

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

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

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

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

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

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

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

(1) Registration.

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

(b) In order to register an office for surgical procedures, the osteopathic physician must provide to the Board of Osteopathic Medicine, his or her name, mailing address, Florida license number, and a list of each office where the covered surgical procedures are going to be performed by the osteopathic physician. The list shall also include each office name, address, telephone number, and level of surgery being performed at that location by the osteopathic physician; and if



more than one physician is practicing at that location, a list of all physicians and levels of surgery being performed must be provided. The list shall also include the name of each physician assistant, ARNP and CRNA involved in the office surgery or anesthesia; copies of any protocols necessary for the supervision of any ARNP or CRNA; and any transfer agreements with local hospitals. In addition, the osteopathic physician shall submit a statement of compliance with Rule 64B15-14.007, F.A.C., when registering with the Department.

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

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

(2) Inspection.

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

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

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

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

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

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

(3) Accreditation.

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

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

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

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

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

(1) Definitions.

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

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

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

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

(a) Name and address of applicant;

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

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

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

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

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

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

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

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

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

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

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

(d) Accreditation periods shall not exceed three years.

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

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

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

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

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

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

Specific Authority 459.005(2) FS. Law Implemented 459.005(2) FS. History--New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 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 HEARING

ADDITIONAL HEARINGS WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 4:00 – 7:00 p.m., November 15, 2001

PLACE: 240 South Military Trail, West Palm Beach, Florida 33415

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.

**DEPARTMENT OF INSURANCE**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
4-128.001	Purpose and Scope
4-128.002	Definitions
4-128.011	Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Parties
4-128.015	Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 30, July 27, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing and in petitions challenging the rules and the Notice of Change published in Vol. 27, No. 36, September 7, 2001.

4-128.001 – Subsection (1) is changed to read:

(1) Purpose. This rule governs the treatment of nonpublic personal health information and nonpublic personal financial information about individuals by all licensees regulated pursuant to the Florida Insurance Code. In addition, the provisions of this rule chapter are applicable to a licensee domiciled in this state that engages in activities with respect to persons residing or domiciled in another state that has not enacted laws or regulations necessary to comply with the requirements of the Gramm-Leach-Bliley Act (PL 102-106). These rules:

4-128.002 – Subparagraph 4-128.002(21)(a)3. is changed to read:

3. The licensee otherwise obtains about a consumer in connection with providing an insurance product or service to a consumer.

4-128.011 – The following language is added as flush left at the end of paragraph (1)(a) to read:

An agent may not disclose a consumer’s nonpublic personal financial information to appointing insurers to shop for insurance products or services other than those initially requested by the consumer unless such disclosure meets the requirements of this Rule 4-128.011(1)(a)1.-4. or the conditions set forth in Rule 4-128.015(1), F.A.C.

4-128.015 The previously noticed change to paragraph 4-128.015(1)(d) is withdrawn.

The remainder of the rules read as previously published.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

<b>RULE CHAPTER NO.:</b>	<b>RULE CHAPTER TITLE:</b>
9B-72	Product Approval
<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
9B-72.010	Definitions
9B-72.030	Local Product Approval Generally
9B-72.040	Product Evaluation for Local Approval
9B-72.050	Approval by Local Jurisdiction
9B-72.060	Statewide Product Approval Generally
9B-72.070	Product Evaluation for Statewide Approval
9B-72.080	Validation of Evaluation for Statewide Approval
9B-72.090	Statewide Approval by Building Commission
9B-72.100	Approval of Entities to Perform Evaluation, Validation Testing, Certification and Quality Assurance
9B-72.110	Criteria for Certification of Independence
9B-72.120	List of Approved Entities
9B-72.130	Forms
9B-72.160	Revocation or Modification of Product Approval and Approval of Entities
9B-72.170	Investigation
9B-72.180	Equivalence of Standards
9B-72.190	Reference Standards

**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 December 4, 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. 31, of the August 3, 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

**COMMISSION ON ETHICS**

RULE NO.: 34-7.010  
 RULE TITLE: List of Forms and Instructions  
 NOTICE OF CHANGE IN MEETING LOCATION

The Florida Commission on Ethics announces a change in the location of the hearing to adopt proposed changes to Rule 34-7.010, F.A.C., and CE Form 20 and CE Form 20-R, adopted by reference therein.

The hearing was originally noticed for Friday, November 30, 2001, in Committee Meeting Room A, Lower Level, Senate Office Building, The Capitol, Tallahassee, Florida, but the location has been changed to the Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, Florida.

**COMMISSION ON ETHICS**

RULE NO.: 34-8.010  
 RULE TITLE: Penalties for Late Filing  
 NOTICE OF CORRECTION

Upon filing this rule for adoption, the Bureau of Administrative Code determined that the Commission had previously used this rule number in a rule that was subsequently repealed. Therefore, since Rule 34-8.010 cannot be used, the Commission has renumbered it as 34-8.011.

**COMMISSION ON ETHICS**

RULE NOS.: 34-12.310, 34-12.330  
 RULE TITLES: Registration Fees, Annual Renewals  
 NOTICE OF CHANGE IN MEETING LOCATION

The Florida Commission on Ethics announces a change in the location of the hearing to adopt proposed changes to Rules 34-12.310 and 34-12.330, F.A.C., and CE Form 20 and CE Form 20-R, adopted by reference therein.

The hearing was originally noticed for Friday, November 30, 2001, in Committee Meeting Room A, Lower Level, Senate Office Building, The Capitol, Tallahassee, Florida, but the location has been changed to the Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, Florida.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-8.200  
 RULE TITLE: Home and Community-Based Waiver

**NOTICE OF CHANGE**

Notice is hereby given that the following changes requested by the Joint Administrative Procedure Committee and other interested parties prior to the Rule Making Hearing, have been made to the proposed rule and incorporated by reference in the Florida Medicaid Assistive Care Services and Assisted Living for the Elderly Waiver Coverage and Limitations Handbook, July 2001 in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 32, August 10, 2001, issue of the Florida Administrative Weekly.

For ease of reference, text changes are organized by Part, Chapter, Page Number, Section and Topic of the Handbook.

Table of Contents

Table of Contents, Part II, Chapter 5, Delete “Covered Services”.

Table of Contents, Part II, Chapter 5, Replace Covered Services topic with “ALE Waiver and Assistive Care Covered Services”.

Table of Contents, Part II, Chapter 6, Delete “Appendix A and page number A-1” and Insert “Appendix F and page number F-1”.

Table of Contents, Part II, Chapter 6, Delete “Appendix B” and page numbers “B-1” and “B-2” and Insert “Appendix G” and page numbers “G-1” and “G-2”

Part I

Chapter 1, Page 1-1, Overview Section, Introduction Topic, Second paragraph, Second sentence delete the underlining of the website address.

Chapter 1, Page 1-1, Overview Section, Introduction Topic, Third paragraph, Delete the entire sentence, “This Internet site contains an email link to the policy analyst for the assistive care services program for inquiries for additional information.”  
 Chapter 1, Page 1-2, Description and Purpose Section, Assistive Care Service Description Topic, Delete the second sentence, “Residents of licensed assisted living facilities (ALFs), adult family care homes (AFCHs) and residential treatment facilities (RTFs) with 17 beds or less must be provided unscheduled care on a 24-hour per day basis.”

Chapter 1, Page 1-1, Description and Purpose Section, Assistive Care Service description Topic, In the second paragraph, delete “deterioration” and insert “limitations” and delete “receive” and insert “have access”.

Chapter 1, Page 1-3, Provider Qualifications and Responsibilities Section, Assistive Care Service Provider Qualifications Topic, insert “General” before Assistive in the topic name.

Chapter 1, Page 1-3, Provider Qualifications and Responsibilities Section, General Assistive Care Service Provider Qualifications Topic, Delete entire information block beginning with “Medicaid assistive care .... and ending with licensed facility.” and insert the following information:

“Three types of residencies may qualify as Medicaid Assistive Care Service providers:

- Assisted living facilities (ALFs) licensed pursuant to Chapter 400, Part III, F.S.;
  - Adult family care homes (AFCHs) licensed pursuant to Chapter 400, Part VII, F.S.; and
  - Mental Health Residential treatment (RTFs) facilities licensed pursuant to Section 394.875.
- In addition, an ACS provider must meet the following qualifications:
- Is not an institution for mental diseases (IMD) as defined in 42 CFR § 435.1009(2);
  - Provide on-site care to residents seven days a week;
  - Does not have a contract with a state agency that provides reimbursement for assistive care services as defined in this handbook;
  - Will not claim reimbursement for assistive care services for any recipient receiving a payment for personal care through the Optional State Supplementation (OSS) Program under Chapter 409.212, F.S.”

Chapter 1, Page 1-4, Provider Qualifications and Responsibilities Section, After the General Assistive Care Service Provider Qualifications Topic, Insert a new topic “Special Assistive Care Provider Qualifications for RTFs” and in the information block for the new topic insert the following information:

“Along with their Medicaid Provider application, RTFs must submit two additional forms:

- Provider Self-Certification Form (AHCA Form 5000-3200) and
- Roster of OSS recipients.”

Chapter 1, Page 1-4, Provider Qualifications and Responsibilities Section, ALF Direct Care Staff Qualifications Topic, Second bullet delete “if applicable” and insert “if the administrator does not perform the function.”

Chapter 1, Page 1-5, Provider Qualifications and Responsibilities Section, RTF Manager and Staff Qualification Topic, Second bullet delete “documentaion” and insert “documentation” and delete “ if applicable” and insert “if the RTF manager does not perform this function.”

Chapter 1, Page 1-5, Provider Qualifications and Responsibilities Section, Assistive Care Provider Responsibilities Topic, Item 1 delete “if necessary” and insert “if they have not already been determined eligible for Medicaid.”

Chapter 1, Page 1-6, Provider Qualifications and Responsibilities Section, Assistive Care Provider Responsibilities, continued Topic, Insert the following bullet:

“13. Comply with the requirements of Rule 59G-8.200(15), F.A.C. and the Assistive Care Services and Assisted Living for the Elderly Coverage and Limitations Handbook.”

Chapter 2, Page 2-1, Overview Section, Introduction Topic, Capitalize the first letter of “Assistive Care Service” and insert “(ACS) after Service.

Chapter 2, Page 2-1, Requirement to Receive Services Section, Introduction Topic, In the first sentence, delete “Adult” and “with 17 beds or less.” In the first sentence, insert “qualified Assisted” after “in.”

Chapter 2, Page 2-2, Requirement to Receive Services Section, Medicaid Application Responsibilities Topic, Delete “as appropriate” from the last sentence of the first paragraph.

Chapter 2, Page 2-2, Requirements to Receive Services Section, Who Can Receive ACS Services Topic, Delete item 4.

Chapter 2, Page 2-4, Requirement to Receive Services Section, Income Guidelines for Assistive Case Service (ACS) Applicants Topic, In the last paragraph delete the underlining under the website address.

Chapter 2, Page 2-5, Requirements to Receive Services Section, Functional and Health Criteria Topic, First bullet delete “assistance” and “as necessary” and insert “with or without assistance” to replace “as necessary.”

Chapter 2, Page 2-5, Requirements to Receive Services Section, Functional and Health Criteria Topic, In the Third Bullet, delete “if necessary.”

Chapter 2, Page 2-5, Requirements to Receive Services Section, Definition of Medicaid Necessity Topic, Delete “Medicaid” and insert “Medical” in the topic title.

Chapter 2, Page 2-6, Requirements to Receive Services Section, Health Support Component Topic, First Bullet insert “on a daily basis” after well-being.

Chapter 2, Page 2-6, Requirements to Receive Services Section, Health Support Component Topic, Second Bullet insert “on a daily basis” after tasks.

Chapter 2, Page 2-6, Requirements to Receive Services Section, Assistance with Activities of Daily Living (ADLs) Component Topic, Insert a new sentence at end of information block. New sentence should read “At least one service component must be required daily.”

Chapter 2, Page 2-7, Covered Service Section, Assistance with Instrumental Acts of Daily Living (IADLs) Component Topic, Insert “intensive” after the word “providing” in the information block.

Chapter 2, Page 2-7, Covered Service Section, Assistance with Self-Administration of Medication Component Topic, In the information block insert “at least daily” before the words “in accordance”

Chapter 2, Page 2-7, Covered Service Section, Insert a new topic block after the Assistance with Self-Administration of Medication Topic, the new topic is “Implementation of Assistive Care Services”. The new information block reads “Assistive care services for an eligible recipient may be provided and billed from the first day of need for services as long as service planning is under way and completed as required by this handbook.”

Chapter 2, Page 2-7, Assessments for ALF and AFCH Residents Section, Initial Health Assessment Topic, First Bullet delete “Chapter 58A-5.0191, F.A.C.” and insert “Chapter 58A-5.0181(2), F.A.C.”

Chapter 2, Page 2-7, Assessments for ALF and AFCH Residents Section, Initial Health Assessment Topic, Last sentence in the third paragraph, delete “maybe” and insert “may be”.

Chapter 2, Page 2-7, Service Plans for ALF and AFCH Residents Section, Service Plan Topic, Delete “ASC” in the information block and insert “ACS” and also delete “developing and implementing the service plan.” and replace with “insuring the service plan is developed and implemented.”

Chapter 2, Page 2-9, Service Plans for ALF and AFCH Residents Section, Required Components Topic, Delete the Last Bullet “Updates to reflect current conditions as necessary” and insert a new bullet “Updates when resident’s conditions change.”

Chapter 2, Page 2-10, Service Plans for ALF and AFCH Residents continued Section, Acceptable Formats Topic, Delete “Other acceptable formats are:” and insert “Provided the Service Plans contain the required components other acceptable formats are:”

Chapter 2, Page 2-11, Service Plans for ALF and AFCH Residents, continued Section, ACS Record Documentation Topic and information block delete and insert entire topic and information block after ACS Records topic on Page 2-11.

Chapter 2, Page 2-11, Service Plans for ALF and AFCH Residents, continued Section, ACS Records Topic, First Bullet delete “OSS Notice of Case Action or a copy of Medicaid gold card;” and insert “DCF OSS Notice of Case Action or a copy of Medifax strip;”

Chapter 2, Page 2-11, Service Plans for ALF and AFCH Residents, continued Section, ACS Record Topic, Second Bullet, insert “or 1110” after 1823.

Chapter 2, Page 2-12, Assessments for RTF Residents Section, Initial Assessment Topic, In the information block delete “Chapter 65E-4.016.9” and insert “Chapter 65E-4.016(9).”

Chapter 2, Page 2-14, Treatment Plans for RTF Residents Section and Topic, In the second sentence delete “form” and insert “from”

Chapter 2, Page 2-14, Treatment Plans for RTF Resident Section, After this section insert a new topic and information block. The new topic is “Service Documentation for RTF Residents”. The new information block is “The RTF must document that residents received ACS on the day billed. There is no required format for such documentation.”

Chapter 2, Page 2-14, Leave of Absence and Discharge Section, Introduction Topic, First sentence delete “resident of” and insert “reside in.”

Chapter 2, Page 2-15, Leave of Absence and Discharge continued Section, Move to a Non-ACS Provider or Unlicensed Setting Topic, Second sentence delete “and the

local CARES unit to seek an appropriate placement.” Insert a new last sentence for paragraph “If the resident participates in the ALE Waiver, the local Department of Elder Affairs (DOEA) Comprehensive Assessment and Review for Long Term Care Services (CARES) unit must also be included in coordinating the plan to seek appropriate placement.

Chapter 3, Page 3-1, Reimbursement Section, In the Introduction information block, delete the first “Center for Medicare and Medicaid Services and and insert “Healthcare”. Delete the last “HCFA” in the first sentence and insert “CMS, formerly known as HCFA.”

Chapter 3, Page 3-2, Reimbursement Information Section, Medicaid Reimbursement Claim Form Topic, First sentence delete “form” and insert “and the 081 Non-institutional claim forms. ALFs that do not participate in the ALE Waiver will use the HCFA-1500 claim form. ALE ALFs will bill for ACS services on the 081 Non –institutional claim form.”

Chapter 3, Page 3-2, Reimbursement Information Section, Medicaid Reimbursement Claim Form Topic, In the Note after Child Health Check-Up 221 insert “and the Medicaid Provider Reimbursement Handbook, 081 Non-Institutional, for specific procedures for submitting claims for payment.”

Chapter 3, Page 3-3, Reimbursement Information, continued Section, Billable Days for ACS Topic, In the Note insert after 221 “and the Medicaid Provider Reimbursement Handbook, 081 Non-Institutional,”

Part I, Appendix A, At the bottom of the page insert “\*Note for ALE Waiver providers use only. Procedure Code W-9657 must be used to bill for ACS services provided to ALE Waiver recipients. For more information, ALE Waiver provider can consult Chapter 6 of this handbook.”

#### Part II

Chapter 4, Page 4-2, Description and Purpose, continued Section, Medicaid Reimbursement Topic, In the first sentence after “this”, insert “portion of the”.

Chapter 4, Page 4-3, Provider Qualifications and Responsibilities, continued Section, Area Agency on Aging and Medicaid Waiver Specialist Topic, In the last bullet in the information block insert “the “ after “and.”

Chapter 4, Page 4-3, Provider Qualifications and Responsibilities, continued Section, Area Agency on Aging and Medicaid Waiver Specialist Topic, delete the underlining of the website address in the Note.

Chapter 4, Page 4-5, Provider Qualifications and Responsibilities, continued Section, Referral Agreement Topic, Insert a second sentence in the information block, “Referral agreements are available from the Medicaid Waiver Specialists in each DOEA Planning and Service Area (PSA).”

Chapter 4, Page 4-5, Provider Qualifications and Responsibilities, continued Section, Case Management Agency Qualifications Topic, Delete the “OR” and insert “or” in the first sentence.

Chapter 4, Page 4-5, Provider Qualifications and Responsibilities, continued Section, Case Management Agency Qualifications Topic, Third bullet delete the “/or”.

Chapter 4, Page 4-6, Provider Qualifications and Responsibilities, continued Section, Case Management Agency Qualifications, continued Topic, Insert “and “ in the third bullet after “DCF”.

Chapter 4, Page 4-6, Provider Qualifications and Responsibilities, continued Section, Case Management Agency Qualifications, continued Topic, Insert “referrals” after “making” and “accepting” and delete “to and” after serving referrals.

Chapter 5, Page 5-8, Plan of Care Section, Approval and Authorization Topic, Delete from the second sentence “and if applicable, the recipient family or guardian.” Insert after recipient “or the recipient’s guardian or designated representative when the recipient is not competent to give his or her consent.”

Chapter 5, Page 5-9, Plan of Care Review and Reassessment Section, Reassessment Topic, Delete “complete reassessment at least annually.” from the first sentence of the information block. To replace the deleted text, insert “quarterly review and updates.” Insert “A complete reassessment must be performed annually.” after the first sentence.

Chapter 5, Page 5-9, Delete “Covered Services” Section title and Insert “ALE Waiver and Assistive Care Covered Services” as the Section title.

Chapter 5, Page 5-9, ALE Waiver and Assistive Care Covered Services Section, Insert a new topic after the Introduction topic. Insert “Assistive Care Services” as the topic title. In the accompanying information block insert “Assistive Care Services is a Medicaid state plan service the ALE waiver providers may provide to their waiver recipients. This is not an ALE waiver service.”

Chapter 5, Pages 5-10, 5-11, 5-12, 5-13, 5-14 and 5-15, Delete “Covered Services” as the Section title at the top of each page and insert “ALE Waiver and Assistive Care Covered Services.”

Chapter 5, Page 5-13, ALE Waiver and Assistive Care Covered Services Section, Medication Administration Component Topic, In the second paragraph of the information block, seventh line, delete “has demonstrated” and insert “must demonstrate.”

Chapter 5, Page 5-14, ALE Waiver and Assistive Care Covered Services Section, After the Therapeutic Social and Recreational Services Component Topic, insert a new topic, “Assistive Care Service Components (This is a Medicaid state Plan service)” and for the information block insert “The following components can be provided under the assistive care service plan:

- Health support;
- Assistance with activities of daily living (ADLs);
- Assistance with instrumental activities of daily living (IADLs); and

- Assistance with self-administration of medication. Each of the service components is described below.”

Chapter 5, Page 5-15, ALE Waiver and Assistive Care Service Components Section, After the Assistive Care Service Components Topic, insert a new topic, “Health Support Component” and for the information block insert:

“Health support is defined as requiring the provider to:

Observe the recipient’s whereabouts and well-being on a daily basis;

Remind the recipient of any important tasks on a daily basis; and

Record and report any significant changes in the recipient’s appearance, behavior, or state of health to the recipient’s health care provider, designated representative, or case manager.”

Chapter 5, Page 5-15, ALE Waiver and Assistive Care Covered Services Section, After the Health Support Component, insert “Assistance with Activities of Daily Living (ADLs) Component” for the new topic and for the information block insert “Assistance with activities of daily living (ADLs) is defined as providing assistance with one or more of the following activities: individual assistance with ambulating, transferring, bathing, dressing, eating, grooming, and toileting. At least one service must be required daily.”

Chapter 5, Page 5-15, ALE Waiver and Assistive Care Covered Services Section, After the Assistance with Activities of Daily Living (ADLs) Components topic, Insert a new topic, “Assistance with Instrumental Acts of Daily Living (IADLs) Component” and a new information block, “Assistance with instrumental activities of daily living (IADLs) is defined as providing intensive assistance with one or more of the following activities: individual assistance with shopping for personal items, making telephone calls, and managing money.”

Chapter 5, Page 5-15, ALE Waiver and Assistive Care Covered Services Section, After the Assistance with Instrumental Acts of Daily Living topic, insert “Assistance with Self-Administration of Medication Component” as the new topic and insert the information block “Assistance with self-administration of medication is defined assistance with or supervision of self-administration of medication at least daily in accordance with licensure requirements applicable to the facility type.”

Chapter 5, ALE Waiver and Assistive Care Covered Services Section, After the Incontinence Supplies W9656 Topic, insert a new topic “Assistive Care Services W9657 (This is a Medicaid state plan service.)” and a new information block,

“Assistive care services are an array of services provided on a daily basis by or through ALE participating ALFs.

The following components may be included in the assistive care service plan:

- Health support;
- Assistance with activities of daily living (ADLs);
- Assistance with instrumental activities of daily living (IADLs); and

- Assistance with self-administration of medication.

The criteria for provision of each component are explained in a preceding section.”

Chapter 5, Page 5-16, Placement and Discharge Section, In the Move to Another ALF information block after the last “ALE” in the first bullet insert a semicolon(;

Chapter 5, Page 5-18, Termination of Services Section, Right to a Fair Hearing information block, delete “Appendix B” and insert Appendix G in the note.

Chapter 6, Page 6-1, Overview Section, In the Topic Chart delete “Appendix A” and “Appendix B” and insert “Appendix F” and “Appendix G.” In the same chart Delete “A-1” and “B-1” and insert “F-1” and “G-1.”

