

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Applications
RULE NO.: 3C-140.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to implement the provisions of Section 663.10, F.S., which allow an international agency office to convert to an international branch, and to repeal portions of the rule that are no longer applicable.

SUBJECT AREA TO BE ADDRESSED: Application for authority to convert from an international agency to an international branch.

SPECIFIC AUTHORITY: 655.012(3), 663.13 FS.

LAW IMPLEMENTED: 663.05, 663.10 FS.

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

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

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda B. Charity, Chief, Bureau of Financial Institutions, District I, Division of Banking, 101 East Gaines Street, Suite 636, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-140.002 Applications.

(1) The application for authority to establish an international branch, or international bank agency, shall be filed on Form DBF-C-20, Application for the Establishment of an International Banking Branch or Agency in the State of Florida, revised 8/97. The application for authority to establish an International Representative Office or International Administrative Office shall be filed on Form DBF-C-20A, Application for the Establishment of an International Representative Office or International Administrative Office in the State of Florida, effective 8/97. The application to convert an international agency office to an international branch office shall be filed on Form DBF-C-20B, Application for Authority to Convert an International Agency to a Branch Office, effective 11/01. The application shall be submitted with a

nonrefundable filing fee in the amount prescribed by Section 663.12, Florida Statutes, which is made payable to the Department of Banking and Finance.

(2) No change.

(3) An applicant may submit biographical information concerning its directors, executive officers, principal shareholders and proposed Florida management in the same form that such information was submitted to the Board of Governors. ~~Each of such individuals who has successfully completed a background investigation conducted on behalf of or at the request of the Board of Governors shall be deemed to satisfy the requirements of Fla. Stat. ss