Chapter 6, Page 6-1, Reimbursement Section, In the Introduction information block, delete the first “Health Care Financing Administration (HCFA)” and insert “Healthcare” before the word “Common”. Delete the last “HCFA” in the first sentence and insert “CMS, formerly known as HCFA.”

Chapter 6, Page 6-2, Reimbursement Information Section, In the Procedure Code Table information block delete the first sentence and insert “ALE Waiver provider may bill for three waiver services and one state plan service provided in their facilities.” In the same information block delete in the second sentence delete “Appendix A” and insert “Appendix F.”

Chapter 6, Page 6-2, Reimbursement Information Section, Case Management Reimbursement information block, Last bullet delete the first and second “or(s)” and “Medicare case manager.” After hospice in the same information block insert “Medicaid state plan and”. In the same bullet after “with the hospice”, insert “coordinator.”

Chapter 6, Page 6-3, Reimbursement Information Section, Billing for Assisted Living Service Components Topic, Insert “and ACS” after service in the topic title. In the first sentence of the information block after components, insert “and assistive service components.” Delete the first word of the third sentence and replace it with “The billing”. In the last sentence of the information block before “DOS” insert “last.”

Chapter 6, Page 6-4, Reimbursement Information Section, Billing for ACS and Assisted Living Waiver Services Topic, Delete the contents of the information block and insert:

“Facilities participating in the ALE Waiver are required to bill Medicaid for both the ACS state plan service and the ALE waiver services for some recipients.

Waiver Daily Rate Calculation Worksheet

Instructions for Worksheet

1. Insert the number of days in the month on Line A
2. Calculate the Maximum Waiver and ACS for the Month (Lines C and D)
3. Perform the calculations from Line F through Line L to obtain the daily waiver payment (L) to bill for the days the recipient received services in the facility.
4. If Line I is “0” (Zero), do not bill for ACS.

A.	Number of Days in the Month	
B.	Maximum Daily Waiver Rate	\$28.00
C.	Maximum Waiver for the Month: A times B	
D.	Assistive Care Service Daily Rate	\$9.28
E.	ACS for the Month: A times D	
F.	Is Resident Income Greater than \$716.00 and less than \$770.00? If YES, add C plus G and Subtract \$54.00 IF NO, add C plus \$716.00	

G.	Method I Recipient Income: Insert Income Social Security: _____ OSS (State Subsidy): _____ Other (Income, if any) _____ Total Income: _____	Method II (From Notice of Case Action) Needs Allowance: ____ Pat. Resp.: _____ Total Income _____
----	---	--

H	Subtract G from F	
I.	Is recipient Income (G) more than \$716.00? If Yes, Insert “0” (Zero). If No, Insert ACS for the month (E)	
J.	Subtract I from H	
K	Add J plus \$54.00	
L.	Daily Waiver Rate: Divide K by A	

Chapter 6, Page 6-6, Reimbursement Information Section, Insert a new topic “Billing for ACS and Assisted Living Waiver Services, continued”, Insert a new information block, “ALE waiver recipients with incomes up to \$716.00 per month are eligible for ACS and ALE waiver payments.

The ALE waiver facility reimbursement under the waiver program is \$1,500.00 for a 28 day month, \$1,556.00 for a 30 day month, and \$1,584.00 for a 31 day month.”

Chapter 6, Page 6-6, Reimbursement Information Section, Partial Day Billing for Assistive Living Service Components Topic, In the topic title delete “Partial Day” and insert “Daily” and after Living insert “Waiver and State Plan Service Components.” In the informational block insert a second sentence to the first paragraph, “However, no billing is permitted for partial days of service.” From the second sentence in the original information block sentence delete “the ALE case manager must decide which ALE facility will bill for the partial day” and insert “the discharging facility can not bill for the date of discharge and the admitting facility can bill for the date of admission.”



Appendix A, Page A-1, Delete "Appendix A" and insert "Appendix F". Under the Procedure Code Table and Fees Chart Insert the following " Note: ALE Waiver providers can bill for ACS state plan services using Procedure Code W-9657 for residents with income up to \$716.00 per month. The daily reimbursement rate for ACS is \$9.28. This procedure code can only be used by ALE Waiver providers billing on the 081 Billing Form."

Appendix F, Page A-1, Delete pagination A-1 and insert pagination F-1.

Appendix B, Delete "Appendix B" and insert "Appendix G." Delete pagination "B-1", and "B-2" and insert pagination "G-1" and "G-2"

NAME OF PERSON AND TELEPHONE TO CONTACT ABOUT THIS NOTICE OF CHANGE: Keith Young, (850)488-8715

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-10.032  
 RULE TITLE: Notice Requirements

A RULE HEARING ON THE ABOVE REFERENCED PROPOSED RULE, WHICH PROPOSED RULE WAS PUBLISHED IN THE FLORIDA ADMINISTRATIVE WEEKLY ON AUGUST 24, 2001, 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 14, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE HEARING IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation to participate in this hearing is asked to advise the agency at least forty-eight (48) hours prior to the meeting by contacting Lori Crawford, (850)488-0062. If you are hearing or speech impaired, please contact the agency by using the Florida Dual Party Relay System, which can be reached by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-7.0025  
 RULE TITLE: Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities

**NOTICE OF CHANGE**

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 34, August 24, 2001 issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. Subsection (3) of this rule shall now read as follows:

(3) Prior to issuance of a temporary certificate, the unlicensed dentist shall submit proof of having successfully completed a Board approved course on human immunodeficiency virus and acquired immune deficiency syndrome and proof of current CPR certification. The facility at which the unlicensed dentist intends to practice shall provide to the Board office the name(s) and license number(s) of the licensed dentist(s) under whose supervision the certificate holder shall work.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-13.005  
 RULE TITLE: Disciplinary Guidelines

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 34, August 24, 2001, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NO.: 64E-5.214  
 RULE TITLE: Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 30, July 27, 2001, of the Florida Administrative Weekly:

The changes were made in response to comments received during the rulemaking hearing.

Rule 64E-5.214(4)(a)2., Florida Administrative Code, is changed, so that when adopted will read:

2. Remove residual radioactivity to the extent acceptable to the department.

Rule 64E-5.214(4)(a)5., Florida Administration Code, is changed, so that when adopted will read:

5. Submit a radiation survey report to confirm the absence of radioactive materials or to establish the levels of residual radioactivity, unless the licensee demonstrates the absence of residual radioactivity in some other manner. The licensee shall, as appropriate:

a. For gamma radiation, report levels of radiation in units of microrentgens per hour at 10 centimeters and at 1 meter from surfaces.

b. For alpha and beta radiation, report levels of radioactivity in units of transformations per minute or microcuries per 100 square centimeters removable and fixed on surfaces, microcuries per milliliter in water, and picocuries per gram in contaminated solids such as soils or concrete; and

c. Specify the instruments used and certify that each instrument is calibrated or tested properly.

Rule 64E-5.214(4)(b)1., Florida Administration Code, is changed, so that when adopted will read:

(b)1. If no residual radioactivity attributable to the activities conducted under the license is detected, the licensee shall submit a certification that no detectable residual radioactivity was found.

Rule 64E-5.214(4)(c)1., Florida Administration Code, is changed, so that when adopted will read:

(c)1. If detectable levels of residual radioactivity attributable to activities conducted under the license are found or licensee possesses other radioactive materials, the license continues in effect beyond the expiration date, if necessary, with respect to possession of residual radioactivity present or possession of radioactive material, until the department notifies the licensee in writing that the license is terminated. During this time, the license is subject to the provisions of (5), below.

Rule 64E-5.214(4)(c)7., Florida Administration Code, is changed, so that when adopted will read:

7. If the information submitted as specified in (4)(a)5. or (4)(c)6. of this section does not adequately demonstrate that the premises are suitable for unrestricted use or does not satisfy the requirements specified in Rules 64E-5.221, 64E-5.222, 64E-5.223, or 64E-5.224, F.A.C., the department will inform the licensee of the appropriate further actions required for termination of the license.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: 65C-27.002      RULE TITLE: Timeframes

**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. 30, July 27, 2001 issue of the Florida Administrative Weekly:

~~(2) The Agency for Health Care Administration shall refer the initial suitability assessment request to a registered qualified evaluator and notify the department's representative who made the referral of the time and place for the evaluation. It is the responsibility for the department to obtain from the Agency for Health Care Administration the time and place for the evaluation and transport the child and required clinical records to the appointment with the appointed qualified evaluator.~~

~~(3) After 14 working days the department shall contact the Agency for Health Care Administration to obtain a copy of the findings of the evaluator. The suitability assessment must be scheduled to occur within 5 working days of the referral. Following the assessment of the child, the qualified evaluator will submit written findings to the Agency for Health Care Administration. The Agency for Health Care Administration will review the findings and submit copies of the findings to the agency and the department. The Agency for Health Care Administration shall submit findings to the department within 14 working days from the date of referral.~~

~~(4) For all children in the custody of the department that are placed in residential treatment, an independent review must be conducted at least every 90 days after the child's initial placement so long as the child remains placed in a residential treatment center. It is the department's responsibility to notify the Agency for Health Care Administration no later than 60 days from the child's initial placement in residential treatment and every 90 days thereafter so long as the child remains placed in a residential treatment center to request an independent review. The Agency for Health Care Administration must contact a qualified evaluator to perform the independent review. The Agency for Health Care Administration must submit the completed independent review to the Department of Children and Family Services at least 10 days prior to the 90th day in residential treatment and every 90 days thereafter as long as the child remains in a residential treatment center.~~

**Section IV  
Emergency Rules**

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Negative Drug Formulary      RULE NO.: 64B16ER01-2

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Boards of Pharmacy and Medicine have voted to amend this rule to effectuate the removal of Digoxin, Warfarin, Quinidine Gluconate, and Phenytoin from the negative drug formulary, as required by Ch. 2001-146, Laws of Florida. The staff analysis for the enacting bill indicated that

the state's medicaid program will save approximately \$4 million per year by using the less expensive generic equivalents. An additional fiscal impact to the state would be a savings of \$103,785 annually from drug purchases by the state, including all state agencies, institutions and political subdivisions. The state is presently facing a fiscal deficit of over one billion dollars, and a special legislative session has been convened to address the budget shortfall and cut spending on several state programs. Ch. 2001-146, Laws of Florida, mandated that the Boards delete from the negative drug formulary any drugs for which every commercially marketed equivalent is "A" rated as therapeutically equivalent or is a reference listed drug as referred in the "Orange Book" published by the Food and Drug Administration. The manufacturer of Coumadin, one of the drugs which will now be available for generic substitution, has endeavored to stall the regular rulemaking process by filing a challenge to the rule which has no basis in law. The significant savings which will inure to the state during this fiscal crisis are being held hostage by these actions. In addition, the Board of Pharmacy needs a date certain that the rule will take effect so that it can proceed to mail out the notices required pursuant to §465.025(6), F.S. to each community pharmacy, advising them of the date this rule will become effective.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The Board of Pharmacy concludes that this procedure is fair under the circumstances because the removal of these drugs from the negative drug formulary is mandated by law, pursuant to a definite, ascertainable standard which is not subject to discretion. The issues surrounding the propriety of the generic substitution of these drugs have been extensively debated at the state and federal levels. The Board of Pharmacy also discussed and approved proceeding by emergency rule at the public hearing requested by the manufacturer of Coumadin, so it is on notice.

**SUMMARY OF THE RULE:** The Board of Pharmacy has determined that it is necessary to file this emergency rule which will remove Digoxin, Warfarin, Quinidine Gluconate, and Phenytoin from the negative drug formulary and allow for their generic substitution, as required by Ch. 2001-146, Laws of Florida.

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

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

64B16ER01-2 (64B16-27.500) Negative Drug Formulary. The negative drug formulary is composed of medicinal drugs which have been specifically determined by the Board of Pharmacy and the Board of Medicine to demonstrate clinically significant biological or therapeutic inequivalence and which,

if substituted, could produce adverse clinical effects, or could otherwise pose a threat to the health and safety of patients receiving such prescription medications. Except where certain dosage forms are included on the negative drug formulary as a class, all medicinal drugs are listed by their official United States Pharmacopoeia Non-Proprietary (generic) name. The generic name of a drug shall be applicable to and include all brand-name equivalents of such drug for which a prescriber may write a prescription. Substitution by a dispensing pharmacist on a prescription written for any brand name equivalent of a generic named drug product listed on the negative formulary or for a drug within the class of certain dosage forms as listed, is strictly prohibited. In cases where the prescription is written for a drug listed on the negative drug formulary but a brand name equivalent is not specified by the prescriber, the drug dispensed must be one obtained from a manufacturer or distributor holding an approved new drug application or abbreviated new drug application issued by the Food and Drug Administration, United States Department of Health and Welfare permitting that manufacturer or distributor to market those medicinal drugs or when the former is non-applicable, those manufacturers or distributors supplying such medicinal drugs must show compliance with other applicable Federal Food and Drug Administration marketing requirements. The following are included on the negative drug formulary:

~~(1) Digoxin~~

(1)(2) Digitoxin

~~(3) Warfarin~~

(2)(4) Conjugated Estrogen

~~(5) Quinidine Gluconate~~

(3)(6) Dicumarol

~~(7) Phenytoin~~

(8) through (11) renumbered (4) through (7) No change.

**THIS RULE SHALL TAKE EFFECT NOVEMBER 10, 2001.**

Specific Authority Ch. 2001-146, Laws of Florida, 465.005, 465.025(6) FS. Law Implemented Ch. 2001-146, Laws of Florida, 465.025(6) FS. History—New 12-14-76, Amended 3-17-77, 7-2-79, 4-9-81, 9-14-82, 9-26-84, Formerly 21S-5.01, Amended 3-30-89, 7-1-90, Formerly 21S-5.001, Amended 12-25-90, 10-1-92, Formerly 21S-27.500, Amended 2-21-94, Formerly 61F10-27.500, 59X-27.500, Amended 11-10-01.

**THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.**

**EFFECTIVE DATE:** November 10, 2001

**DEPARTMENT OF HEALTH****Division of Family Health Services**

## RULE TITLE:

RULE NO.:

Distributions of 2001-02 Flu Vaccines

64FER01-1

**SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Influenza, commonly called “the flu” is an infection of the respiratory tract caused by the influenza virus. Most people who get the flu recover completely in one to two weeks, but some people develop serious and potentially life-threatening medical complications such as pneumonia. In an average year, influenza is associated with more than 20,000 deaths nationwide and more than 100,000 hospitalizations. Much of the illness and death caused by influenza can be prevented by annual influenza vaccinations. Influenza vaccine is specifically recommended for people who are at high risk for developing serious complications as a result of influenza infection. These high-risk groups include all people aged 65 years or older and people of any age with chronic diseases of the heart, lung or kidneys, diabetes, immunosuppression, or severe forms of anemia. Other groups for whom vaccine is specifically recommended are residents of nursing homes and other chronic-care facilities housing patients of any age with chronic medical conditions, women who will be more than 3 months pregnant during the influenza season, and children and teenagers who are receiving long-term aspirin therapy and who may therefore be at risk for developing Reye’s Syndrome after an influenza virus infection. Influenza vaccine is also recommended for people who are in close or frequent contact with anyone in the high-risk groups defined above. These people include health care personnel and volunteers who work with high-risk patients and people who live in a household with a high-risk person.

On October 16, 2001, the National Immunization Program (NIP) of the Centers for Disease Control (CDC) reported a delay in the availability of a portion of influenza vaccine for the 2001-02 flu season.

For the 1999-2000 influenza season, approximately 77 million doses of vaccine were distributed, of which 3 million doses were returned. According to the NIP, the projected distribution of influenza vaccine is estimated at 79.6 million doses with 56 percent of the total supply distributed by the end of October. An additional 31 percent of the total influenza vaccine supply will be delivered in November and the final 13 percent is expected in early December. Because of delays in distribution, some areas may have limited supplies of vaccine in October and November.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** Normal distribution channels for prescription drugs, which includes influenza vaccines, is from the manufacturer to a wholesaler to the end-user practitioner. As a general rule, both federal and Florida law prohibit the distribution or redistribution of

prescription drugs by health care entities such as hospitals and licensed medical practitioners. One exception to the prohibition against the wholesale distribution of prescription drugs by health care entities is for “emergency medical reasons”. The federal Food and Drug Administration has notified CDC that due to the delays in influenza vaccine delivery and possible spot shortages in some localities this season, health care providers are authorized under the “emergency medical reasons” exemption of Section 503(c)(3)(B)(IV) of the Food, Drug, and Cosmetic Act to sell or transfer influenza vaccine to other health care providers.

The Florida Drug and Cosmetic Act, Chapter 499, Florida Statutes, has a similar provision in s. 499.012(1)(a)2.b., F.S., for the “emergency medical reasons” exemption to the prohibition against the wholesale distribution of prescription drugs by health care entities if the distribution is conducted in accordance with rules established by the department. Rule authority appears in s. 499.05(1)(i), F.S., (2001) for establishing rules to implement an emergency medical reason exemption. Since we are currently experiencing delay in initial distribution of vaccines from the manufacturers, the emergency rule provides the mechanism to allow for health care entities in Florida with vaccine surpluses to distribute their excess usable product to health care entities in Florida experiencing vaccine shortages because of the delay. Furthermore, this situation is expected to be limited to the 2001-02 influenza season.

**SUMMARY OF THE RULE:** This emergency rule authorizes the distribution of surplus influenza vaccine by health care entities in Florida to other health care entities in Florida during the 2001-02 flu season.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Jerry Hill, Chief, Bureau of Pharmacy Services, Department of Health, 2818-A Mahan Drive, Tallahassee, Florida 32308

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

64FER01-1 Distributions of 2001-02 Flu Vaccines.

Due to delays in influenza vaccine delivery and possible spot shortages in some localities for the 2001-02 influenza season (October 2001 through March 2002) health care entities, as defined in s. 499.003(15), F.S., in Florida are authorized under the emergency medical reasons exemption in s. 499.012(1)(a)2.c., F.S., to sell or transfer influenza vaccine to other health care entities in Florida under the following conditions:

(1) All influenza vaccine sold or transferred under this authorization must not be adulterated. All storage and handling requirements of the vaccine must have been maintained at all times, including periods of shipment and transit.

(2) Influenza vaccine is to be stored and shipped at 35° to 46° F (2° – 8° C). Influenza vaccine cannot be frozen.

(3) Records of the receipt and subsequent sale or transfer of the vaccine must be maintained by the health care entity and be readily available and readily retrievable as defined in Rule 64F-12.001(2)(m), Fla. Admin. Code, for a period of two years after the distribution. At a minimum these records should include:

(a) Vaccine brand;

(b) Manufacturer;

(c) Number of doses transferred by lot number;

(d) The person from whom the doses were received, including the address and permit or license number;

(e) The person to whom the doses were sold or transferred, including the address and permit or license number;

(f) Date of the sale or transfer; and

(g) The full cost of the sale or transfer.

(4) Influenza vaccine that was supplied to providers at no cost to the provider cannot be sold; however, the receiving health care entity may be assessed the cost of shipping and handling for redistribution. Surplus influenza vaccine purchased by a health care entity in Florida may be sold to another health care entity in Florida at an amount not to exceed the full cost of the vaccine to the provider with the surplus, plus the cost of shipping and handling charges for the redistribution so as to assure the accessibility of the vaccines to high risk groups identified by the department.

EFFECTIVE DATE: October 22, 2001

Specific Authority 499.05(1)(i) FS. Law Implemented 499.012(1)(a)2.b. FS. History—New 10-22-01.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 22, 2001

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### 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 Variance or Waiver in *In Re: Petition for Waiver of Rule 61B-23.001(1)(a), F.A.C., Carole Edmunds, President, Bay Island Condominium Association, Petitioner.*

The Petitioner requests a variance and waiver of Florida Administrative Code Rule 61B-23.001(1)(a), F.A.C., where two or more members discuss the manner of carrying out the projects approved at a duly noticed meeting and perform routine record keeping functions.

A copy of the Petition for Variance or Waiver, Docket Number CU2001-032, may be obtained by writing to the 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.

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection has taken action on a petition for variance received from Metcalf & Eddy, Inc., on May 29, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on June 22, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under subsection 62-522.300(3) of the Florida Administrative Code for the use of a molasses to clean up sites contaminated with chlorinated solvents. Specifically, the variance requested a zone of discharge for pH, color, chloride, and total dissolved solids. No public comment was received. On October 11, 2001, the Department granted a dismissal of a variance to Metcalf & Eddy, Inc., in a final order, OGC File No.: 01-0889. The variance petition was dismissed because on August 27, 2001, rule amendments were in effect that no longer require a variance for this kind of in-situ ground water remediation when only secondary drinking water standards will be exceeded. These subsection 62-522.300(2) and 62-528.605(3), F.A.C., require the inclusion of requirements for ground water monitoring and zone of discharge dimensions and duration to be addressed in a Department-approved remedial action plan. For a copy of the final order write or call Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400, telephone (850)921-9412.

The Department of Environmental Protection has taken action on a petition for variance received from Geo-Cleanse International, Inc., on June 8, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on July 6, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under subsection 62-522.300(3) of the Florida Administrative Code for the use of sodium permanganate to clean up sites contaminated with chlorinated hydrocarbons. Specifically, the variance requested a zone of discharge for antimony, arsenic, chromium, mercury, beryllium, cadmium, lead, and thallium within a 50-foot radius from the point of discharge for a duration of 12 months. No public comment was received. On October 10, 2001, the Department granted a variance to

Geo-Cleanse, International, Inc., in a final order, OGC File No.: 01-0952. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528, F.A.C.; that the extent of the zone of discharge for antimony, arsenic, chromium, mercury, beryllium, cadmium, lead, and thallium shall be a 50-foot radius from the point of injection for a duration of 12 months; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifers; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the sodium permanganate based on site-specific hydrogeology and conditions. This variance petition also included a request for a zone of discharge for sodium, aluminum, chloride, manganese, total dissolved solids, pH, sulfate, and color. These elements were not an issue of this final order because on August 27, 2001, rule amendments were in effect, for this kind of in-situ ground water remediation, that no longer require a variance for parameters that exceed a primary drinking water standard if such parameters are a prime constituent of the reagent. The rule amendments also no longer require a variance for parameters that exceed any secondary drinking water standards for in-situ ground water remediation. These subsection 62-522.300(2) and 62-528.605(3), F.A.C., require the inclusion of requirements for ground water monitoring and zone of discharge dimensions and duration for the appropriate secondary drinking water parameters to be addressed in a Department-approved remedial action plan. For a copy of the final order write or call Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400; telephone (850)921-9412.

---

The Department of Environmental Protection has taken action on a petition for variance received from Geo-Cleanse International, Inc., on June 8, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on July 6, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under subsection 62-522.300(3) of the Florida Administrative Code for the use of potassium permanganate to clean up sites contaminated with chlorinated hydrocarbons. Specifically, the variance requested a zone of discharge for antimony, arsenic, chromium, mercury, beryllium, cadmium, lead, and thallium within a 50-foot radius from the point of discharge for a

duration of 12 months. These elements are present as impurities in the potassium permanganate and are not prime constituents of the reagent that is necessary for remediation of site contaminants, as is now required by subsection 62-522.300(2)(c), F.A.C. No public comment was received. On October 15, 2001, the Department denied a variance to Geo-Cleanse, International, Inc., in a final order, OGC File No.: 01-0953. The final order denied a variance from the zone of discharge prohibition because the adsorption of antimony, arsenic, chromium, mercury, beryllium, cadmium, lead, and thallium to the aquifer matrix with probable leaching into the ground water at some future time could result in exceedances of the primary drinking water standards. These exceedances may continue long after the completion of clean up of the contaminated ground water, which would result in contamination at a site with substances that were not original contaminants of concern and not present before the commencement of the remediation process using the potassium permanganate as the oxidizer. Thus, a site whose original contaminants of concern have been "cleaned up" could be recontaminated by impurities from the chemicals used during the remediation process. This clearly would not meet the purposes of the underlying statute, which is protection of the ground water resource for use as a drinking water supply. This variance petition also included a request for a zone of discharge for aluminum, chloride, manganese, total dissolved solids, pH, and color. These elements were not an issue of the denial because on August 27, 2001, rule amendments were in effect, for this kind of in-situ ground water remediation, that no longer require a variance for any parameter that exceeds a secondary drinking water standard. These subsection 62-522.300(2) and 62-528.605(3), F.A.C., require the inclusion of requirements for ground water monitoring and zone of discharge dimensions and duration for the appropriate secondary drinking water parameters to be addressed in a Department-approved remedial action plan. For a copy of the final order write or call Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400; telephone (850)921-9412.

---

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on October 15, 2001, a petition from Natural Resource Recovery Group, Inc., seeking a variance under Section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under subsection 62-522.300(3), Florida Administrative Code, for the use of a cosolvent solution of ethanol alcohol and potable water to clean up sites that are contaminated with nonaqueous phase liquid chlorinated solvents. The petition has been assigned OGC File No.: 01-1165. Copies of the petition may be received from, and written comments concerning it submitted to, Department of Environmental Protection, Underground

Injection Control Section, Mail Station 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400; Attn.: Cathy McCarty. Comments must be received no later than 14 days from the date of publication of this notice.

---

#### NOTICE OF DISPOSITION OF PETITION FOR WAIVER

Pursuant to Section 120.542, Florida Statutes, the Department of Environmental Protection has taken action on a petition for variance received from Steve Lewis, P. A., on behalf of CBRF Properties, LLC, in Collier County. Notice of receipt of this petition was published in the Florida Administrative Weekly, June 29, 2001, Vol. 27, No. 26. The petition requested a variance from Rule 62B-33.007(3)(c), Florida Administrative Code.

On October 1, 2001, the Department issued a final order granting a variance to CBRF Properties, LLC, file #CO-732 (Variance). The final order granted a variance from the elevation requirements, allowing the removal of an existing single-family dwelling and pool and construct another single-family dwelling and pool farther landward with the lowest structural member at +13.4 feet, which is below the design wave associated with a one-hundred-year storm.

The general bases for the Department's decision to grant the variance was that the proposed rebuilt structures are more landward than the existing structures, they are constructed above an adequate pile foundation designed to withstand the predicted wave loading and they have a sufficient setback from the beach and dune system which is not expected to result in significant adverse impacts to the beach and dune system. Therefore, the general intent of the underlying statute (s. 161.053, F.S.) could be achieved, thereby satisfying the first criterion of Section 120.542, F.S., for the variance. Additionally, the petitioner has provided certification that application of the rule, requiring a much taller building, would result in a significant devaluation of the property, demonstrating a substantial hardship, thereby satisfying the second criterion for a variance.

For a copy of the final order write or call Rosaline Beckham, Department of Environmental Protection, Office of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32304, telephone (850)488-1262, Extension 186.

---

On July 14, 2001, the Department received a request, pursuant to Section 120.542, F.S. (2000), from the IMC Phosphates Company, seeking a temporary waiver for the usage of an alternate aboveground storage tank construction standard than those required under subsection 62-761.500(3)(b)1., F.A.C., at the Noralyn Mine in Polk County, FL. The petition was assigned OGC case #01-1194. A Notice of Receipt of Petition

for Variance/Waiver was published in the August 3, 2001, F.A.W. On October 16, 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.

---

#### DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has issued an Order on the Emergency Petition for Variance filed by Tyrone L. Adams, M.D., J.D. The Board considered the Emergency Petition at its telephone conference call held on August 28, 2001. The Board's Order, filed on September 20, 2001, denies the petition for variance finding that the petitioner seeks a variance from the statutory requirements set forth in section 458.319(5), Florida Statutes. Section 120.542, Florida Statutes, permits the Board to waive the requirements of administrative rules only. The Board may not waive the requirements of the statute.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

---

The Board of Medicine hereby gives notice that it has received a petition filed on October 3, 2001, on behalf of Eduardo L. Perez-Stable, M.D., seeking a variance or waiver from Rule 64B8-5.001, F.A.C., with regard to the time frame for passage of the USMLE, and the number of attempts permitted for the passage of Step III. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice. The Credentials Committee will consider the petition at its meeting scheduled for November 17, 2001, at 8:00 a.m., at the Hilton Miami Airport & Towers, 5101 Blue Lagoon Drive, Miami, Florida 33126. The Board will consider the Committee's recommendation with regard to the petition at its next meeting to be held on November 30 and December 1, 2001, at the Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida 33607.

For a copy of the petition, contact: Tanya Williams, Executive Director, Board of Medicine, at above address or telephone (850) 245-4131.

---

#### FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on October 15, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of Rule 67-47.120, .130, .140, .150, Florida Administrative Code, from Ocala Housing Authority, (the "Petition"), which establish the terms, conditions, and procedures of HOME loans made to housing providers and HOME loans made to eligible home buyers and

owners. 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.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

NOTICE IS HEREBY GIVEN that the Florida Fish and Wildlife Conservation Commission has received a petition from Karl L. Predmore, on behalf of The Airboat Experience of the Everglades Inc. ("Airboat Experience") for a waiver or variance from the Collier County manatee protection rule (68C-22.023, Florida Administrative Code). The petition was received by the Office of Environmental Services on September 27, 2001, and seeks re-authorization for Airboat Experience to operate airboats at speeds greater than those allowed by the rule (but less than 20 mph) while conducting sightseeing tours along three specific shallow water routes in Addison Bay and Goodland Bay.

Copies of the petition may be received from, and written comments on the petition may be submitted to: Florida Fish and Wildlife Conservation Commission, Office of General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600, Attention Ross Burnaman. To be considered, comments must be received no later than 14 days from the date of publication of this notice.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF STATE**

The **Department of State, Division of Historical Resources** announces a public meeting of the Florida National Register Review Board:

DATE AND TIME: Friday, November 16, 2001, 9:00 a.m.  
 PLACE: Room 307, 3rd Floor, South, R. A. Gray Building, Tallahassee, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of National Register Nomination Proposals.

A copy of the agenda may be obtained by writing: Survey and Registration Section, Division of Historical Resources, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any person 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 **Museums of Florida History Foundation, Inc.** announces their Board of Directors Meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 13, 2001, 4:00 p.m.  
 PLACE: Museum of Florida History, Education Room, Ground Floor, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Meeting.  
 Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact Penny Lord, (850)922-5299, at least 48 hours prior to the meeting in order to request any special assistance.

**DEPARTMENT OF LEGAL AFFAIRS**

The Nominating Committee of the **Florida Commission on the Status of Women** announces it will hold a telephone conference call to which all persons are invited.

DATE AND TIME: November 14, 2001, 10:00 a.m.  
 PLACE: Call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The selection of a slate of officers for the 2002 calendar year.

A copy of the agenda may be obtained by writing: Florida Commission on the Status of Women, the Office of the Attorney General, The Capitol, Room PL-01, Tallahassee, FL 32399-1050 or by calling Linda P. Nelson, (850)414-3300.  
 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 Linda P. Nelson, (850)414-3300. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

**DEPARTMENT OF INSURANCE**

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2001, 9:00 a.m.  
 PLACE: Florida Department of Law Enforcement, Jacksonville Regional Operations Center, Building E, 921 North Davis Street, Jacksonville, FL 32209-6804, (904)360-7100 (24 hour Dispatch)



**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular business meeting of the Florida Fire Safety Board. Agenda: Review of public records and sunshine law; the following continuing education courses will be considered by the board: Range Guard Certification Course; Industry Guard Dry Chemical System; Portable Extinguisher Presentation; Range Guard (UL300) Restaurant Fire Suppression System; Business Practices; Safety; Worker's Comp.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Friends of Florida State Forests** announces a meeting to which all interested persons are invited:

**DATE AND TIME:** November 16, 2001, 8:00 a.m. – 12:00 Noon

**PLACE:** Florida Center For Wildfire and Forest Resources Management Training, 24059 Childs Road, Brooksville, FL 34601

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the business of the Corporation.

A copy of the agenda can be obtained by contacting: Harriett L. Abrams, FFSF Coordinator, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)414-0869.

If special accommodations are needed to attend this meeting because of a disability, please contact Harriett Abrams as soon as possible.

**DEPARTMENT OF EDUCATION**

The **Articulation Coordinating Committee** announces a public meeting to which all interested persons are invited:

**DATE AND TIME:** Wednesday, November 14, 2001, 9:30 a.m. – 12:30 p.m.

**PLACE:** Rooms 1703/07, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Articulation issues regarding secondary and postsecondary education.

A copy of the items to be addressed may be obtained by contacting: K-16 Articulation, Florida Department of Education, 401 Turlington Building, Tallahassee, Florida 32399-0400, (850)922-0344 or Suncom 292-0344.

The Division of Colleges and Universities of the Florida **Board of Education** (FBOE) announces a meeting to which the public is invited.

**DATE AND TIME:** November 13, 2001, 9:00 a.m. – 5:00 p.m.

**PLACE:** Florida Education Center, Room 1706, 325 West Gaines Street, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting will be held to negotiate the 2002-2003 Re-Opener Agreement between the FBOE and the Florida Public Employees Council 79, American Federation of State County and Municipal Employees, AFL-CIO.

The FBOE welcomes participation from any interested members of the public.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The Division of Colleges and Universities of the Florida **Board of Education** (FBOE) announces a meeting to which the public is invited.

**DATE AND TIME:** November 14, 2001, 9:00 a.m. – 5:00 p.m.

**PLACE:** Florida Education Center, Room 1706, 325 West Gaines Street, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting will be held to negotiate the 2002-2003 Re-Opener Agreement between the FBOE and the Florida Police Benevolent Association, Inc.

The FBOE welcomes participation from any interested members of the public.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Department of Community Affairs** announces a meeting of the State Energy Program (SEP) Clean Fuel Florida Advisory Board (CFF) to which all interested parties are invited.

**SEP CFF MEETING**

**DATE AND TIME:** November 8, 2001, 10:00 a.m. – 3:00 p.m.

**PLACE:** Holiday Inn Capital, 1355 Apalachee Parkway, Tallahassee, Florida 32301

**ACTIONS TO BE TAKEN:** The CFF will consider the following items:

1. Report on Executive Order
2. Legislative Initiative Report
3. State EPACT Compliance
4. Staffing Updates
5. State Energy Program Report
6. Long Range Plan
7. Energy 2020 Study Commission Update

**APPEAL INFORMATION:** If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting he or she may need a record or transcript of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record may include testimony and evidence relevant to the appeal.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Emily Cook, Administrative Assistant, Department of Community Affairs, 2255 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2475.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces the following meetings to which all persons are invited.

**DATE AND TIME:** November 5, 2001, 8:00 a.m.

**PLACE:** Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida, 1(800)366-9700

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meeting of the Building Code Training Program, Quality Management Task Group.

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, Post Office 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 Mrs. Kathryn Willis, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### **DEPARTMENT OF LAW ENFORCEMENT**

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Wednesday, November 7, 2001, 1:00 p.m. – 5:00 p.m.; Thursday, November 8, 2001, 8:30 a.m. – 5:00 p.m.

**PLACE:** The Embassy Suites Hotel, Tampa Airport/Westshore, Kilgore Room, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Violent Crime and Drug Control Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime, and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts.

A copy of the agenda may be obtained by writing: Governmental Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Justice Professionalism Services, Post Office Box 1489, Tallahassee, Florida 32302 or by telephoning (850)410-8620.

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT –** Persons needing an accommodation to participate in any proceeding should call (850)410-7900, (Voice) or (850)656-9597, (TDD), at least five working days before such proceeding.

#### **DEPARTMENT OF REVENUE**

The **Department of Revenue** announces a public meeting of the Property Tax Administration Task Force to which all interested persons are invited.

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

**PLACE:** Building C-2, 5050 W. Tennessee St., Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the eighth meeting of the Property Tax Administration Task Force.

This is the third meeting of the Task Force as authorized by Chapter 2001-137, L.O.F. The Task Force will consider proposed enhancements to the tax roll evaluation process, value adjustment board process, tangible personal property evaluation and other administrative and legislative issues. During this meeting the Task Force will form temporarily into work groups to work further on issue identification, clarification and consolidation. Work groups will address the tangible personal property evaluation process and the value adjustment board process.

A copy of the agenda may be obtained by writing: Director, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 or by calling Theda Eaton or Kathy Henley, (850)488-3338 or accessing the Department's website at <http://sun6.dms.state.fl.us/dor/property/ptaac>.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by calling (850)488-8026. If you are hearing or speech impaired, please contact the Department by calling 1(800)367-8331 (TDD).

**DEPARTMENT OF TRANSPORTATION**

The Florida **Department of Transportation**, District 6 announces a public hearing to which all interested persons are invited.

**DATE AND TIME:** November 7, 2001, between the hours of 6:00 p.m. and 8:00 p.m. Copies of the District Six Work Program documents will be available for review between those hours.

**PLACE:** Marathon Airport Departure Lounge, 9000 Overseas Highway (Mile Marker 51.5), Marathon, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This hearing is being held in accordance with Section 339.135, Florida Statutes, and to offer the public the opportunity to comment on projects for the State Highway System, public transportation or any other project in the Sixth District's Tentative Five Year Transportation Plan. This hearing will also include consideration of proposed projects for Florida's Turnpike System. The Sixth District comprises Miami-Dade and Monroe Counties. The Plan covers the period from July 1, 2002 to June 30, 2007.

All interested persons are invited to attend and be heard. The proposed improvements have been developed in accordance with the Civil Rights Act of 1964 and the Civil Rights Act of 1968. Under Title VI and Title VIII of the United States Civil Rights Acts any person or beneficiary who believes he or she has been subjected to discrimination because of race, color, religion, sex, age, national origin, disability or familial status may file a written complaint with the Florida Department of Transportation's Equal Opportunity Office in Tallahassee or contact Jeffrey Dodge, District Six's Title VI and Title VIII Coordinator.

**Central Office:** Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, M.S. #65, Tallahassee, Florida 32399-0450.

**District Six:** Jeffrey Dodge, Title VI and Title VIII Coordinator, Florida Department of Transportation, Room 6207A, 1000 Northwest 111th Avenue, Miami, Florida 33172.

Assistance for persons who require transcriptions in Braille may be arranged by contacting the Public Information Office, (305)470-5349, prior to the public hearing to allow time for the documents to be transcribed. Assistance for other disabled person may be arranged by contacting the Public Information Office.

The **Florida High Speed Rail Authority** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, November 13, 2001, 9:00 a.m. – conclusion

**PLACE:** Lakeland City Council Chambers, Third Floor, 228 South Massachusetts Avenue, Lakeland, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Authority at least 48 hours before the meetings by contacting Betty Sizemore, (850)414-5244.

**DEPARTMENT OF CITRUS**

The **Department of Citrus** announces a public meeting of the Citrus Abscission Registration Committee to which all persons are invited.

**DATE AND TIME:** Tuesday, November 13, 2001, 8:30 a.m.

**PLACE:** Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The committee will have its monthly meeting to discuss natural abscission compounds, economics of abscission and public relations, and other business that might come before the council for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

The **Department of Citrus** announces a public meeting of the Citrus Harvesting Research Advisory Council to which all persons are invited.

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

**PLACE:** Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Committee will have its monthly meeting to update on scorecard issues, update on abscission registration chemicals, update on harvesting labor and other business that might come before the council for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

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

**PLACE:** Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, (850)488-3417.

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, November 21, 2001, 9:00 a.m.

**PLACE:** Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, (850)488-3417.

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

**DATE AND TIME:** Monday, November 19, 2001, 9:30 a.m.

**PLACE:** The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider those matters ready for decision.

**LEGAL AUTHORITY AND JURISDICTION:** Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, F.A.C.), by contacting: Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its Internal Affairs meeting to which all interested persons are invited.

**DATE AND TIME:** Monday, November 19, 2001, immediately following the Commission Conference (which commences at 9:30 a.m. in Commission Hearing Room 148)

**PLACE:** The Betty Easley Conference Center, Conference Room 140, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

**\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\***

**REGIONAL PLANNING COUNCILS**

The **Northeast Florida Regional Planning Council**, Local Emergency Preparedness Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: November 14, 2001, 10:00 a.m.  
 PLACE: Northeast Florida Regional Planning Council, Suite 350, 9143 Philips Highway, Jacksonville, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Philips Highway, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have 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.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Ginny Montgomery, (904)363-6375, Ext. 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, November 15, 2001, 7:00 p.m.  
 PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council. The Nominating Committee will meet immediately following the Board of Directors Meeting.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **District 5, Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Training Subcommittee  
 DATE AND TIME: Monday, November 19, 2001, 9:15 a.m.

COMMITTEE NAME: Local Emergency Planning Committee  
 DATE AND TIME: Monday, November 19, 2001, 10:30 a.m.  
 PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates, and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact Charlotte Neupauer, (352)732-1315.

The **Region IX, Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited:

DATE AND TIME: November 29, 2001, 9:30 a.m.  
 PLACE: Southwest Florida Regional Planning Council, 4th Floor, 4980 Bayline Drive, North Fort Myers, FL 33917  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Emergency Planning and Community Right to Know Act.

A copy of the agenda may be obtained by contacting: Executive Director, Wayne E. Daltry, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

**REGIONAL TRANSPORTATION AUTHORITIES**

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited:

Public Hearing  
 DATE AND TIME: November 5, 2001, 8:30 a.m.  
 PLACE: County Center, Planning Commission Board Room, 18th Floor, 601 E. Kennedy Boulevard, Tampa, FL  
 PURPOSE: Regularly Scheduled Board Meeting.  
 AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order
2. Approval of Minutes
3. Introductions, Recognition and Awards
4. Consumer Advisory Committee Report
5. Public Comment on Action Items
6. Consent Action Items
7. Other Action Items
8. Chairman's Report
9. Reports from HART Representatives
10. HART Committee Reports

- 11. Other Board Member's Report
- 12. Executive Director's Report
- 13. Employee Comment
- 14. General Public Comment
- 15. Discussion and Presentations
- 16. Monthly Information Reports
- 17. Other Information Items
- 18. Other Business

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, Suite 900, 201 E. Kennedy Boulevard, Tampa, FL 33602, (813)223-6831, Ext.2111.

Section 286.0105, Florida Statutes, states that if a person decided 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 Alvin Orgeron, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

**WATER MANAGEMENT DISTRICTS**

The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

**INDUSTRIAL ADVISORY ALTERNATE SOURCES SUBCOMMITTEE**

DATE AND TIME: Tuesday, November 13, 2001, 10:00 a.m.  
 PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business. Some members of the District's Governing and Basin Boards may attend the meeting.

Questions may be directed to: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATES AND TIMES: November 27, 2001, 9:00 a.m. and may be continued; November 28, 2001, 9:00 a.m.

PLACE: Southwest Florida Water Management District, Governing Board Room, 2379 Broad Street, Brooksville, Florida 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: The acquisition of certain lands eligible to be considered for funding from the Florida Preservation 2000 Trust Fund/Florida Forever Trust Fund which lands are further described as follows:

Part of the Upper Myakka River Watershed project comprised of three parcels referred to as SWF Parcel Nos. 21-598-104C, 105C and 106C consisting of approximately 1,135± acres, 478± acres and 917± acres, respectively. The parcels are located on the north side of State Road 70 and lie in parts of Sections 4 and 26, Township 36 South, Range 21 East and in parts of Sections 26, 27, 34, 35 and 36, Township 35 South, Range 21 East in Manatee County, Florida.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address.

The District does not discriminate based on disability status. Anyone requiring reasonable accommodations under the ADA should call 1(800)423-1476 (Florida only), Extension 4452, Fax (352)754-6877, TTD only 1(800)231-6103.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference, to which all interested parties are invited:

DATES AND TIME: November 6, 13, 20, 27, 2001, 1:00 p.m.  
 PLACE: South Florida Water Management District Headquarters, Egret Conference Room, 3rd Floor, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Appraisal Review Committee will hold its regular meeting to discuss appraisal issues and, if necessary, select an appraiser from proposals received on upcoming appraisal assignments.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Committee decision require a record of the proceedings. Although Appraiser Review Committee meetings and hearings are normally recorded, affected persons are advised that it may

be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

Those who desire more information or those wishing to submit written or physical evidence may contact Ken Daw, Chief Appraiser, Land Acquisition Support Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces the following joint public workshop with the St. Johns River Water Management District to which all persons are invited:

**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.

A copy of the agenda for this workshop may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

The **South Florida Water Management District** announces a public hearing required under Sections 373.59 and 373.139, Florida Statutes, to which all interested persons are invited:

DATE AND TIME: December 13, 2001, 8:50 a.m., Governing Board Meeting

PLACE: District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

The Allapattah Ranch Project comprised of lands referred to as SFWMD Tract Nos. GM 100-003, GM 100-004 and GM 100-005 consisting of approximately 22,676.20 acres and lying in Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34 Township 38 South, Range 39 East and Sections 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35 and 36 Township 38 South, Range 38 East, Martin County, Florida.

FAW Reference No. 2547

Part of the East Coast Buffer Project comprised of seven parcels referred to as SFWMD Tract Nos. W9-200-917, W9-200-921, W9-200-931, W9-102-012, W9-102-013, W9-312-001 and W9-312-011 consisting of approximately 38.12 acres and lying in Sections 03, 09, 10, 27 and 34, Township 51 and 52 South, Range 39 East in Broward and Miami-Dade Counties, Florida.

FAW Reference No. 2548

Part of the East Coast Buffer Project being acquired under the terms of an Interlocal Agreement with Palm Beach County comprised of one parcel referred to as SFWMD Tract No. W9-100-085 consisting of approximately 573.78 acres and lying in Section 12, Township 41 South, Range 46 East in Palm Beach, Florida.

FAW Reference No. 2549

Additional information concerning specific parcels or interests can be obtained from: Blair R. LittleJohn, III, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680, (561)686-8800.

Appeals from any South Florida Water Management District Board decision requires 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.

For additional information, please contact Mr. Blair R. LittleJohn, III, Interim Department Director, Land Acquisition Department, (561)686-8800.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications technology, to which all interested parties are invited:

DATE AND TIME: November 15, 2001, 8:30 a.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, including public meetings. Also, conduct a meeting of the Audit Committee.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

NOTE: Due to extensive demolition and construction at the main complex for the next 13 months, parking will be severely impacted. Additional parking for the public will be available at the National Guard Armory just east of the main complex or at Lake Lytel Park, located west of the main complex.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680 or may be acquired via the SFWMD website at <http://www.sfwmd.gov/agenda.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact Paula Moree, Assistant District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

---

#### REGIONAL UTILITY AUTHORITIES

Below is the **Tampa Bay Water** 2002 Board of Directors Meeting Schedule to which all persons are invited:

DATES AND TIME: January 28, 2002 (fourth Monday of January); February 25, 2002 (fourth Monday of February); March 18, 2002; April 15, 2002; May 20, 2002; June 24, 2002 (fourth Monday of June); \*July 15, 2002; August 2002 (no meeting – summer break); September 16, 2002; October 21, 2002; November 18, 2002; December 16, 2002, 10:00 a.m. unless otherwise set by the Board

PLACE: Tampa Bay Water, Suite 211-A, 2535 Landmark Drive, Clearwater, Florida 33761

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](http://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.

\*July 15 date subject to change by future Board action.

---

NOTICE OF RESCHEDULING – The **Withlacoochee Regional Water Supply Authority** announces that the Authority has rescheduled its regular November meeting and cancelled its regular December meeting. This is a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, November 28, 2001, 4:30 p.m.

PLACE: Ocala City Hall, City Council Chambers, 2nd Floor, 151 Southeast Osceola Avenue, Ocala, FL 34471

GENERAL MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, FL 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

---

#### SPACEPORT FLORIDA AUTHORITY

The **Spaceport Florida Authority** announces a Board of Supervisors meeting to which the public is invited.

DATE AND TIME: November 20, 2001, 9:00 a.m. – 11:30 p.m.

PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will continue discussion on the status of Authority projects, development and administrative issues of the Authority, and to consider other matters related to the business of the Authority including discussions regarding the potential sale and leaseback of launch and support infrastructure at Cape Canaveral Air Force Station, Florida.

For more information, contact: Patricia Sweetman, (321)730-5301, Ext. 1210. To obtain a copy of the agenda, write: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Spaceport Florida Authority, at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

---



**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a meeting of the Medicaid Long Term Care Preferred Drug List Advisory Committee to which all interested parties are invited. DATE AND TIME: Friday, November 9, 2001, 10:00 a.m. – 4:00 p.m.

PLACE: Wyndham Westshore Hotel, 4860 West Kennedy Boulevard, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Study the feasibility of using a restricted drug formulary for nursing home and other institutionalized adults.

Any attendee requiring special accommodation because of a disability or physical impairment should contact the Wyndham Westshore Hotel, (813)286-4050, at least five days prior to the meeting.

The **Agency for Health Care Administration** announces a meeting of the Health Care Risk Manager Advisory Council to which all interested parties are invited.

DATES AND TIMES: Thursday, November 8, 2001, 2:00 p.m.; Friday, November 9, 2001, 9:00 a.m.

PLACE: Agency for Health Care Administration, Conference Room 316, Third Floor, Building 1, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-1709

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on issues related to criteria for approved curricula to meet requirements for licensure as Health Care Risk Manager and related topics.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Susan Buchan, (850)921-4314, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Susan Buchan, Office of Risk Management, Division of Managed Care and Health Quality, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #44, Tallahassee, FL 32308.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 9, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Area 7, Medicaid Office, South Hurston Tower, Conference Rooms A, B and C, First Floor, 400 W. Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certificate of Need (CON) Workgroup as authorized by Chapter 2000-318, Laws of Florida.

A copy of the agenda and the draft workgroup report may be obtained by calling: Linda J. Colvin, (850)922-0791 or via e-mail at colvinl@fdhc.state.fl.us.

Public comment is encouraged. Interested parties may make verbal comments at the above meeting. Written comments can be submitted to Jeffrey N. Gregg, Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308, through November 21, 2001.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, (850)922-0791.

The **Agency for Health Care Administration** announces a public meeting of the task force for the regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: November 13, 2001, 10:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Senate Bill 2000, General Appropriations Act for FY 2001-02, Specific Appropriation 232, The Medicaid Disproportionate Share Task Force created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, has been authorized to continue to convene in FY 2001-02 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. The task force will review the federal status of the upper payment limit funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities.

The agenda has not been set contact: Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda when it is set.

The **Agency for Health Care Administration** announces a public meeting of the task force for the regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: December 5, 2001, 10:30 a.m.

PLACE: TBD

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Senate Bill 2000, General Appropriations Act for FY 2001-02, Specific Appropriation 232, The Medicaid Disproportionate Share Task Force created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, has been authorized to continue to convene in FY 2001-02 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment

program. The task force will review the federal status of the upper payment limit funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities.

The agenda and location have not been set contact: Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda and the location of the meeting site when they are set.

---

#### DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Department of Management Services** announces the following meeting of the One Florida Accountability Commission to which all interested persons are invited:

**DATE AND TIME:** Tuesday, November 13, 2001, 9:00 a.m. – 4:00 p.m.

**PLACE:** University of South Florida, University Technical Center, Suite 100, 3650 Spectrum Boulevard, Tampa, Florida 33612

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Commission.

A copy of the agenda may be obtained by writing: Office of Supplier Diversity, Suite 360, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, Attention: Shelia Simmons.

For further information please contact: Shelia Simmons, Suite 100, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)487-0915.

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 should include the testimony and evidence upon which the appeal is to be used.

---

The **Department of Management Services** announces a meeting of the Commission for Purchase from the Blind or Other Severely Handicapped to which all persons are invited.

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

**PLACE:** RESPECT of Florida, Suite 205, 2475 Apalachee Parkway, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Fair Market Price Determination and assignment of the following service contracts and products to qualified agencies for persons with disabilities through the provisions of Section 413.035, Florida Statutes: Department of Juvenile Justice, Jacksonville Assessment Center Janitorial Services Contract; Department of Transportation, I-10 Madison Weigh-in-Motion Station Maintenance Contract; Department of Transportation, I-275 Sunshine Skyway Bridge North Rest Area Maintenance

Contract; Orange County Parks & Recreation, Department Grounds Maintenance Contract; Palm Beach County Tower Sites Grounds Maintenance Contract; South West Florida Water Management District Headquarters (Brooksville), Janitorial Services Contract; calculators; disposable aprons; disposable hairnets; file folders; folio pads; head and body shampoo; indoor/outdoor mats; lice egg remover; lice elimination system and prophylactics.

Price adjustments of various service contracts and products, and other matters related to the business of the Commission are also on the agenda.

Written public comments relative to the above items are invited. Please mail comments to the address below prior to the scheduled meeting.

A copy of the agenda may be obtained by contacting: RESPECT of Florida, Suite 205, 2475 Apalachee Parkway, Tallahassee, Florida 32301-4946, (850)942-0905.

**SPECIAL ACCOMMODATION:** Any person requiring a special accommodation at the meeting because of a disability should call RESPECT, (850)942-0905, at least five (5) workdays prior to the meeting. If you are hearing or speech impaired, please contact RESPECT by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

---

The **State Retirement Commission** announces public hearings to which all persons are invited.

**DATES AND TIME:** November 13-14, 2001, 8:30 a.m.

**PLACE:** Cedars Executive Center, Room 220, Building B, 2639 North Monroe Street, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: State Retirement Commission, Suite 230, 2424 Allen Road, Tallahassee, Florida 32312 or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodations because of a physical, visual, auditory or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

---

**NOTICE IS HEREBY GIVEN** that the **Digital Divide Council** will hold a one-day meeting to which all persons are invited.

**DATE AND TIME:** Friday, November 16, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Room 110, Senate Office Building, 404 South Monroe Street, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The primary purpose of the meeting will be to continue work on the statutory mandates set out for the Council in Section 445.049, Florida Statutes.

The Council will also be holding a conference call meeting

DATE AND TIME: Wednesday, November 7, 2001, 3:00 p.m. – 4:00 p.m.

PLACE: The conference call dial up numbers will be provided on the Digital Divide website at [http://www.myflorida.com/myflorida/sciencetechnology/learn/digital\\_divide/index.html](http://www.myflorida.com/myflorida/sciencetechnology/learn/digital_divide/index.html)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To officially discuss progress in the creation of a comprehensive resource list of all current efforts in the state of Florida to bridge the Digital Divide.

For additional information, please contact Stacey McMillian, State Technology Office, Suite 335, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32399, (850)410-4777.

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 Council at least 48 hours before the meeting by contacting Stacey McMillian, at the above stated number.

---

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Florida Building Code Administrators and Inspectors Board** announces an Official Board Meeting via telephone conference call to which all interested persons are invited.

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

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)921-2548 or Suncom 291-2548

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting for the consideration and review of Continuing Education Course Applications.

If any person decides to appeal any decision made by the Building Code Administrators and Inspectors Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence at the Building Code Administrators and

Inspectors Board, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Elise Rice using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

---

The **Florida Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel.

DATE AND TIME: Monday, December 3, 2001, 1:30 p.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, North Tower, 400 W. Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Real Estate Appraisal Board Probable Cause Panel. PORTIONS OF THE PROBABLE CAUSE PANEL MEETING ARE NOT OPEN TO THE PUBLIC.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Real Estate Appraisal Board, Division of Real Estate, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Real Estate Appraisal Board, Division of Real Estate using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

---

The **Florida Real Estate Appraisal Board** announces a meeting to which everyone is invited at the time, date and place shown below:

DATE AND TIME: Tuesday, December 4, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, North Tower, 400 W. Robinson Street, Orlando, FL 32801, (407)245-0800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – Including but not limited to: Rule/statute amendments, and Disciplinary actions.

Any person who decides to appeal a decision made by the Board with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, P. O. Box 1900, Orlando, Florida 32802-1900.

---

The **Florida Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel.

DATE AND TIME: Monday, November 5, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, North Tower, 400 W. Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Real Estate Appraisal Board Probable Cause Panel. PORTIONS OF THE PROBABLE CAUSE PANEL MEETING ARE NOT OPEN TO THE PUBLIC.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

---

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida **Department of Environmental Protection**, Southeast District announces a public meeting to which all persons are invited:

DATE AND TIME: November 14, 2001, 2:00 p.m.

PLACE: Loxahatchee River District, 2500 Jupiter Park Drive, Jupiter, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the bi-monthly meeting of the Loxahatchee River Watershed Planning Committee. The purpose of the meeting is to discuss issues related to the management of the Loxahatchee River and its watershed.

A copy of the agenda may be obtained by contacting: Cheryl McKee, Florida Department of Environmental Protection, Southeast District, P. O. Box 15425, West Palm Beach, Florida 33416, (561)681-6708.

Any person needing special accommodations at this meeting because of a disability or physical impairment should contact Cheryl McKee, (561)681-6708, at least 48 hours before the meeting.

---

#### DEPARTMENT OF HEALTH

The Florida **Department of Health** announces a conference call meeting of the Women and Heart Disease Task Force workgroups to which all persons are invited.

DATE AND TIME: Tuesday, November 13, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: Hillsborough County Health Department, Room 301, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Governor's Office appointed 28 persons to serve as representatives on a Women and Heart Disease Task Force. The task force will report to the Governor and Legislature by January 15, 2002, on specific tasks detailed in SB 0352 relating to women and heart disease. These meetings will be held to continue work outlined in previously developed action plans to accomplish the objectives of the legislation.

For further information contact: Susan Allen, Bureau of Chronic Disease, HSFCD, BIN #A18, Suite 130S, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1744, (850)245-4369.

If you require special accommodations, please contact Cherish McMillan, (850)245-4444, Ext. 2867, at least 48 hours prior to the meeting date.

---

The **Board of Acupuncture** announces a meeting to be held by way of conference telephone hookup:

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

PLACE: Call (850)921-2470, Suncom 291-2470, Room 345K, 4042 Bald Cypress Way, Tallahassee, Florida 32399

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/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, Board of Acupuncture, 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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a telephone conference call in which reconsiderations will be heard.

DATE AND TIME: November 16, 2001, 9:00 a.m.

PLACE: Call: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay system at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

---

The Florida **Board of Medicine**, Rules Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, November 15, 2001, 10:00 a.m.

PLACE: The Hilton Ft. Lauderdale Airport, 1870 Griffin Road, Dania Beach, FL 33004, (954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

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 is to be based.

---

The Florida **Board of Medicine**, Medical Fraud Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, November 16, 2001, 6:00 p.m.

PLACE: The Hilton Miami Airport and Towers, 5101 Blue Lagoon Drive, Miami, Florida 35126, (305)262-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

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, Florida Board of Medicine, 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 is to be based.

---

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, November 17, 2001, 8:00 a.m. or soon thereafter

PLACE: The Hilton Miami Airport & Towers, 5101 Blue Lagoon Dr., Miami, FL 33126, (305)262-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

---

The **Department of Health, Board of Nursing** announces it will hold the following meetings to which all persons are invited.

Board Legislative Committee

DATE AND TIME: November 3, 2001, 9:30 a.m. – 12:00 Noon

PLACE: 4080 Woodcock Dr., Jacksonville, FL, telephone conference (850)414-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss all upcoming legislative issues concerning the Board of Nursing and Nursing issues.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, Suite 202, 4080 Woodcock Drive, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

---

The **Department of Health, Board of Nursing** announces it will hold the following meetings to which all persons are invited.

Central Probable Cause Panel

DATES AND TIME: November 12, 2001; December 17, 2001, 6:30 p.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: To reconsider cases which are a matter of public record.

A list of cases to be reconsidered may be obtained through written request to the Agency for Health Care Administration, Ft. Knox, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308, Attn: Reginald D. Dixon, Staff Attorney.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, Suite 202, 4080 Woodcock Drive, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

---

The **Department of Health, Board of Nursing** announces it will hold the following meetings to which all persons are invited.

North Probable Cause Panel

DATES AND TIME: November 15, 2001; December 13, 2001, 4:00 p.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: To reconsider cases which are a matter of public record.

A list of cases to be reconsidered may be obtained through written request: Agency for Health Care Administration, Ft. Knox, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308, Attn: Reginald D. Dixon, Staff Attorney.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, Suite 202, 4080 Woodcock Drive, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

---

The **Department of Health, Board of Nursing** announces it will hold the following meetings to which all persons are invited.

South Probable Cause Panel

DATES AND TIME: November 20, 2001; December 17, 2001, 1:00 p.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: To reconsider cases which are a matter of public record.

A list of cases to be reconsidered may be obtained through written request: Agency for Health Care Administration, Ft. Knox, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308, Attn: Reginald D. Dixon, Staff Attorney.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, Suite 202, 4080 Woodcock Drive, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

---

The **Children's Medical Services**, Cardiac Advisory Council announcing a meeting to which all persons are invited to attend:

DATE AND TIME: November 28, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: Tampa Airport Hilton Westshore, 2225 Lois Avenue, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is set up to discuss site visit reports, catheterization laboratory volume standards and other agenda items recommended by the Cardiac Advisory Council members.

A copy of the agenda may be obtained by writing: Florida Department of Health, Children's Medical Services, 4052 Bald Cypress Way, BIN #A06, Tallahassee, Florida 32399-1707.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, (850)245-4200.

The **Florida Diabetes Control Program** announces a teleconference of the Governor's Appointed Diabetes Advisory Council.

DATE AND TIME: November 8, 2001, 9:00 a.m. – 1:00 p.m.

PLACE: Call Toll Free 1(888)816-1123, Local 921-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting.

A copy of the agenda can be obtained by calling: Bonnie Gaughan-Bailey, (850)245-4367.

The **Florida Diabetes Control Program** announces a teleconference of the Diabetes Implementation Workgroup.

DATE AND TIME: November 8, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Call: Toll Free 1(888)1123, Local 921-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting.

A copy of the agenda can be obtained by calling: Bonnie Gaughan-Bailey, (850)245-4367.

The **Correctional Medical Authority** announces a meeting to which all persons are invited:

DATE AND TIME: November 16, 2001, 8:30 a.m. – 12:30 p.m.

PLACE: Capital Circle Office Complex, Conference Room 310, Prather Building, 2585 Merchants Row Boulevard, Tallahassee, Florida 32399-1732

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, BIN #B-04, Tallahassee, FL 32399-1732 or calling (850)245-4044.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Florida **Department of Children and Family Services** announces a meeting of the Marion County Children's Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, November 7, 2001, 12:00 Noon

PLACE: Marion County Sheriff's Office, 692 N. W. 30th Ave., Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Hernando County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, November 8, 2001, 9:00 a.m.

PLACE: Hernando-Pasco Hospice, 12260 Cortez Blvd., Spring Hill, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Community Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, November 29, 2001, 10:00 a.m.

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The **Department of Children and Family Services**, District Ten, in conjunction with the community will conduct the following meeting during the month of November:

The Department of Children and Family Services, ADM Standing Committee announces a public meeting to which you are invited to attend:

DATE AND TIME: November 12, 2001, 3:00 p.m.

PLACE: Broward Regional Health Planning Council, Conference Room 115, 915 Middle River Drive, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Alcohol, Drug Abuse and Mental Health related issues.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, Suite 200, 201 W. Broward Blvd., Ft. Lauderdale, FL 33301.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Scott Silverman), at least 5 working days before the meeting, (954)759-5446 or (954)467-4509 (TDD).

The Florida **Department of Children and Family Services**, District 4 announces public meetings to which all persons are invited:

WHAT: Children and Families Community Alliance of Northeast Florida

DATE AND TIME: December 19, 2001, 2:00 p.m. – 4:00 p.m. (NOVEMBER MEETING CANCELLED)

PLACE: Duval Co. Public Library, Southeast Branch, Room 136B, 10599 Deerwood Park Blvd., Jacksonville, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community Plan for System of Care.

WHAT: Children and Families Community Alliance of Northeast Florida: Community Outcome Committee

DATE AND TIME: November 14, 2001, 10:00 a.m. – 11:30 a.m.

PLACE: Department of Children and Families, Meeting Room B, 5920 Arlington Expressway, Jacksonville, Florida

DATE AND TIME: December 11, 2001, 10:00 a.m. – 11:30 a.m.

PLACE: Department of Children and Families, Conference Room 385, 5920 Arlington Expressway, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review priorities, outcomes and plan design.

WHAT: Children and Families Community Alliance of Northeast Florida: Executive Committee

DATE AND TIME: November 14, 2001, 12:00 Noon

PLACE: Department of Children and Families, Meeting Room B, 5920 Arlington Expressway, Jacksonville, Florida

DATE AND TIME: December 11, 2001, 12:00 Noon

PLACE: Department of Children and Families, Conference Room 385, 5920 Arlington Expressway, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Determine use of Community Plan and prepare Alliance agenda.

WHAT: Children and Families Community Alliance of Northeast Florida: Task Force for Foster Care

DATE AND TIME: November 27, 2001, 4:00 p.m. – 5:30 p.m.

PLACE: Clay County Public Library, 2054 Plainfield Ave., Orange Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of System of Care.

The **Department of Children and Family Services**, SunCoast Region announces the following public meeting to which all persons are invited:

Pasco Community Alliance

DATE AND TIME: November 14, 2001, 2:00 p.m.

PLACE: Counsel Square II, Conference Room 200 D, 7601 Little Road, New Port Richey, FL (Note Room change)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss implementation of community alliances in the SunCoast Region.

Agendas can be obtained seven days in advance of each meeting at: Mary Grizzle, Suite 414, State Office Building, 11351 Ulmerton Road, Largo, FL.

Persons needing accommodation to participate in these meetings should call at least 3 days in advance of the meeting at (727)588-7061 or TDD (727)588-6662 to arrange accommodations.

The Florida **Department of Children and Family Services** announces a meeting of the Lake County Community Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, November 15, 2001, 12:00 Noon

PLACE: Lake County Courthouse (The Round Courthouse), 315 W. Main St., Tavares, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Big Bend, Community-Based Care Community Alliance and the **Department of Children and Family Services**, Subdistrict 2B announce a meeting, to which all persons are invited. The Alliance encompasses Leon, Franklin, Gadsden, Liberty, Madison, Jefferson, Taylor and Wakulla counties.

DATE AND TIME: Wednesday, November 14, 2001, 1:30 p.m. – 3:30 p.m.

PLACE: Department of Children and Family, Cedars Executive Center, Building A, Second Floor Conference Room, 2639 North Monroe Street, Tallahassee, FL 32303

PURPOSE: Meeting of the Big Bend Community-Based Care Community Alliance to conduct general business.

A copy of the agenda can be obtained by writing: Ima Brown, Department of Children and Family Services, 2639 North Monroe Street, Cedars Executive Center, Suite 200A, Tallahassee, FL 32303.



Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Ima Brown) at least 5 working days prior to the meeting at (850)488-0569, or 1(800)226-6223 (TDD).

**FLORIDA STATEWIDE ADVOCACY COUNCIL**

The **Florida Statewide Advocacy Council** (FSAC) announces bi-weekly conference calls between the Chair, Vice Chair and members in order to discuss FSAC business.

**DATE AND TIME:** The meetings are held bi-weekly on Wednesday, 9:00 a.m. – 10:00 a.m.

**PLACE:** (850)410-0967 or Suncom 210-0967

**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces a teleconference and public meetings to which all persons are invited:

Board of Governors Teleconference

**DATE AND TIME:** November 9, 2001, 1:30 p.m.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider an RFP/RLI/RFQ for legal services, and any other matters that may come before the Board.

**PLACE:** Call Lisa Blackwell Stoutamire, FAJUA, (850)681-2003, fajua@aol.com

Vendor Committee Meeting

**DATE AND TIME:** December 12, 2001, 8:00 a.m.

**PLACE:** Tampa Airport Marriott, Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider and evaluate responses to an RFP for Accounting Services and make appropriate recommendations to the Board of Governors.

Board of Governors Meeting

**DATE AND TIME:** December 12, 2001, upon conclusion of the Vendor Committee Meeting which convenes at 8:00 a.m., but not before 10:00 a.m.

**PLACE:** Tampa Airport Marriott, Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider and evaluate responses to an RFP for Accounting Services, and any other matters that may come before the Board.

Additional information may be obtained from: Lisa Blackwell Stoutamire, FAJUA, Suite 401, 1113 East Tennessee Street, Tallahassee, FL 32308, (850)681-2003, fajua@aol.com.

**ARVIDA**

The **Arvida, a St. Joe Company** announces a public hearing to which all persons are invited.

**DATE AND TIME:** Tuesday, December 11, 2001, 5:30 p.m.

**PLACE:** Port St. Joe High School, Lunchroom/Auditorium Commons Area, 100 Shark Avenue, Port St. Joe, Florida 32456

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This hearing is being held to afford interested persons the opportunity to express their views concerning the location; conceptual design; and social, economic and environmental effects of a realignment of State Road 30 (US 98) in Gulf County. Proposed improvements involve the realigning of approximately 3.65 miles of SR 30 (US 98), beginning just north of Butler Bay Boulevard, and terminating just south of Pine Street. The project will realign the above-mentioned section of SR 30 (US 98) further inland from its existing location.

Copies of the draft State Environmental Impact Report and draft Preliminary Engineering Report that document the findings of the Project Development and Environment study will be available for public review at the Gulf County Public Library, 110 Library Drive, Port St. Joe, Florida 32456.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call (850)575-1800, Ext. 298.

Special accommodation requests under the Americans With Disabilities Act should be made at least seven working days prior to the public hearing.

This hearing is being held to comply with Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968, as amended.

A copy of the agenda may be obtained by writing: W. John Pollard, P. E., c/o PBS&J, 1901 Commonwealth Lane, Tallahassee, Florida 32301.

**CRIMINAL JUSTICE INSTITUTE**

The Region XII, **Training Council and Assessment Center**, Board of Directors announces a public meeting to which all interested persons are invited:

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

**PLACE:** Palm Beach Community College, Criminal Justice Room 101, 4200 Congress Avenue, Lake Worth, FL 33461

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The agenda will include but is not limited to: F.D.L.E./C.J.S.T.C. updates; Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary of the Criminal Justice Institute, Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, (561)439-8145.

**NORTHEAST FLORIDA AREA AGENCY ON AGING**

The **Northeast Florida Area Agency on Aging** (PSA4) announces the Annual Board of Directors meeting to which all persons are invited:

**DATE AND TIME:** November 28, 2001, Board of Directors Meeting, 9:30 a.m.

**PLACE:** First Coast Technical Institute of Culinary Arts, 2980 Collins Avenue, St. Augustine, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Board Discussion; Membership Committee Report and Election of new members; Program Committee Report and Bid Awards of 2002 OAA Funds.

A copy of the agenda may be obtained by contacting: Northeast Florida Area Agency on Aging, Inc., 2nd Floor, 4401 Wesconnett Blvd., Jacksonville, FL 32210, (904)777-2106.

**Section VII**

**Notices of Petitions and Dispositions Regarding Declaratory Statements**

**DEPARTMENT OF BANKING AND FINANCE**

NOTICE IS HEREBY GIVEN that the Florida Department of Banking and Finance has issued an order disposing of the petition for declaratory statement filed by Steven M. Prebish, on behalf of TruServ Corporation. The following is a summary of the agency's disposition of the petition:

The question presented in the petition for declaratory statement was whether TruServ's Class A or Class B common stock are securities pursuant to Chapter 517, Florida Statutes. The Department concluded that the Class A and Class B common stock are not securities because they do not possess the characteristics commonly associated with stock and are not an investment contract.

A copy of the order may be obtained from: Thomas Cibula, Assistant General Counsel, Department of Banking and Finance, Suite 526, 101 East Gaines Street, Tallahassee, Florida 32399, (850)410-9896.

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition for a Declaratory Statement from Lee County, Florida. The petitioner requires as to whether its contemplated expansion to the Lee County

Resource Recovery Facility is exempt from the Determination of Need Requirement of Section 403.519, Florida Statutes. Docket No. 011356-EQ.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

NOTICE IS HEREBY GIVEN that the Department of Environmental Protection has received on September 27, 2001, a Petition for Declaratory Statement from Jacqueline M. Lane of Pensacola, Florida. The petition seeks the agency's clarification of exactly what relief mechanisms were granted in a Consent Order, OGC file number 87-1398, issued to Champion International on December 1, 1989, and for the water quality standards of Rule 62-302.530, F.A.C., that were relieved by the consent order.

A copy of the petition may be obtained by contacting: Craig Varn, Office of General Counsel, Department of Environmental Protection, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

**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:**

Creative Choice Homes XI, Ltd., and Tidewater Revitalization, Ltd. vs. Florida Housing Finance Corporation; Case No.: 01-3937RX

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Resource Preservation Alliance, Inc. vs. Florida Fish and Wildlife Conservation Commission; Case No.: 01-2132RP; Rule Nos.: 68B-35.003, 68B-35.004, 68B-35.005; Dismissed

**Section IX**

**Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO PROFESSIONAL CONSULTANTS**

The Florida International University Board of Trustees announces that Professional Services in the discipline of **BUILDING CODE PLANS REVIEW AND CONSTRUCTION INSPECTION** will be required for all projects at FIU. Project Location: University Park, Biscayne Bay Campus, Center for Engineering & Applied Sciences, and Wolfsonian Museum.

Project Description: This Continuing Services Contract will support the University's comprehensive program for compliance with the Florida Building Code (FBC), as required by Chapter 553, Florida Statutes, and the current edition of the FBC. These services will be required for the University's construction program for new, remodeled, renovated and altered buildings. Specific services will include plans review for code compliance and inspection of construction activities per each discipline of the FBC.

**INSTRUCTIONS**

Professional Qualifications: Employees of consultants or sub-consultants who are providing these services must have the appropriate State of Florida license to perform building code plans review, and/or building inspections as per the license categories and requirements of Chapter 468, Florida Statutes.

Term of Contract: Any contract resulting from the selection of a professional consultant (or consultants) to provide these services shall require the consultant to be available on an as-needed basis through June 30, 2002, with two options to extend the agreement for additional year(s).

Firms desiring to provide professional services shall apply by letter specifying their area(s) of specialty and their intent to provide services for those specialties. Proximity of location will be a prime factor in the selection of the firm. Design ability will not be considered for this selection. Blanket professional liability insurance will be required per the

following State University System requirements. This professional liability insurance shall be provided as a part of Basic Services:

Projects < \$1,000,000	no coverage required
\$1,000,000 to \$4,999,999	\$250,000 required
\$5,000,000 to \$9,999,999	\$500,000 required
Projects \$10,000,000 and up	\$1,000,000 required

Projects > \$15,000,000 and special risk projects, limits set individually

The letter of application should have attached:

1. A completed (former Board of Regents) "Professional Qualifications Supplement (SUSPQS)," dated September 1999. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in the State of 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.

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 selection criteria 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 30, 2001. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

**PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES FOR ARCHITECTURE-ENGINEERING**

The Florida School for the Deaf and the Blind (FSDB) announces that professional services are required for the project listed below.

**PROJECT NUMBER:** FSDB-20020003

**PROJECT NAME:** McLane Hall Renovation

**PROJECT LOCATION:** The Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084-2799.

**SERVICES TO BE PROVIDED:** Architectural and engineering services including, but not limited to, structural, mechanical, plumbing, electrical and the complete preparation of construction documents necessary for the renovation of a two-story, 21,167 SF masonry dormitory building. This facility is to be renovated in two (2) phases. Basic construction administrative services will be required.

**CONSTRUCTION BUDGET:** \$3,200,000

**FSDB PROJECT MANAGER:** Rich Elmore

**PHONE NUMBER:** (904)827-2358

**RESPONSE DUE DATE:** November 30, 2001, 3:00 p.m.

**INSTRUCTIONS**

Firms interested in being considered for this project must submit four (4) copies of their application with table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Please include a stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Applicants are advised that plans and specifications for A/E projects may be reused.

Applications are to be sent or delivered to: Florida School for the Deaf and the Blind, Attn: Mr. Rich Elmore, 207 N. San Marco Ave., Building 27, St. Augustine, FL 32084-2799.

Applicants will be short-listed on December 7, 2001. Following the short-list selection, a pre-interview workshop will be held on December 18, 2001 for all short-listed firms. Interviews will be conducted on January 8, 2002. A final selection will be made after the interviews have taken place. Selections will be made in accordance with Section 287.055, Florida Statutes. The selected firm will be given official notice of selection results by FAX and/or mail.

The results of the short-list and final selection will be posted at FSDB, Building 27, 207 N. San Marco Ave., St. Augustine, FL and can be viewed during regular working days between the hours of 7:00 a.m. through 4:00 p.m. beginning 24 hours after the selection. Any protests of the selection must be made within 72 hours of the posting. Failure to file a protest within 72 hours (not including Saturday, Sunday or a legal holiday), after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Final selection results will also be posted in the Florida Administrative Weekly.

**DEPARTMENT OF CORRECTIONS**

**ADVERTISEMENTS FOR BIDS**

**PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, BUREAU OF FACILITIES SERVICES.**

**CONSTRUCTION OF:** Wastewater Treatment Plant Modifications

**PROJECT NO:** YL-42-WW

**PROJECT SITE:** Liberty Correctional Institution, Bristol, Florida

**PREQUALIFICATION:** All bidders must submit evidence that they are qualified to perform the work in accordance with Section B, paragraph B-2 of the Specifications.

**BID DATE AND TIME:** November 16, 2001, 10:00 a.m. (Local Time)

**PLACE:** William M. Bishop Consulting Engineers, Inc., 715 North Calhoun Street, Tallahassee, Florida 32315-3407

Any person with a qualified disability requiring special accommodations at the pre-bid conference and/or bid/proposal opening shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services which can be reached at 1(800)955-8771 (TDD).

**PROPOSALS:** Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

**ARCHITECT/ENGINEER:** William M. Bishop Consulting Engineers, Inc., 715 North Calhoun Street, Tallahassee, Florida 32315-3407, Attn: Sean Marston, P. E., (850)222-0334.

**DRAWINGS/SPECIFICATIONS:** Sets of Drawings and Specifications may be purchased for \$50.00 per set. Partial sets may not be purchased. Payment made to A/E.

**PRE-BID CONFERENCE:** A pre-bid conference will not be held.

**CONTRACT AWARD:** The recommendation for contract award will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, the contract will be awarded by the Secretary, Department of Corrections. Right is reserved to reject any or all bids.

---

## **EXPRESSWAY AUTHORITIES**

### **NOTICE TO DESIGN-BUILD FIRMS REQUEST FOR STATEMENTS OF QUALIFICATIONS MDX PROJECT #112-004**

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a firm or joint venture of firms ("Firm") with the necessary expertise to provide design and construction services related to the widening and reconstruction of the existing westbound off ramp from State Road (SR) 112 to Okeechobee Road 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. 112-004. The project consists of the design and construction related to the widening and reconstruction of the existing westbound off-ramp from SR 112 to Okeechobee Road. Included in the Work is the widening of the existing bridge over the South Florida Rail Corridor (S.F.R.C.) and the N. W. 37th Avenue bridge. The Project consist of approximately 20% in structures related work, 13% for drainage related work and 67% 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, permit 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. The Firm

shall also coordinate with other agencies in the completion of the project. This is a high priority work item for MDX, and the work schedule requires completion of the Project within eighteen 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's") 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, December 3, 2001, 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 26, 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](http://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.

SOQ's 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 SOQ's 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, & 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 can be obtained by contacting MDX or logging into its website [www.mdx-way.com](http://www.mdx-way.com)).

**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 contractor experience as a whole in the performance of similar projects. 20%
- Qualifications and experience of the Firm designer of record as it relates to work. Depth and breadth of the Firm's designer experience as a whole in the performance of similar projects. 20%
- Qualifications and experience of the Firm as a Design/Build Team as it relates to work. Depth and breadth of the Firm's Team's experience as a whole in the performance of similar projects. 30%
- Proposed key personnel of the Firm, their qualifications and their roles (including resumes) to the project. 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 projects, 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 Operations 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, via e-mail at [hcordero@mdx-way.com](mailto: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**

**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 18, 2001

PROJECT NAME: Continuing Area Contracts for Electrical Services, Areas 5 & 6

1. APG Electric, Inc., Clearwater
2. MGI-Morgan General Mechanical Group, Inc., Tampa

**ADVERTISEMENT FOR BIDS**

PROPOSALS ARE REQUESTED FROM QUALIFIED EXHIBITION FABRICATION CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO: DOS 21029000

SAMAS CODE: 45-20-2-542001-45200200-00-082110-02

PROJECT NAME AND LOCATION: OLD CAPITOL – MUSEUM GOVERNANCE AND POLITICAL HISTORY, TALLAHASSEE, FL

FOR: FABRICATION AND INSTALLATION OF MUSEUM EXHIBITS WORK

**PREQUALIFICATION:**

Each bidder interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest, which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data. For each project, include the name and address of the museum, the names, addresses and current telephone numbers of the Owners, Exhibit Designers,

Clients and References: the specific role of your firm on each project and the key individuals involved in each project.

2. Individual experience: Submit resumes for the Owner, Project Manager and staff. Resumes shall indicate the length of time employed by the submitting company, total years of experience and projects completed for which the work was similar to the work of this project. Include the name of the project, the names, addresses and current telephone numbers for the Owner and Exhibit Designer and a description of the project responsibilities and the specific work performed by each individual.
3. Provide a description of how your firm will interact with your Project Team that may include graphics, audiovisual contracting, cast figures, installation and artifact mounting. List your Project Team and include the total years of experience and projects completed for which the work was similar to the work of this project.
4. Describe any minority participation.
5. Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility prior to the response due date if not previously qualified by the Owner for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233, for information on licensure/certification prequalification with the Department of Management Services. Include licensure/certification information in your application. After the bid opening, the low bidder must qualify in accordance with Section 60D-5.004, F.A.C. A copy of the requirements is included in the Instruction To Bidders under Article B-2 "Bidder 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 submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, and 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.

**DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES:** An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the

construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, and may not transact business with any public entity.

**PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND:** If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor And Material Payment Bond are not required.

**RESPONSE DUE DATE:** November 29, 2001, 4:00 p.m. (Local Time)

Applications are to be sent to Department of Management Services, Building Construction, Attn: Carole Nichols, Suite 125A, 4050 Esplanade Way, Tallahassee, FL 32399-0950

**DATE AND LOCATION OF PREQUALIFICATION:** December 6, 2001, Department of Management Services, Building Construction, Suite 115B, 4050 Esplanade Way, Tallahassee, FL 32399-0950.

Bid documents will be provided to prequalified bidders and their sealed bids will be received, publicly opened and read aloud on:

**DATE AND TIME:** January 8, 2002, until 10:00 a.m. (Local Time)

**PLACE:** Department of Management Services, Suite 115B, Building Construction, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, 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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**PROPOSAL:** Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

**MUSEUM CONSULTANT:** GALLAGHER & ASSOCIATES, Karen Werth, 1730 K Street, N. W., Suite 1009, Washington, DC 20006, (202)776-0006

**CONTRACT AWARD:** The Bid Tabulation and Notice of Award Recommendation will be posted at 12:00 p.m. (Local Time), January 10, 2002, at the location where the bids were opened. 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 Chapter 60D-5, F.A.C., by the Owner.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF INVITATION TO BID**

**BID NO. BDRS 54-01/02**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Stephen Foster Folk Culture Center State Park  
Canoe Launch Development

**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to construct an access road, concrete walkway with ramps, handrails, canoe launching area and canoe drop-off area.

**PARK LOCATION:** Stephen Foster Folk Culture Center State Park  
Off U.S. 41, 1 mile North of White Springs  
White Springs (Hamilton Co.), Florida

**PROJECT MANAGER:** Jim Ross  
Bureau of Design and Recreation Services  
Telephone Number (850)488-5372  
Fax Number (850)488-1141

**MINORITY BUSINESS REQUIREMENT:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PRE-QUALIFICATION:** When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.



**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, November 2, 2001 at:  
 Stephen Foster Folk Culture Center State Park  
 P. O. Drawer G  
 White Springs, FL 32096-0435  
 Attention: Valinda Subic, Park Manager  
 Telephone Number (386)397-2733

**ADA**

**REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-5372, at least five (5) workdays prior to openings.

**BID SUBMITTAL**

**DUE DATE:** No later than 3:30 p.m., Tuesday, November 27, 2001 to the below address:  
 Florida Department of Environmental Protection  
 Bureau of Design and Recreation Services  
 3540 Thomasville Road  
 Tallahassee, Florida 32309

The Department reserves the right to reject any or all bids.  
 Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**NOTICE OF CHANGE** – The Florida Fish and Wildlife Conservation Commission  
 Notice of Change for SOQ: FWC 01/02-15  
 Change Opening Date from October 26, 2001, 3:00 p.m. to November 30, 2001, 3:00 p.m.  
**ADDENDUM NO.:** 1  
**SOQ NO.:** FWC 01/02-15  
**SOQ TITLE:** Largemouth Bass Conservation Center  
**NEW OPENING DATE:** November 30, 2001, 3:00 p.m.

If your Statement of Qualifications has already been submitted, you do not need to do anything.

**CITY OF BELLE ISLE**

**NOTICE FOR PROFESSIONAL SERVICES**

Notice is hereby given that the City of Belle Isle, Florida intends to contract for the following services to provide planning, design, maintenance and construction related services for implementation of projects designated by the City. Services may include but not be limited to the following: Comprehensive Planning, Community Planning and Surveys; Environmental Permitting, Civil Engineering, Land Surveying, Geotechnical Analysis, Material Testing, Construction Inspection, Landscape Architecture, Irrigation Design, Park Planning and Design, Bridge Restoration Design, GIS/Mapping, and related services. The City may select more than one firm for any or all of these services. The City also reserves its right to make no selection if it deems appropriate. For information on the request for professional services and the requirements to submit a letter of interest, please call City Administrator, Larry Williams, (407)851-7730. Any selection made will be in accordance with the Consultants Competitive Negotiation Act of the State of Florida. The deadline to submit letters of interest is before 2:00 p.m., Friday, November 16, 2001.

**Section XII  
Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, Suite 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Section 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 23, 2001):

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: Jefferson County Teachers Credit Union, 1500 W. Washington Street, Monticello, Florida 32344

Expansion Includes: Employees of the Jefferson County Health Department, Monticello, Florida.  
Received: October 4, 2001

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on October 17, 2001, from Richard Watson, Attorney for Petitioners Florida Air Conditioning Contractors Association and Emilio Guzman, with regards to design of mechanical systems pursuant to the wind resistance provisions of the Florida Building Code.

The Petition has been assigned the number DCA01-DEC-156. A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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-0602-002  
DATE RECEIVED: October 23, 2001  
DEVELOPMENT NAME: DOWNTOWN MAITLAND TOWN CENTER  
DEVELOPER/AGENT: City of Maitland  
DEVELOPMENT TYPE: 28-24.020, 28-24.023, 28-24.031, 28-24.026, F.A.C.  
COUNTY LOCATION: Orange  
LOCAL GOVERNMENT: Maitland City

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BMW of North America, LLC, intends to allow the establishment of Miller BMW Motorcycles, as a dealership for the sale of BMW motorcycles, at 2765 West Tennessee Street (Leon County), Florida 32304, on or after October 15, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Miller Motorcycles are: dealer operator: Mr. Johnny Ronald Miller, 2748 Teton Trail, Tallahassee, Florida 32303; principal investor(s): Mr. Johnny Ronald Miller, 2748 Teton Trail, Tallahassee, Florida 32303.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms. Lisbeth K. Kahn, Retail Development Analyst, BMW of North America, LLC, P. O. Box 1227, Westwood, New Jersey 07675-1227.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Harley Davidson Motor Company, intends to allow the establishment of Cigar City Motors, Inc. d/b/a Brandon Buell Shop, as a dealership for the sale of Buell motorcycles, at 9838 Adamo Drive, Tampa, Florida 33169, on or after October 8, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Cigar City Motors, Inc. d/b/a Brandon Buell Shop are: dealer operator and principal investor(s): Mr. James L. Ferman, 1814 Richardson Place, Tampa, Florida 33606, Mr. Preston Farrior, 2907 Villa Rosa, Tampa, Florida 33611, and Mr. Stephen Straske, II, 3302 Mullen Avenue, Tampa, Florida 33609.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer

License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms. Carolyn Mijokovic, Regional Dealer Relations Representative, Harley Davidson Motor Company, Post Office Box 653, Milwaukee, Wisconsin 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

---

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, American Suzuki Motor Corporation Automotive, intends to allow the establishment of Edwards Wholesale, Inc. d/b/a Edwards Suzuki, as a dealership for the sale of Suzuki Motor Vehicle Products, at 6400 Pensacola Boulevard, Pensacola, Florida 32505, on or after December 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Edwards Wholesale, Inc. d/b/a Edwards Suzuki are: dealer operator: Mr. Michael D. Edwards, 6400 Pensacola Blvd., Pensacola, Florida 32505; principal investor(s): Mr. Michael D. Edwards, 6400 Pensacola Blvd., Pensacola, Florida 32505.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Chris White, National Dealer Development Manager, American Suzuki Motor Corporation Automotive, Post Office Box 1100, Brea, California 92822-1100.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

---

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mitsubishi Motors Sales of America, Inc., intends to allow the establishment of Treasure Coast Imports, LLC, d/b/a Vero US 1 Mitsubishi, as a dealership for the sale of Mitsubishi vehicles, at 999 U.S. 1 South, Vero Beach (Indian River County), Florida 32960, on or after December 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Treasure Coast Imports, LLC, d/b/a Vero US 1 Mitsubishi are: dealer operator: Mr. Anthony Tantillo, 71 Lakeview Drive, Manorville, New York 19949; principal investor(s): Mr. Anthony Tantillo, 71 Lakeview Drive, Manorville, New York 19949.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Jim Charles, Regional Business Management Manager, Mitsubishi Motor Sales of America, Inc., Southeast Regional Office, 6488 Currin Drive, Orlando, Florida 32835-6211.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

---

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

NOTICE OF INTENT TO ISSUE PROPOSED  
MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes. A Proposed Final Order has been prepared in accordance with Rule 62-17.211(4), F.A.C. concerning:

Dade County Resource Recovery Facility  
Modification of Conditions of Certification  
Power Plant Siting Application No. PA77-08D  
OGC Case No. 99-0697  
Dade County, Florida

On March 10, 1999, Dade County submitted petitions to the Department requesting certain modifications to the Conditions of Certification and permit PSD-FL-006 for the above referenced facility to revise the permitted test methods for hydrochloric acid, lead, mercury, hydrogen fluorides, sulfuric

acid mist, beryllium, and arsenic to the test methods required in 40 CFR 60, Subpart Cb; to use continuous emissions monitoring system methods (CEMS) for determining emission rates; to implement the provisions of 40 CFR Subpart Cb, Maximum Available Control Technology Standards (MACT); to allow use of natural gas; to allow disposal of used oil in the furnaces; and to amend baghouse inlet temperature measurement methodology. On March 22, 1999, and December 1, 1999, the Department of Environmental Protection approved amendments B and C to Permit PSD-FL-006. On July 21, 2000, the Department approved Permit Modification Number PSD-FL-006D. These actions result in the requirement that the Department make certain modifications to conform the Conditions of Certification for the above referenced facility to the revised PSD permit. Additionally, the Department proposes to modify the conditions to reflect updated references to the applicable DEP regulations as appropriate.

On January 10, 2001, copies of the proposed modifications were made available for public review and all parties to the original proceeding were furnished copies of the Notice of Intent to Issue Proposed Modification of Power Plant Certification along with a copy of the Proposed Final Order. On January 19, 2001, a Notice of Intent to Issue Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. Those notices contained clerical and other errors, therefore the Department has issued revised notices with the corrected information.

A copy of the proposed modification order is available from Hamilton S. Oven, P. E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. #48, Tallahassee, Florida 32399-2400, (850)487-0472.

#### POINT OF ENTRY

Pursuant to Section 403.516, F.S., and Rule 62-17.211(5), F.A.C., all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification.

Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000.

If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to Section 403.516(1)(c), F.S., the applicant or the Department may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed.

Mediation is not available in this proceeding.

---

#### RECREATIONAL TRAILS PROGRAM GRANT APPLICATION SUBMISSION PERIOD

The Department of Environmental Protection has announced that grant applications for the Recreational Trails Program will be accepted January 1, 2001 through January 31, 2002. This is a competitive matching grant program which provides financial assistance to agencies of city, county, state or federal governments, state and federal recognized Indian tribal governments, and nonprofit organizations approved by the State for the acquisition and development of recreational trails. The State of Florida currently has approximately \$2,300,000 available, additional funds are dependent upon an appropriation from the U.S. Congress. Thirty percent (30%) of the funds must be used for non-motorized recreation and (30%) of the funds must be used for motorized recreation. The maximum grant award for mixed-use, motorized and non-motorized projects is \$100,000.

Application packets may be obtained from: Office of Greenways and Trails, Department of Environmental Protection, Mail Station #795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)488-3701, Suncom 278-3701. Applications must be post marked no later than January 31, 2002.

---

**DEPARTMENT OF HEALTH**

On October 17, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Timothy Wright, LPN license number LPN 1088521. Wright's last known address is 4118 78th Street, W., Bradenton, Florida 34209. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant 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 16, 2001, John O. Agwunobi, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Carol Lynn Pyfer Touzeau, PN. Touzeau holds license number PN 945431. Touzeau's last known address is 1304 Riverfront Court, Apartment 102, Virginia Beach, VA 23451. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant 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 17, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Lisa Cheryl Myers, RN license number RN 3359982. Myers's last known address is 5310 Congo Court, Cape Coral, Florida 33904. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant 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.

---

**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN October 12, 2001  
 and October 19, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

3C-100.600	10/18/01	11/7/01	27/37	
3C-560.101	10/15/01	11/4/01	27/36	
3C-560.102	10/15/01	11/4/01	27/36	
3C-560.103	10/18/01	11/7/01	27/36	
3C-560.104	10/18/01	11/7/01	27/36	
3C-560.105	10/15/01	11/4/01	27/36	
3C-560.106	10/15/01	11/4/01	27/36	
3C-560.107	10/15/01	11/4/01	27/36	
3C-560.108	10/15/01	11/4/01	27/36	
3C-560.201	10/15/01	11/4/01	27/36	
3C-560.202	10/15/01	11/4/01	27/36	
3C-560.301	10/15/01	11/4/01	27/36	
3C-560.302	10/15/01	11/4/01	27/36	
3C-560.303	10/15/01	11/4/01	27/36	
3C-560.304	10/15/01	11/4/01	27/36	
3C-560.402	10/15/01	11/4/01	27/36	
3C-560.502	10/15/01	11/4/01	27/36	
3C-560.503	10/15/01	11/4/01	27/36	
3C-560.601	10/15/01	11/4/01	27/36	
3C-560.602	10/15/01	11/4/01	27/36	
3C-560.603	10/15/01	11/4/01	27/36	
3C-560.604	10/15/01	11/4/01	27/36	
3C-560.605	10/15/01	11/4/01	27/36	
3C-560.606	10/15/01	11/4/01	27/36	
3C-560.607	10/15/01	11/4/01	27/36	
3C-560.704	10/15/01	11/4/01	27/36	
3C-560.706	10/15/01	11/4/01	27/36	
3C-560.803	10/15/01	11/4/01	27/36	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF INSURANCE**

4-211.320	10/17/01	11/6/01	27/36	
-----------	----------	---------	-------	--

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

19B-5.003	10/17/01	11/6/01	27/32	27/38
19B-6.001	10/17/01	11/6/01	27/32	27/38
19B-11.001	10/17/01	11/6/01	27/32	27/38

**DEPARTMENT OF CORRECTIONS**

33-501.301	10/15/01	11/4/01	27/26	27/36
------------	----------	---------	-------	-------

**COMMISSION ON ETHICS**

34-8.001	10/18/01	11/7/01	27/31	27/38
34-8.002	10/18/01	11/7/01	27/31	
34-8.007	10/18/01	11/7/01	27/31	
34-8.008	10/18/01	11/7/01	27/31	
34-8.009	10/18/01	11/7/01	27/31	
34-8.010	10/18/01	11/7/01	27/31	27/38
34-8.011	10/18/01	11/7/01	27/31	27/38
34-8.015	10/18/01	11/7/01	27/31	
34-8.202	10/18/01	11/7/01	27/31	
34-8.208	10/18/01	11/7/01	27/31	
34-8.209	10/18/01	11/7/01	27/31	
34-8.210	10/18/01	11/7/01	27/31	27/38
34-8.215	10/18/01	11/7/01	27/31	

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

40D-1.659	10/15/01	11/4/01	27/33	27/37
-----------	----------	---------	-------	-------

**South Florida Water Management District**

40E-20.011	10/15/01	11/4/01	27/13	
40E-20.112	10/15/01	11/4/01	27/13	
40E-20.302	10/15/01	11/4/01	27/13	
40E-20.381	10/15/01	11/4/01	27/13	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

61J1-7.006	10/18/01	11/7/01	27/29	
61J1-7.007	10/18/01	11/7/01	27/29	
61J1-7.010	10/18/01	11/7/01	27/29	

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance Boards**

64B-1.015	10/17/01	11/6/01	27/36	
-----------	----------	---------	-------	--

**Board of Acupuncture**

64B1-4.010	10/17/01	11/6/01	26/39	26/48
64B1-4.011	10/17/01	11/6/01	26/39	26/47

**Board of Pharmacy**

64B16-26.204	10/19/01	11/8/01	27/37	
--------------	----------	---------	-------	--

**Board of Respiratory Care**

64B32-1.003	10/17/01	11/6/01	27/29	
64B32-6.003	10/17/01	11/6/01	27/29	

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

68B-35.003	10/12/01	11/1/01	27/16	27/23
68B-35.004	10/12/01	11/1/01	27/16	27/23
68B-35.005	10/12/01	11/1/01	27/16	27/23



Section XIV  
List of Rules Affected

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.				3C-560.101	27/36		27/44
				3C-560.102	27/36		27/44
				3C-560.103	27/36		27/44
				3C-560.104	27/36		27/44
				3C-560.105	27/36		27/44
				3C-560.106	27/36		27/44
w -	Signifies Withdrawal of Proposed Rule(s)			3C-560.107	27/36		27/44
c -	Rule Challenge Filed			3C-560.108	27/36		27/44
v -	Rule Declared Valid			3C-560.201	27/36		27/44
x -	Rule Declared Invalid			3C-560.202	27/36		27/44
d -	Rule Challenge Dismissed			3C-560.301	27/36		27/44
dw -	Dismissed Upon Withdrawal			3C-560.302	27/36		27/44
Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	3C-560.303	27/36		27/44
				3C-560.304	27/36		27/44
STATE				3C-560.402	27/36		27/44
				3C-560.502	27/36		27/44
				3C-560.503	27/36		27/44
1-1	27/34c		27/43d	3C-560.601	27/36		27/44
1B-2.011	27/22	27/38		3C-560.602	27/36		27/44
1B-24.002	26/43			3C-560.603	27/36		27/44
1K-1.013	27/42			3C-560.604	27/36		27/44
1K-2.001	27/42			3C-560.605	27/36		27/44
1K-2.002	27/42			3C-560.606	27/36		27/44
1K-2.003	27/42			3C-560.607	27/36		27/44
1K-2.010	27/42			3C-560.704	27/36		27/44
1K-6.009	27/42			3C-560.706	27/36		27/44
1K-7.002	27/42			3C-560.707	27/39		
1K-7.003	27/42			3C-560.801	27/39		
1K-7.004	27/42			3C-560.802	27/39		
1SER01-1			27/43	3C-560.803	27/18c		27/39d
1S-2.007	27/44				27/36		27/44
1S-2.012	27/44			3C-560.804	27/39		
1S-2.027	27/40			3C-560.805	27/19c		27/43w
1S-2.031	27/40			3C-560.901	27/39		
LEGAL AFFAIRS				3C-560.902	27/39		
				3C-560.903	27/39		
				3C-560.904	27/39		
2-37	27/15			3C-560.905	27/39		
2-37.010	27/43			3C-560.906	27/39		
2AER01-1			27/32	3D-20.0021	27/41c		
2A-2.002	27/35		27/42	3D-20.0022	27/41c		
2B-1.0025	27/35			3D-20.030(11)	27/41c		
2B-1.003	27/35			3D-40.026	27/40		
2B-1.004	27/35			3D-40.027	27/40		
2B-1.0052	27/35			3D-40.0271	27/40		
BANKING AND FINANCE				3D-40.028	27/40		
				3D-40.0281	27/40		
3-1	26/43c			3D-40.029	27/40		
	27/2c			3D-40.030	27/40		
	27/33c		27/43d	3D-40.033	27/40		
3A-31.108	27/44			3D-40.043	27/40		
3A-31.226	27/44			3D-40.051	27/40		
3A-31.231	27/44			3D-40.100	27/40		
3C-1.022	21/25			3D-40.150	27/40		
3C-100.600	27/37		27/44	3D-40.160	27/40		
				3D-40.165	27/40		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
3D-40.200	27/40				27/18c		27/43d
3D-40.220	27/40				27/35c		
3D-40.242	27/40			4-5.074	27/15		
3E-500.017	27/29	27/41		4-128.001	27/30	27/44	
3F-5.0021	27/25		27/37		27/38c		
3F-5.006	27/30		27/37	4-128.002	27/30	27/36	
3F-10.003	27/10c		27/43d			27/44	
	INSURANCE				27/38c		
				4-128.005	27/30		
4ER01-1			27/28		27/38c		
4ER01-2			27/28	4-128.006	27/30		
4ER01-3			27/28		27/38c		
4ER01-4			27/28	4-128.007	27/30		
4ER01-5			27/28		27/38c		
4ER01-6			27/28	4-128.008	27/30		
4ER01-7			27/28		27/38c		
4ER01-8			27/28	4-128.009	27/30		
4ER01-9			27/28		27/38c		
4ER01-10			27/28	4-128.010	27/30		
4ER01-11			27/28		27/38c		
4ER01-12			27/28	4-128.011	27/30	27/36	
4ER01-13			27/28			27/44	
4ER01-14			27/28		27/38c		
4ER01-15			27/28	4-128.012	27/30		
4ER01-16			27/28		27/38c		
4ER01-17			27/28	4-128.013	27/30		
4ER01-18			27/28		27/38c		
4ER01-19			27/28	4-128.014	27/30	27/36	
4ER01-20			27/28		27/38c		
4ER01-21			27/28	4-128.015	27/30	27/36	
4ER01-22			27/28			27/44	
4ER01-24			27/41		27/38c		
4ER01-25			27/41		27/40c		
4ER01-26			27/41	4-128.016	27/30		
4ER01-27			27/41		27/38c		
4ER01-28			27/41		27/40c		
4ER01-29			27/41	4-128.017	27/30	27/36	
4ER01-30			27/41		27/38c		
4ER01-31			27/41		27/40c		
4ER01-32			27/41	4-128.018	27/30		
4ER01-33			27/41		27/38c		
4ER01-34			27/41		27/40c		
4ER01-35			27/41	4-128.019	27/30		
4ER01-36			27/41		27/38c		
4ER01-37			27/41		27/40c		
4ER01-38			27/41	4-128.020	27/30	27/36	
4ER01-39			27/41		27/38c		
4ER01-40			27/41		27/40c		
4ER01-41			27/41	4-128.021	27/30		
4ER01-42			27/41		27/38c		
4ER01-43			27/41		27/40c		
4ER01-44			27/41	4-128.022	27/30		
4ER01-45			27/41		27/38c		
4-1	26/44c				27/40c		
	27/16c			4-128.023	27/30		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
	27/38c			4-149.103	23/45	24/31	
	27/40c					26/12	
4-128.024	27/30	27/36				26/22	
	27/40c				24/3c		
4-137.001	27/39				24/3c		
	27/42				24/46	26/22	
4-138.001	27/42			4-149.104	23/45	24/31	
4-141.0016	21/2c					26/12	
4-144.002	27/35					26/22	
4-144.005	27/35				24/3c		
4-144.010	27/35				24/3c		
4-144.055(4)(e)	27/43c				24/46	26/22	
4-149	24/3c			4-149.105	23/45	24/31	
	24/3c					26/12	
4-149.001	23/45	26/22				26/22	
	24/46	26/22			24/3c		
4-149.002	23/45	26/22			24/3c		
	24/46	26/22			24/46	26/22	
4-149.003	23/45	26/22		4-149.106	23/45	24/31	
	24/46	26/22				26/12	
4-149.004	23/45	26/22				26/22	
	24/46	26/22			24/3c		
4-149.005	23/45	26/22			24/3c		
	24/46	26/22			24/46	26/22	
4-149.006	23/45	26/22		4-149.107	23/45	24/31	
	24/46	26/22				26/12	
4-149.007	23/45	26/22				26/22	
	24/46	26/22			24/3c		
4-149.008	23/45	26/22			24/3c		
	24/46	26/22			24/46	26/22	
4-149.009	23/45	26/22		4-149.108	23/45	24/31	
	24/46	26/22				26/12	
4-149.010	23/45	26/22				26/22	
	24/46	26/22			24/3c		
4-149.020	23/45	26/22			24/3c		
	24/46	26/22			24/46	26/22	
4-149.021	23/45	26/22		4-149.109	23/45	24/31	
	24/46	26/22				26/12	
4-149.022	23/45	26/22				26/22	
	24/46	26/22			24/3c		
4-149.023	23/45	26/22			24/3c		
	24/46	26/22			24/46	26/22	
4-149.024	23/45	26/22		4-149.110	23/45	24/31	
	24/46	26/22				26/12	
4-149.035	23/45	26/22				26/22	
	24/46	26/22			24/3c		
4-149.101	23/45	24/31			24/3c		
	24/3c				24/46	26/22	
	24/3c			4-149.1105	23/45	24/31	
	24/46	26/22			24/3c		
4-149.102	23/45	24/31		4-149.111	23/45	24/31	
		26/12				26/12	
		26/22				26/22	
	24/3c				24/3c		
	24/3c				24/3c		
	24/46	26/22			24/46	26/22	

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-149.112	23/45	24/31 26/12 26/22		4-154	24/46 27/3	26/22	
	24/3c			4-154.112	27/30		27/39
	24/3c			4-154.112(1)(b)	27/17c		27/43d
	24/46	26/22		4-154.402	26/25		
4-149.113	24/3c			4-154.403	26/25		
	24/3c			4-154.404	26/25		
4-149.114	24/3c			4-154.405	26/25		
4-149.115	24/3c			4-154.406	26/25		
4-149.116	24/3c			4-154.407	26/25		
4-149.117	24/3c			4-154.4071	26/25		
4-149.118	24/3c			4-154.408	26/25		
4-149.119	24/3c			4-154.411	26/25		
4-149.120	23/45	24/31 26/12 26/22		4-154.412	26/25		
	24/3c			4-154.502	26/25		
	24/3c			4-154.503	26/25		
	24/46	26/22		4-154.504	26/25		
4-149.121	23/45	24/31 26/12 26/22		4-154.506	26/25		
	24/3c			4-154.507	26/25		
	24/3c			4-154.508	26/25		
	24/46	26/22		4-154.511	26/25		
4-149.122	23/45	24/31 26/12 26/22		4-154.512	26/25		
	24/3c			4-154.513	26/25		
	24/3c			4-154.515	26/25		
	24/46	26/22		4-154.516	26/25		
	23/45	24/31 26/12 26/22		4-154.517	26/25		
	24/3c			4-154.518	26/25		
	24/3c			4-154.5181	26/25		
	24/46	26/22		4-154.520	24/3c		
4-149.123	23/45	24/31 26/12 26/22		4-157.001	27/41		
	24/3c			4-157.002	27/41		
	24/3c			4-157.003	27/41		
	24/46	26/22		4-157.004	27/41		
4-149.124	24/3c			4-157.006	27/41		
4-149.125	24/3c			4-157.007	27/41		
4-149.126	24/3c			4-157.009	27/41		
4-149.127	24/3c			4-157.016	27/41		
4-149.128	24/3c			4-157.017	27/41		
4-149.129	24/3c			4-157.018	27/41		
4-149.130	24/3c			4-157.019	27/41		
4-149.131	24/3c			4-157.020	27/41		
4-149.132	24/3c			4-157.023	27/41		
	24/3c			4-157.024	27/41		
4-149.1325	24/20	24/20		4-157.025	27/41		
4-149.133	24/3c			4-157.026	27/41		
	24/3c			4-157.027	27/41		
4-149.190	23/45	26/22		4-157.028	27/41		
	24/3c			4-157.029	27/41		
				4-157.029	27/41		
				4-157.030	27/41		
				4-157.031	27/41		
				4-167.002	27/14		
				4-171.002	27/37	27/42	
				4-176.022	25/33	26/24	27/37
				4-184.004	27/27		27/41
				4-184.011	27/27		27/41

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-186.001	27/21 27/21 27/34		27/41w	4A-21.242	27/14	27/26 27/40	
4-186.002	27/21 27/34		27/41w	4A-21.245	27/14	27/26 27/40	
4-186.003	27/21 27/34		27/41w	4A-21.249	27/14	27/26 27/40	
4-186.006	27/21 27/34		27/41w	4A-21.302	27/14	27/26 27/40	
4-186.008	27/21 27/34		27/41w	4A-21.303	27/14		
4-186.012	27/21 27/34		27/41w	4A-21.304	27/14		
4-186.014	27/21 27/34		27/41w	4A-37.0335	27/26	27/43	
4-191.037	27/36			4A-37.036	27/26		
4-193.065	26/41 27/27			4A-37.037	27/26		
4-211.0031	27/11	27/15		4A-37.0371	27/26		
4-211.029	27/44			4A-37.0385	27/26	27/43	
4-211.030	27/44			4A-37.039	27/26	27/43	
4-211.031	27/44			4A-37.050	27/26		
4-211.040	27/44			4A-37.0515	27/26		
4-211.041	27/44			4A-37.0527	27/26		
4-211.042	27/44			4A-37.054	27/26		
4-211.320	27/36		27/44	4A-37.055	27/26	27/43	
4-220.051	27/21	27/43		4A-37.056	27/26		
4-220.201	27/21	27/43		4A-37.058	27/26		
4-228.055	26/35			4A-37.059	27/26	27/43	
4-231.010	27/44			4A-37.060	27/26	27/43	
4-231.020	27/44			4A-37.061	27/26		
4-231.030	27/44			4A-37.062	27/26		
4-231.080	27/44			4A-37.063	27/26		
4-231.150	27/44			4A-37.064	27/26	27/43	
4A-2.024	27/23	27/40		4A-37.065	27/26	27/43	
4A-3.002	27/12			4A-39.005	27/26	27/43	
4A-3.009	27/12			4A-39.007	27/26		
4A-3.011	27/12			4A-39.010	27/26	27/43	
4A-3.012	27/12	27/26 27/39		4A-46.015	27/14		
4A-21.102	27/14	27/26 27/40		4A-46.016	27/14	27/26 27/40	
4A-21.103	27/14	27/26		4A-46.017	27/14	27/26	
4A-21.104	27/14	27/26 27/40		4A-46.035	27/14	27/26	
4A-21.106	27/14			4A-46.040	27/14	27/26	
4A-21.107	27/14			4A-46.041	27/14		
4A-21.108	27/14			4A-49.003	27/12		27/40
4A-21.109	27/14			4A-49.004	27/12	27/20 27/29	27/40 27/40
4A-21.110	27/14			4A-54.003	27/12		
4A-21.113	27/14	27/26		4A-54.004	27/12		
4A-21.114	27/14			4A-54.006	27/12	27/27 27/38	
4A-21.203	27/14			4A-54.007	27/12		
4A-21.238	27/14			4A-57.002	27/35		
4A-21.240	27/14			4A-57.003	27/35		
4A-21.241	27/14	27/26		4A-57.005	27/35		
				4A-57.007	27/35		
				4A-60.001	27/6		
				4A-60.002	27/6		
				4A-60.003	27/6	27/26	
				4A-60.004	27/6	27/26	
				4A-60.005	27/6	27/26	

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
		27/37		5L-1.008	27/39		
4A-60.006	27/6	27/26		5L-1.009	27/39		
4A-60.007	27/6			5L-1.010	27/39		
4A-60.008	27/6	27/26		5L-1.011	27/39		
4A-62.001	26/47			5L-1.012	27/39		
4A-62.002	26/47			5L-1.013	27/39		
4A-62.003	26/47	27/40					
	27/6c			EDUCATION			
4A-62.004	26/47			6-1	26/39c		
4K-1.001	27/8				27/10c		27/43d
4K-1.002	27/8				27/21c		27/43d
4K-1.003	27/8	27/12			27/25c		27/43d
4K-1.004	27/8			6A-1.001	27/32		27/41
AGRICULTURE AND CONSUMER SERVICES				6A-1.09412	27/32		27/41
5BER01-1	37/34c		27/43w	6A-1.09422	27/28	27/34	27/40
5B-36.001	27/42			6A-1.0943	27/28		27/37
5B-36.002	27/42			6A-1.09431	27/28		27/37
5B-36.0024	27/42			6A-1.09441	27/32		27/41
5B-36.0028	27/42			6A-1.0996	25/27	25/34	
5B-36.005	27/42			6A-4.001	27/32		27/41
5B-58.001	27/29			6A-4.0012	27/28		27/37
	27/33c		27/43d	6A-4.002	27/32		27/41
	27/42			6A-4.0021	27/43		
5EER01-2			27/41	6A-4.003	27/32		27/41
5E-1.016	27/32		27/40	6A-4.004	27/32		27/41
5E-3.003	27/38			6A-4.0051	27/32		27/41
5E-3.004	27/38			6A-4.006	27/32		27/41
5E-3.008	27/38			6A-4.00821	27/43		
5E-3.013	27/38			6A-4.01761	27/28		27/37
5E-3.014	27/38			6A-4.050	27/32		27/41
5E-3.015	27/38			6A-4.052	27/32		27/41
5E-3.016	27/38			6A-4.066	27/32		27/41
5E-3.018	27/38			6A-4.068	27/32		27/41
5E-14.102(5)	27/37c			6A-4.072	27/32		27/41
5F-8.001	27/43			6A-6.03012	27/28		27/37
5F-8.003	27/29		27/40	6A-6.080	16/30		
5F-8.012	27/43			6A-10.024	27/32		27/41
5F-8.024	27/29		27/40	6A-20.05281	26/1		
5F-10.001	27/34		27/42	6C-600.002	26/33		
5F-11.060	27/35			6F-16.001	27/22		
5F-11.061	27/35			6S-16.026	26/2		
5F-11.062	27/35			COMMUNITY AFFAIRS			
5F-11.063	27/35			9B-1.003(16)(a)	27/20c		
5F-11.064	27/35			9B-3.004	27/31		
5F-11.065	27/35			9B-3.043	27/32		27/40
5K-4.020	27/35		27/43	9B-3.047	26/51c		
5L-1.001	27/39				27/31	27/36	
5L-1.002	27/39				27/31	27/41	
5L-1.003	27/26		27/41		27/31	27/36	
5L-1.004	27/39			9B-3.050	27/31		
5L-1.005	27/39			9B-3.051	27/31		
5L-1.006	27/39			9B-3.052	27/31		
5L-1.007	27/26		27/41	9B-7.003	27/36		
	27/39			9B-7.0042	27/36		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
9B-70.001	27/31		27/41	12ER01-12			27/31
9B-72.010	27/31			12ER01-13			27/31
9B-72.030	27/31			12ER01-14			27/31
9B-72.040	27/31			12ER01-15			27/31
9B-72.050	27/31			12ER01-16			27/31
9B-72.060	27/31			12ER01-17			27/31
9B-72.070	27/31			12ER01-18			27/31
9B-72.080	27/31			12ER01-19			27/31
9B-72.090	27/31			12ER01-20			27/31
9B-72.100	27/31			12ER01-21			27/31
9B-72.110	27/31			12ER01-22			27/31
9B-72.120	27/31			12ER01-23			27/31
9B-72.130	27/31			12ER01-24			27/31
9B-72.160	27/31			12ER01-25			27/31
9B-72.170	27/31			12ER01-26			27/31
9B-72.180	27/31			12ER01-27			27/31
9B-72.190	27/31			12ER01-28			27/31
9C-600.002	26/33			12-13.001	27/17		27/39
9I-31.005	16/35			12-13.002	27/17		27/39
9I-35.006	19/31	19/43		12-13.003	27/17		27/39
9I-47.035	23/25			12-13.004	27/17		27/39
9J-5.0055	18/40			12-13.005	27/17	27/27	27/39
9J-8.004	22/39			12-13.006	27/17		27/39
9J-8.006	22/39			12-13.007	27/17		27/39
9J-41.003	20/47			12-13.0075	27/17		27/39
9J-200.146	26/42			12-13.008	27/17		27/39
				12-13.009	27/17		27/39
				12-13.010	27/17		27/39
				12-26.003	27/17	27/27	27/39
				12-26.004	27/17		27/39
				12-26.008	27/17		27/39
				12AER01-1			27/26
				12A-1.001	27/17		27/39
					27/27		27/39
					27/27		27/39
				12A-1.001(16)	27/16c		27/43d
				12A-1.005	27/27		27/39
				12A-1.016	27/27		27/39
				12A-1.0161	27/17		27/39
				12A-1.038	27/17	27/29	27/39
				12A-1.039	27/17		27/39
				12A-1.043	27/17		27/39
				12A-1.046	27/27		27/39
				12A-1.051	27/17		27/39
					27/27		27/39
				12A-1.053	27/17	27/28	27/39
				12A-1.059	27/17	27/28	27/39
				12A-1.060	27/17		27/39
					27/27		27/39
				12A-1.061	27/17		27/39
				12A-1.062	27/16c		27/43d
				12A-1.064	27/27		27/39
				12A-1.085	27/27		27/42
				12A-1.0911	27/27		27/39
				12A-1.095	27/27	27/34	27/39
				12A-1.097	27/17	27/29	27/39
12ER01-9			27/31				
12ER01-10			27/31				
12ER01-11			27/31				

HEALTH AND REHABILITATIVE SERVICES

LAW ENFORCEMENT

REVENUE

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
	27/27	27/36	27/42	TRANSPORTATION			
12A-15.003	27/27		27/39	14-15.003	26/46		
12A-15.004	27/27		27/39	14-22.012	26/44c		
12A-15.007	27/27		27/39	14-40.020	27/29	27/38	
12A-15.014	27/27		27/39	14-40.021	27/29	27/38	
12A-19.010	27/42			14-40.022	27/29	27/38	
12A-19.020	27/42			14-40.030	27/41		
12A-19.030	27/42			14-49.003	27/43		
12A-19.041	27/42			14-57.003	27/26	27/35	27/41
12A-19.042	27/42			14-80.001	27/43		
12A-19.043	27/42			14-80.0011	27/43		
12A-19.050	27/42			14-80.003	27/43		
12A-19.060	27/42			14-80.004	27/43		
12BER01-2			27/27	14-80.005	27/43		
12BER01-3			27/28	14-80.0051	27/43		
12BER01-4			27/28	14-80.006	27/43		
12BER01-5			27/28	14-98.001	27/35		
12BER01-6			27/28	14-98.002	27/35		
			27/40w	14-98.003	27/35		
12BER01-7			27/28	14-98.004	27/35		
12BER01-8			27/28	14-98.005	27/35		
12BER01-29			27/32	14-98.006	27/35		
12BER01-30			27/40	14-98.007	27/35		
12B-7.026	27/17		27/39	14-98.008	27/35		
12B-8	23/8c			14-110.001	27/29		27/39
12B-8.001	27/27	27/34	27/41	14B-1.001	26/3	26/24	
	27/27	27/35	27/41		27/32		
12B-8.003	27/27		27/41	14B-1.002	26/3	26/24	
12B-8.016	27/27		27/41		27/32		
12C-1.013	27/27		27/39	14B-1.003	26/3	26/24	
12C-1.0151	27/27		27/39		27/32		
12C-1.0155	27/27		27/39	14B-1.004	26/3	26/24	
12C-1.022	27/27		27/39		27/32		
12C-2.002	27/17		27/40	14B-1.005	26/3	26/24	
12C-2.003	27/17		27/40		27/32		
12C-2.004	27/17	27/31	27/40	14B-1.006	26/3	26/24	
12C-2.005	27/17		27/40		27/32		
12C-2.006	27/17		27/40	14B-1.007	26/3	26/24	
12C-2.0063	27/17		27/40		27/32		
12C-2.007	27/17		27/40	HIGHWAY SAFETY AND MOTOR VEHICLES			
12C-2.008	27/17		27/40	15-1	27/28c		27/43d
12C-2.010	27/17		27/40	ENVIRONMENTAL REGULATION			
12C-2.0105	27/17		27/40	17-503.420	16/15		
12C-2.0115	27/17	27/29	27/40	17-503.430	16/15		
	27/17	27/31	27/40	17-503.500	16/15		
12D-1.010	27/37			17-660.300	15/50	16/8	
12D-7.015	27/37			17-671.100	15/32		
12D-13.014	27/37			17-671.200	15/32		
12D-13.019	27/37			17-671.300	15/32		
12D-13.028	27/37			17-671.310	15/32		
12D-13.037	27/37						
12D-13.061	27/37						
12D-13.062	27/37						
12D-13.063	27/37						
12D-16.002	27/37						



Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
<b>BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST</b>				<b>PUBLIC SERVICE COMMISSION</b>			
18-1	27/10c			25-6.065	27/41		
18-21.003	27/24	27/36		25-17.0832	27/38		
18-21.004	25/48	25/50		25-22.104	27/42		
	27/24	27/36		<b>EXECUTIVE OFFICE OF THE GOVERNOR</b>			
18-21.004(1)(d)	27/31c		27/40d	27E-4.001	20/11		
18-21.007	27/24			27E-4.002	20/11		
18-21.008	27/24			27E-4.003	20/11		
18-21.009	27/24			27E-4.004	20/11		
18-21.010	27/24			27E-4.005	20/11		
18-21.900	27/24	27/36		27E-4.006	20/11		
18-24.005	27/15			27E-4.007	20/11		
<b>STATE BOARD OF ADMINISTRATION</b>				27E-4.008	20/11		
19-8.028	27/24		27/37	27M-1.001	27/39		
19-10.002	27/21	27/27	27/37	27M-1.002	27/39		
19-10.003	27/21	27/27	27/37	27M-1.003	27/39		
19-12.001	27/36			27M-1.004	27/39		
19-12.002	27/36			27M-1.005	27/39		
19-12.003	27/36			27M-1.006	27/39		
19-12.004	27/36			27M-1.007	27/39		
19-12.005	27/36			27M-1.008	27/39		
19-12.006	27/36			27M-1.009	27/39		
19B-4.001	27/32		27/40	27M-1.010	27/39		
19B-5.003	27/32	27/38	27/44	27M-1.011	27/39		
19B-5.007	27/32		27/40	27M-1.012	27/39		
19B-6.001	27/32	27/38	27/44	27M-1.013	27/39		
19B-8.001	27/32		27/40	27M-1.014	27/39		
19B-9.002	27/32		27/40	27M-1.015	27/39		
19B-9.003	27/32		27/40	<b>ADMINISTRATION COMMISSION</b>			
19B-11.001	27/32	27/38	27/44	28-18.100	27/44		
19B-15.001	27/32		27/40	28-18.200	27/44		
<b>CITRUS</b>				28-20.100	27/44		
20-9.001	27/24			28-106.105	27/16c		27/43d
20-9.002	27/24			28-106.106	27/16c		27/43d
20-9.003	27/24			28-106.107	27/16c		27/43d
20-9.004	27/24	27/40		<b>REGIONAL TRANSPORTATION AUTHORITIES</b>			
20-9.005	27/24	27/40		30-1	27/13c		27/43d
20-9.006	27/24	27/40		<b>CORRECTIONS</b>			
20-9.007	27/24			33-1	27/10c		27/43d
20-9.008	27/24	27/40			27/33c		27/43d
20-40.005	27/24	27/31	27/37	33-2.001	23/25		
<b>PROFESSIONAL REGULATION</b>				33-3.0081	25/35	25/43	
21M-49.002	19/6c			33-3.0082	25/35	25/43	
21M-50.002	19/6c			33-3.0084	25/35	25/43	
21M-50.003	19/6c			33-3.0085	25/35	25/43	
21M-50.007	19/6c			33-3.015	21/43		
21M-50.009	19/6c			33-3.018	17/14		
				33-8.0142	19/43		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	
33-22.003	17/12			33-601.723	26/48	27/38		
33-22.009	17/12			33-601.724	26/48	27/38		
33-22.011	17/12			33-601.725	26/48	27/38		
33-25.031	20/11c			33-601.726	26/48	27/38		
33-32.021	19/5			33-601.727	26/48	27/38		
33-32.022	19/5			33-601.728	26/48	27/38		
33-38.001	25/35	25/43		33-601.729	26/48	27/38		
33-38.003	25/35	25/43		33-601.730	26/48			
33-38.005	25/35	25/43		33-601.731	26/48	27/38		
33-38.006	25/35	25/43		33-601.732	26/48	27/38		
33-38.009	25/35	25/43		33-601.733	26/48	27/38		
33-38.010	25/35	25/43		33-601.734	26/48	27/38		
33-38.011	25/35	25/43		33-601.735	26/48	27/38		
33-38.012	25/35	25/43		33-601.736	26/48	27/38		
33-102.101	27/3	27/36	27/43	33-601.737	26/48	27/38		
33-204.002	27/29		27/39	33-601.738	26/48	27/38		
33-204.003	27/29		27/39	33-601.800	27/43			
33-204.111	27/29			33-602.205	27/34	27/42		
33-208.506	26/43	27/43		33-602.220	27/39			
33-208.507	26/16			33-602.222	27/39			
33-210.104	27/40			33-602.223	27/40			
33-302.103	27/37			33-602.401(2)(b)	26/39c			
33-302.104	27/40			33-602.403(2)(a)2.	26/39c			
33-302.105	26/46	26/52	27/39					
	26/46	27/29	27/39	COMMISSION ON ETHICS				
33-302.106	27/31		27/39					
33-302.108	27/34	27/42		34-5.001	24/18			
33-302.111	27/29	27/39		34-5.026	24/19			
33-501.101	27/26	27/31	27/43	34-7.010	27/31		27/41	
		27/36	27/43		27/37			
33-501.301	27/26	27/36	27/44		27/42			
33-503.001	27/32		27/41	34-8.001	27/31	27/38	27/44	
33-507.002	27/35		27/43	34-8.002	27/31		27/44	
33-601.701	26/48	27/38		34-8.007	27/31		27/44	
33-601.702	26/48	27/38		34-8.008	27/31		27/44	
33-601.703	26/48	27/38		34-8.009	27/31		27/44	
33-601.704	26/48	27/38		34-8.010	27/31	27/38	27/44	
33-601.705	26/48	27/38				27/44		
33-601.706	26/48	27/38		34-8.011	27/31	27/38	27/44	
33-601.707	26/48	27/38				27/44		
33-601.708	26/48	27/38		34-8.015	27/31		27/44	
33-601.708(12)(e)	27/35c			34-8.202	27/31		27/44	
33-601.709	26/48	27/38		34-8.208	27/31		27/44	
33-601.710	26/48	27/38		34-8.209	27/31		27/44	
33-601.713	26/48	27/38		34-8.210	27/31	27/38	27/44	
33-601.714	26/48	27/38		34-8.215	27/31		27/44	
33-601.714(3)	27/10c		27/43d	34-12.310	27/42			
33-601.715	26/48	27/38		34-12.330	27/42			
33-601.716	26/48	27/38		METROPOLITAN PLANNING ORGANIZATIONS				
33-601.717	26/48	27/38						
33-601.718	26/48	27/38		35I-1.001	27/24		27/41	
33-601.719	26/48	27/38		35I-1.002	27/24		27/41	
33-601.720	26/48	27/38		35I-1.003	27/24		27/41	
33-601.721	26/48	27/38		35I-1.004	27/24		27/41	
33-601.722	26/48	27/38		35I-1.007	27/24		27/41	

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
35I-1.009	27/24		27/41	40C-400.201	21/48	21/48	
35I-1.011	27/24		27/41	40C-400.447	27/3	27/35	27/40
35I-1.012	27/24	27/35	27/41	40D-0.201	20/3		
35I-2.001	27/24		27/41	40D-1.202	19/36	19/42	
35I-2.002	27/24		27/41	40D-1.659	27/33	27/37	27/44
35I-2.003	27/24		27/41	40D-2.031	20/48		
35I-2.004	27/24		27/41	40D-2.041	20/48		
35I-2.005	27/24		27/41	40D-2.091	20/48	20/52	
35I-2.006	27/24		27/41		22/48		
35I-2.007	27/24		27/41	40D-2.101	20/48		
35I-2.008	27/24		27/41	40D-2.301	22/48		
35I-2.009	27/24		27/41	40D-2.321	20/48		
LABOR AND EMPLOYMENT SECURITY				40D-2.331	20/48		
38-1	26/43c			40D-2.381	20/48		
38E-106.401	24/1			40D-2.501	20/48		
38F-7.020	27/28		27/39	40D-2.601	20/48		
38F-7.522	27/16c		27/43d	40D-2.621	20/48	21/44	
38F-7.523	27/16c		27/43d	40D-2.801	20/48	24/7	
38F-7.900	27/28		27/39	40D-4.041	27/31		27/40
38F-8.055	22/4			40D-4.091	22/48		
38F-24.0231	27/40				25/3		
38F-68.001	27/40				27/31		27/40
38F-68.006	27/40			40D-4.091(1)	26/43c		
38I-60.200	20/7			40D-4.201	21/22		
38K-1.0045	23/27			40D-4.381	27/31		27/40
WATER MANAGEMENT DISTRICTS				40D-6.521	24/50		
40C-1.1009	27/3		27/40	40D-8.624	23/38	24/48	
40C-1.181	20/18			40D-8.6240	23/38	24/48	
40C-1.603	27/35	27/35	27/40	40D-45.011	27/26		27/40
40C-4.021	27/3	27/35	27/40	40D-45.021	27/26		27/40
40C-4.041	27/3	27/35	27/40	40D-45.031	27/26		27/40
40C-4.051	27/3	27/35	27/40	40D-45.041	27/26		27/40
40C-4.051(12)(b)	25/12c			40D-45.051	27/26		27/40
40C-4.091	25/12c			40D-45.053	27/26		27/40
	27/3	27/35	27/40	40D-45.054	27/26		27/40
40C-4.301	27/35	27/35	27/40	40D-45.091	27/26		27/40
40C-4.302	27/35	27/35	27/40	40D-45.101	27/26		27/40
40C-4.331	27/3	27/35	27/40	40D-45.301	27/26		27/40
40C-40.011	27/35	27/35	27/40	40D-45.321	27/26		27/40
40C-40.031	27/35	27/35	27/40	40D-45.331	27/26		27/40
40C-40.042	27/35	27/35	27/40	40D-45.341	19/42	20/3	
40C-40.112	27/35	27/35	27/40	40D-45.351	27/26		27/40
40C-40.302	27/3	27/35	27/40	40D-45.381	27/26		27/40
40C-40.321	27/35	27/35	27/40	40D-45.461	27/26		27/40
40C-40.351	27/35	27/35	27/40	40D-45.471	27/26		27/40
40C-40.381	27/3	27/35	27/40	40D-45.481	27/26		27/40
40C-41.063	27/3	27/35	27/40	40E-1.510	20/18	21/36	
40C-42.022	27/3	27/35	27/40	40E-1.603	19/4c		
40C-42.0225	27/3	27/35	27/40	40E-1.606	19/4c		
40C-42.026	27/3	27/35	27/40	40E-1.607	19/43		
40C-42.029	27/3	27/35	27/40	40E-1.612	20/18	21/36	
40C-42.091	27/35	27/35	27/40	40E-1.614	20/18	21/36	
40C-42.900	27/35	27/35	27/40	40E-1.659	19/4c		
					25/18		
				40E-2	26/38c		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
40E-2.041	27/26	27/31				27/29	27/42
40E-2.091	27/39					27/35	27/42
40E-4.091	25/18			40E-41.363	27/27	27/28	27/42
40E-6	20/26c					27/29	27/42
40E-7.611	27/23	27/32				27/35	27/42
		27/39		40E-63.223	27/2	27/9	
40E-7.621	27/23	27/32		40E-63.400	27/23		
		27/39		40E-63.401	27/23		
40E-7.623	27/23	27/32		40E-63.402	27/23		
40E-7.628	27/23	27/32		40E-63.404	27/23		
40E-7.631	27/23	27/32		40E-63.406	27/23		
		27/39		40E-63.410	27/23		
40E-7.633	27/23	27/32		40E-63.415	27/23		
40E-7.635	27/23	27/32		40E-63.420	27/23		
40E-7.637	27/23	27/32		40E-63.430	27/23		
		27/39		40E-63.432	27/23		
40E-7.639	22/23	22/37		40E-63.434	27/23		
	27/23	27/32		40E-63.436	27/23		
40E-7.645	27/23	27/32		40E-63.440	27/23		
		27/39		40E-63.442	27/23		
40E-7.647	27/23	27/32		40E-63.444	27/23		
40E-7.651	27/23	27/32		40E-63.450	27/23		
		27/39		40E-63.452	27/23		
40E-7.653	27/23	27/32		40E-63.454	27/23		
		27/39		40E-63.456	27/23		
40E-7.654	27/23	27/32		40E-63.458	27/23		
		27/39		40E-63.460	27/23		
40E-7.655	27/23	27/32		40E-63.470	27/23		
		27/39		40E-601.314	26/9		
40E-7.659	27/23	27/32			26/9		
		27/39			26/9		
40E-7.661	27/23	27/32		FLORIDA LAND AND WATER ADJUDICATORY COMMISSION			
		27/39					
40E-7.664	27/23	27/32		42-196.010	26/42		
		27/39		EXPRESSWAY AUTHORITIES			
40E-7.6645	27/23	27/32					
40E-7.665	27/23	27/32					
40E-7.667	27/23	27/32					
40E-20.011	27/13		27/44	45A-2.001	21/49		
40E-20.112	27/13		27/44	MARINE FISHERIES COMMISSION			
40E-20.302	27/13		27/44				
40E-20.381	27/13		27/44	46-15.002	21/35		
40E-41.011	27/27	27/28	27/42	46-21.007(1)	18/2		
40E-41.320	27/27	27/28	27/42	46-24.003	21/27		
		27/29	27/42	46-37.001	20/18		
40E-41.321	27/27	27/28	27/42	46-37.002	20/18	20/25	
		27/29	27/42	46-37.003	20/18		
40E-41.323	27/27	27/28	27/42	46-37.004	20/18	20/25	
		27/29	27/42	46-37.005	20/18		
40E-41.333	27/27	27/28	27/42	46-37.006	20/18	20/25	
		27/29	27/42	46-42.003	20/35		
40E-41.343	27/27	27/28	27/42	46-47.007	22/27		
		27/29	27/42				
		27/35	27/42				
40E-41.360	27/27	27/28	27/42				

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
<b>REGIONAL UTILITY AUTHORITIES</b>				59A-3.170	21/20		
				59A-3.180	21/3		
49B-2.038	27/30		27/37	59A-3.202	27/44		
				59A-3.203	27/44		
				59A-3.204	27/44		
				59A-3.2055	22/52	23/10	
				59A-4.103	27/44		
				59A-4.106	27/44		
				59A-4.123	27/44		
				59A-4.128	27/44		
				59A-4.166	27/10c		
				59A-5.022	26/39	27/10	
				59A-7.020	20/25		
				59A-12.020	26/32	26/36	
					26/38c		
				59A-18.003	26/25		
				59A-23.002	27/27		27/40
				59A-23.004	27/27		27/40
					27/44		
				59A-23.005	27/27		27/40
					27/44		
				59A-23.006	27/27		27/40
					27/44		
				59A-23.009	27/27		27/40
				59AA-17.004	21/46		
				59B-7.020	19/30		
				59B-7.021	19/30		
				59B-7.022	19/30		
				59B-7.023	19/30		
				59B-7.024	19/30		
				59B-7.025	19/30		
				59B-7.026	19/30		
				59B-7.027	19/30		
				59B-7.028	19/30		
				59B-7.029	19/30		
				59B-9.010	27/43		
				59B-9.011	27/43		
				59B-9.013	27/43		
				59B-9.015	27/43		
				59B-9.018	27/43		
				59B-9.019	27/43		
				59B-9.020	27/43		
				59C-1.002(41)	27/7c		
					27/7c		
					27/7c		
					27/10c		
					27/10c		
				59C-1.003	26/30c		
				59C-1.004	27/31		
				59C-1.005	27/31		
				59C-1.033	26/51	27/18	
						27/24	27/43d
<b>AGENCY FOR HEALTH CARE ADMINISTRATION</b>					27/7c		
59-1	27/12c		27/43d		27/7c		
	27/31c		27/43d		27/7c		
59A-2.024	20/1				27/7c		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
	27/10c			59T-16.002	23/22	23/35	
	27/10c			59U-11.019	20/51	21/7	
	27/29c			59U-14.002	23/24	23/35	
	27/31c		27/43d	59V-3.007	20/34	20/48	
59C-1.033(7)	27/25c			59Y-5.001	23/11		
	27/31c						
59C-1.033(7)(b),(c)	27/21c			MANAGEMENT SERVICES			
	27/23c			60-1	27/13c		27/43d
	27/23c				27/43c		
	27/23c			60A-1.001(2)	26/39c		
59E-1.001	20/27			60T-25.001	18/41	18/44	
59E-1.002	20/27			60T-25.002	18/41	18/44	
59E-1.003	20/27			60Y-5.004	26/34		
59E-1.004	20/27			60Y-9.007	27/41		
59E-1.005	20/27			BUSINESS AND PROFESSIONAL REGULATION			
59E-1.006	20/27			61-20.010	27/36		
59E-1.007	20/27			61A-4.0271	22/47		
59E-5.101	27/14c		27/43d	61B-22.002	27/36		
	27/32			61B-22.003	27/36		
59E-5.102	27/32			61B-22.004	27/36		
59E-5.103	27/32			61B-22.005	27/36		
59E-5.201	27/32			61B-22.006	27/36		
59E-5.205	27/32			61B-22.0062	27/36		
59E-5.605	27/32			61B-30.004	20/19		
59F-1.002	20/33			61B-30.006	22/45		
59G-4.025	27/32			61B-31.001	23/2		
59G-4.055	21/39	21/45		61B-31.002	23/2		
59G-4.070	27/6	27/18		61B-32.001	21/30		
59G-4.100	27/37			61B-37.001	27/36		
59G-4.170	27/27		27/39	61B-37.002	27/36		
59G-4.200	27/27		27/39	61B-38.001	27/36		
	27/40c			61B-39.001	22/33		
59G-4.340	27/40				27/36	27/42	
59G-6.010	27/32	27/36		61B-39.002	22/33		
	27/44				27/36	27/42	
59G-6.020	27/34	27/41		61B-39.003	27/36	27/42	
59G-6.030	27/34	27/41		61B-39.004	27/36	27/42	
59G-6.080	27/36			61B-39.005	27/36		
59G-8.200	27/32	27/44		61B-39.006	27/36		
59G-208.101	27/4	27/16		61B-39.007	27/36		
59H-1.0035	27/38			61B-39.008	27/36		
59H-1.00352	26/3	26/17		61B-40.001	27/36		
59M-3.005	21/25			61B-40.002	27/36		
59O-2.002	22/34	24/49		61B-40.003	27/36	27/42	
59O-2.003	22/34	24/49		61B-40.004	27/36		
59O-3.002	22/34	24/49		61B-40.005	27/36	27/42	
59O-9.003	22/34	24/48		61B-40.006	27/36		
59Q-9.002	20/39			61B-40.0061	27/36		
59R-62.010	21/5			61B-40.0062	27/36		
59R-62.040	21/5			61B-40.007	27/36		
59T-11.013	23/22	23/35		61C-1.002	22/23	22/36	
59T-14.004	23/22	23/35		61C-3.002	22/23	22/36	
59T-15.002	23/22	23/35		61C-4.023	27/33	27/39	
59T-16.001	23/22	23/35					

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
		27/43		61G14-15.001	27/43		
	27/40c			61G15-19.004	27/38		
61C-5.001	26/24			61G15-20.0010	26/49	27/32	27/38
61C-76.0061	21/35			61G15-20.0015	26/49	27/32	27/38
61C-76.0062	21/35			61G15-20.0017	26/49	27/32	27/38
61D-2.020		22/35	27/41w	61G15-22.001	27/20		27/37
	27/31		27/41w	61G15-22.002	27/20	27/31	27/37
61D-2.021	27/31	27/43		61G15-22.003	27/20		27/37
61D-3.003	23/36	23/44		61G15-22.004	27/20	27/31	27/37
61D-3.004	23/36	23/44		61G15-22.005	27/20	27/31	27/37
61D-6.002(1)	26/12c			61G15-22.006	27/20		27/37
	26/39c			61G15-22.007	27/20	27/31	27/37
	26/39c			61G15-22.008	27/20		27/37
61D-6.005	27/31			61G15-22.009	27/20	27/31	27/37
61D-11.010	24/3			61G15-22.010	27/20	27/31	27/37
61F3-8.002	20/27	20/32		61G15-22.011	27/20	27/31	27/37
61F6-34.001	20/7			61G15-22.012	27/20	27/31	27/37
61F6-50.007	18/53	20/24		61G15-22.013	27/20		27/37
61F9-6.0035	19/36			61G15-22.014	27/20		27/37
61F9-6.011	19/36			61G15-24.001	27/38		
61F9-6.013	19/36			61G15-24.003	27/38		
61F14-3.016	19/36			61G15-36.001	27/27		
61G-3.5082	27/4			61G15-36.002	27/27	27/38	
61G2-3.005	21/33			61G15-36.003	27/27		
61G2-3.0055	23/38	24/6		61G16-2.001	23/12		
61G2-4.001	21/29			61G16-5.003	21/43	21/50	
61G3-15.006	27/4			61G17-1.006	21/6		
61G3-16.0091	27/11			61G17-4.007	27/29		27/38
61G3-20.009	27/11			61G17-7.001	27/27	27/40	
61G3-20.022	27/21	27/31	27/37	61G18-16.002	26/29		
61G4-15.001	27/43			61G18-16.003	26/29		
61G4-15.002	27/23			61G18-16.0035	26/29		
61G4-17.001	19/29			61G19-6.002	27/30		27/38
61G4-18.011	19/38			61G19-7.0010	26/41		
61G4-18.012	19/38			61G19-7.004	26/41	27/18	27/42
61G5-17.006	27/11					27/35	
61G7-10.011	26/13			61G19-9.004	27/43		
61G8-14.007	27/29			61H-20.0053	26/28		
61G8-17.0034	27/40			61H1-54.002	21/29		
61G8-17.0041	27/40			61J1-4.002	26/45	27/36	
61G8-17.0042	27/29		27/43	61J1-4.003	26/45		
61G8-28.001	26/39				27/27		27/42
61G8-32.007	27/31		27/41	61J1-4.005	26/45		
61G10-12.001	26/24			61J1-4.006	26/45	27/36	
61G10-13.003	27/23		27/37	61J1-4.008	26/45	27/36	
61G10-13.005	27/23	27/31	27/37	61J1-7.006	27/29		27/44
61G10-13.007	27/23		27/37	61J1-7.007	27/29		27/44
61G10-13.008	27/23	27/31	27/37	61J1-7.010	27/29		27/44
61G10-18.001	27/23	27/31	27/37	61J2-10.032	27/34		
61G10-18.002	27/23	27/31	27/37	61J2-24.001	27/34		
61G10-18.003	27/23	27/31	27/37				
61G10-18.004	27/23	27/31	27/37				
61G10-18.005	27/23	27/31	27/37				
61G10-18.006	27/23	27/31	27/37				
61G10-18.007	27/23	27/31	27/37				
61G11-25.001	20/22						

ENVIRONMENTAL PROTECTION

62-1	26/44c		
	27/26c		27/40d
	27/28c		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
	27/28c			62-343.060	21/22		
62-4.050	20/21	21/22		62-343.070	21/22		
62-17.151	24/45	24/45		62-343.080	21/22		
62-17.161	24/45	24/45		62-343.090	21/22		
62-33.0051	27/11			62-343.100	21/22		
62-204.800	27/32		27/39	62-343.110	21/22		
62-210.990	20/36			62-343.120	21/22		
62-213.430	20/52	21/7		62-343.130	21/22		
62-296.401	22/32	22/38		62-343.140	21/22		
62-303	27/17c			62-343.900	21/22		
	27/18c			62-524.400	20/45		
	27/18c			62-550.102	27/38		
	27/18c			62-550.200	27/38		
	27/18c			62-550.300	27/38		
	27/18c			62-550.310	20/47		
	27/18c				27/38		
	27/21c			62-550.315	27/38		
62-303.100	27/12	27/19		62-550.320	27/38		
62-303.150	27/12	27/19		62-550.325	27/38		
62-303.200	27/12	27/19		62-550.500	27/38		
62-303.300	27/12			62-550.512	27/38		
62-303.310	27/12			62-550.513	27/38		
62-303.320	27/12	27/19		62-550.514	27/38		
62-303.330	27/12	27/19		62-550.515	27/38		
62-303.340	27/12	27/19		62-550.516	27/38		
62-303.350	27/12			62-550.517	27/38		
62-303.351	27/12			62-550.518	27/38		
62-303.352	27/12			62-550.519	27/38		
62-303.353	27/12			62-550.540	27/38		
62-303.360	27/12			62-550.550	27/38		
62-303.370	27/12			62-550.590	27/38		
62-303.380	27/12	27/19		62-550.720	27/38		
62-303.400	27/12			62-550.730	20/19		
62-303.410	27/12				27/38		
62-303.420	27/12	27/19		62-550.800	27/38		
62-303.430	27/12	27/19		62-550.821	27/38		
62-303.440	27/12	27/19		62-550.824	27/38		
62-303.450	27/12			62-560.310	27/38		
62-303.460	27/12			62-560.400	27/38		
62-303.470	27/12	27/19		62-560.410	27/38		
62-303.480	27/12	27/19		62-560.420	27/38		
62-303.500	27/12			62-560.430	27/38		
62-303.600	27/12			62-560.510	27/38		
62-303.700	27/12			62-560.520	27/38		
62-303.710	27/12			62-560.530	27/38		
62-303.720	27/12			62-560.540	27/38		
62-303.810	27/12			62-560.545	27/38		
62-312.122	24/18			62-560.546	27/38		
62-330.2001	26/9			62-560.550	27/38		
62-341.602	21/22	21/22		62-560.560	27/38		
62-343.010	21/22			62-560.600	27/38		
62-343.020	21/22			62-560.610	27/38		
62-343.030	21/22			62-560.620	27/38		
62-343.040	21/22			62-561.100	24/52		
62-343.050	21/22			62-610.814	24/52		



Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
62-621.200	21/52			62R-7.020	21/17		
62-701	22/42c			62R-7.022	21/17		
62-707.500	22/30			62R-7.025	21/17		
62-712.100	21/34			62R-7.026	21/17		
62-712.200	21/34			62R-7.028	21/17		
62-712.300	21/34				22/47		
62-712.400	21/34			62R-7.032	21/17		
62-712.410	21/34			62S-3.001	27/30	27/36	27/42
62-712.420	21/34			62S-3.002	27/30	27/36	27/42
62-712.430	21/34			62S-3.003	27/30	27/36	27/42
62-712.440	21/34						
62-712.450	21/34						
62-712.460	21/34						
62-712.500	21/34			63E-2.004	27/28		27/43
62-712.800	21/34			63E-2.007	27/28		27/43
62-712.810	21/34			63E-2.008	27/28		27/43
62-712.900	21/34			63E-2.009	27/28		27/43
62-730.050	23/7			63E-2.010	27/28		27/43
62-761.891	24/14			63E-2.012	27/28		27/43
62-771.300	21/52			63E-2.015	27/28		27/43
62-775.500	21/52	22/15		63E-2.016	27/28		27/43
62-788.400	25/5			63E-2.017	27/28		27/43
62B-26.011	26/51	27/11		63E-2.018	27/28		27/43
62B-33.002	27/43			63E-2.019	27/28		27/43
62B-33.007	27/43			63E-2.020	27/28		27/43
62B-33.008	27/43			63E-2.021	27/28		27/43
62B-41.002	27/20	27/36	27/42	63E-2.022	27/28		27/43
62B-41.003	27/20		27/42				
62B-41.004	27/20	27/36	27/42				
62B-41.005	27/20	27/36	27/42				
62B-41.0055	27/20	27/36	27/42	64-1	27/25c		
62B-41.007	27/20		27/42	64-2.001	27/36	27/40	
62B-41.0075	27/20	27/36	27/42	64B-1.015	27/36		27/44
62B-41.008	27/20	27/36	27/42	64B-21.0015	27/39		
62B-41.0085	27/20	27/36	27/42	64B-21.004	27/39		
62B-41.013	27/20		27/42	64B-21.006	27/39		
62B-41.015	27/20		27/42	64B1-3.001	26/51c		
62C-35.003	27/41			64B1-4.010	26/39	26/48	27/44
62C-36.002	27/41					26/50	
62C-37.002	27/41					27/7	
62C-37.003	27/41				27/6c		27/43d
62C-37.004	27/41			64B1-4.011	26/39	26/47	27/44
62C-37.005	27/41					26/49	
62C-37.006	27/41					26/50	
62C-37.008	27/41					27/7	
62C-37.010	27/41				27/6c		27/43d
62C-38.002	27/41			64B1-6.005	26/50		
62C-38.008	27/41			64B2-13.007	27/30		
62C-39.002	27/41			64B3-2.001	23/51		
62C-39.013	27/41			64B3-2.002	22/34	24/49	
62D-2.014	21/52	22/13		64B3-2.003	22/34	24/49	
62D-2.014(18)	27/10c		27/41d	64B3-3.003	23/51		
62N-3.002	21/43			64B3-3.004	23/51		
62N-36.004	21/43			64B3-5.002	27/23	27/29	27/37
62R-7.002	21/17			64B3-5.004	27/24		
62R-7.010	23/34			64B3-5.007(2)(a)	26/35c		

JUVENILE JUSTICE

HEALTH

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
64B3-6.001	27/5	27/17 27/26		64B8-50.002	27/30		27/38
64B3-10.005	27/41			64B8-52.004	27/41		
64B3-11.004	26/38	27/14	27/42	64B8-54.002	27/30		27/38
64B4-3.001	25/22			64B8-54.004	27/41		
64B4-4.017	25/32			64B8-56.002	27/10c		27/43d
64B4-4.018	25/32			64B9-3.007	25/9		
64B4-5.007	25/32			64B11-1.001	27/31		
64B4-6.0013	25/32			64B11-1.002	27/31		
64B4-6.0045	25/32			64B11-2.003	27/39		
64B5-1.021	27/24		27/37	64B11-2.008	27/39		
64B5-2.0135	27/34		27/43	64B11-2.009	27/39		
64B5-4.002	27/40			64B11-4.005	27/44		
64B5-7.0035	27/34	27/44		64B11-4.007	27/31		
64B5-12.0175	27/40			64B11-5.001	27/9	27/23	27/41
64B5-12.019	27/30		27/38	64B11-5.003	27/9	27/23	27/41
64B5-12.020	27/30		27/38	64B12-8.020	27/11	27/42	
64B5-13.001	27/30		27/38	64B12-9.003	27/11		27/42w
64B5-13.005	27/34		27/44w	64B12-12.008	26/40	27/41	
64B5-15.008	27/30		27/38	64B12-19.002	27/11		
64B5-15.009	27/30		27/38	64B13-5.001	27/25		27/39
64B5-15.010	27/30			64B13-5.002	27/25		
	27/35		27/43	64B13-6.001	27/38		
64B5-15.011	27/30		27/38	64B13-10.0015	27/35		27/43
64B5-15.012	27/30		27/38	64B13-11.001	27/32		
64B5-15.024	27/34		27/43	64B13-11.004	27/32		
64B5-16.006	27/30		27/38	64B13-15.009	27/38		
64B5-25.003	27/34		27/43	64B15-6.0035	27/31		27/41
64B6-2.006	27/35			64B15-12.007	26/51	27/29	
64B6-55.004	27/41			64B15-14.006	27/31		27/41
64B7-27.012	24/12			64B15-14.007	27/31	27/41	
64B7-32.001	26/6			64B15-14.0075	27/44		
64B8-1.006	27/39			64B15-14.0076	27/44		
64B8-1.007	27/39			64B15-14.0077	27/44		
64B8-2.001	27/20	27/29	27/39	64B15-14.008	27/31		27/41
64B8-3.001	27/35		27/42	64B15-18.003	27/31		27/41
64B8-3.002	27/39			64B15-18.004	27/31		27/41
64B8-3.003	27/36		27/43	64B16ER01-2			27/44
64B8-3.004	27/39			64B16-26.101	27/29		27/41
64B8-4.009	27/39			64B16-26.103	27/29		27/41
64B8-8.011	27/39				27/43		
64B8-8.017	27/39			64B16-26.203	27/29		27/41
64B8-9.0091	27/30		27/37		27/43		
64B8-9.014	27/39			64B16-26.204	27/37		27/44
64B8-13.004	27/39			64B16-26.600	27/29		27/41
64B8-13.005	27/39			64B16-27.103	27/29		27/41
64B8-13.006	27/39			64B16-27.105	27/4	27/21	
64B8-36.004	27/30		27/37	64B16-27.300	27/43		
64B8-41.001	27/30		27/38	64B16-27.410	27/29		27/41
64B8-44.003	27/30		27/38	64B16-27.500	27/30		
64B8-44.005	27/23		27/38w	64B16-28.1135	27/43		
	27/30		27/38	64B16-28.114	27/43		
64B8-45.001	27/15	27/30	27/38	64B16-28.140	24/38		
64B8-45.002	27/15	27/30	27/38		27/29		27/41
64B8-45.005	27/15		27/38	64B16-28.501	27/43		
	27/41	27/43		64B16-28.702	27/29		27/41
				64B16-28.800	27/29		27/41

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
64B16-30.001	27/43			64F-4.003	27/42		
64B16-30.003	27/43			64F-4.004	27/42		
64B17-2.002	27/35	27/42		64F-4.005	27/42		
64B17-2.004	27/35	27/42		64F-4.006	27/42		
64B17-2.005	27/35			64F-4.007	27/42		
64B17-3.002	27/35	27/42		64F-4.008	27/42		
64B17-4.002	27/35	27/42		64F-4.009	27/42		
64B17-7.002	27/42			64F-4.010	27/42		
64B17-9.001	27/35	27/42		64F-8.001	27/35		
64B18-17.001	27/29		27/38	64F-8.002	27/35		
64B19-11.004	27/37			64H-1.001	27/42		
64B19-11.009	27/30		27/38w				
64B19-11.010	27/37			CHILDREN AND FAMILY SERVICES			
64B19-11.011	27/37			65-1	27/11c		27/43d
64B19-12.012	27/30		27/38		27/37c		27/43d
64B19-17.002	27/30		27/38		27/40c		
64B20-2.002	25/45	26/30		65-29.001	27/21		
64B21-502.001	27/21	27/31	27/41		27/28c		
		27/35	27/41	65A-1.400	25/21c		
64B21-502.004	27/21	27/31	27/41	65A-1.630	27/40		
		27/35	27/41	65A-1.702	27/27		27/38
64B21-502.005	27/21	27/31	27/41	65A-1.704	27/29		27/42
		27/35	27/41	65A-1.705	27/27		27/38
64B27-1.002	27/42			65A-1.900	27/40		
64B32-1.003	27/29		27/44	65A-2.022	27/33	27/41	
64B32-1.008	27/42			65A-2.032	27/33	27/41	
64B32-1.009	27/42			65A-2.036	27/33	27/41	
64B32-1.010	27/42			65A-4.213	25/32		
64B32-3.005	27/16	27/43		65A-4.216	25/32		
64B32-5.003	27/43			65A-4.301	27/42		
64B32-5.007	27/43			65A-15.0095	26/4		
64B32-6.003	27/29		27/44	65C-21.001	23/20		
64B33-1.005	26/25			65C-22.003	27/33		27/40
64C-4.003(1)(b),(7)	27/25c				27/43		
64C-13.018	24/22			65C-22.004	27/43		
64C-23.002	27/17			65C-27.001	27/30		
64C-27.001	27/17			65C-27.002	27/30	27/44	
64C-27.002	27/17			65E-2.003	26/20	26/28	
64E-2.002	27/37			65E-25.001	27/18	27/31	27/40
64E-2.003	27/37			65E-25.002	27/18	27/31	27/40
64E-2.004	27/37			65E-25.003	27/18	27/31	27/40
64E-2.018	27/37			65E-25.004	27/18	27/31	27/40
64E-2.021	27/37			65E-25.005	27/18	27/31	27/40
64E-5.101	27/30			65E-25.006	27/18	27/31	27/40
64E-5.214	27/30	27/44					
64E-5.221	27/30			FLORIDA HOUSING FINANCE CORPORATION			
64E-5.222	27/30			67-1	27/6c		
64E-5.223	27/30				27/6c		
64E-5.224	27/30				27/44c		
64E-5.225	27/30			67-4.011	27/6c		
64E-5.226	27/30			67-21.019	24/46	24/46	
64E-5.901	27/30			67-25.020	27/38		
64E-6.007	25/48			67-29.002	27/30		27/40
64FER01-1			27/44	67-29.003	27/30		27/40
64F-4.001	27/42			67-29.004	27/30		27/40
64F-4.002	27/42						

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
67-29.005	27/30		27/40	68C-22.005(2)(i)	26/13c		
67-29.006	27/30		27/40	68C-22.006	27/16	27/24	
67-29.0065	27/30		27/40		27/25c		
67-29.007	27/30		27/40		27/25c		
67-29.0071	27/30		27/40		27/25c		
67-29.0072	27/30		27/40		27/25c		
67-29.0073	27/30		27/40	68C-22.018	27/16		
67-29.0074	27/30		27/40	68C-22.021	27/16		
67-29.0075	27/30		27/40	68D-1.001	27/4		
67-29.0076	27/30		27/40	68D-23.003	27/4	27/19	
67-29.008	27/30		27/40		27/31		
67-32.009	24/28			68D-23.101	27/4		
67-37.011	25/37				27/31		
67-45.001	27/34		27/43	68D-23.102	27/4		
67-45.002	27/34		27/43		27/31		
67-45.004	27/34		27/43	68D-23.103	27/4	27/19	
67-45.006	27/34		27/43		27/31		
67-45.007	27/34		27/43	68D-23.104	27/4	27/19	
FISH AND WILDLIFE CONSERVATION COMMISSION				68D-23.105	27/31		
68-1	27/11c				27/4		
68A-15.005	27/31		27/40	68D-23.106	27/4	27/19	
68A-15.062	27/31	27/38			27/31		
68A-20.005	27/31		27/40	68D-23.107	27/4		
68B-5.005	27/39				27/31		
68B-13.008	27/31	26/13		68D-23.108	27/4		
68B-21.0015	27/39				27/31		
68B-21.004	27/39			68D-23.109	27/4		
68B-21.006	27/39				27/31		
68B-27.015	27/31		27/40	68D-23.110	27/4		
68B-35.003	27/16	27/23	27/44		27/31		
	27/25c		27/44d	68D-23.111	27/4		
68B-35.004	27/16	27/23	27/44		27/31		
	27/25c		27/44d	68D-23.112	27/4	27/19	
68B-35.005	27/16	27/23	27/44		27/31		
	27/25c		27/44d	68D-24.146	27/34		
68B-39.002	27/31		27/40	68D-24.155	27/34		
68B-42.001	27/31		27/40				
68C-22.005(2)(d)8.	26/13c						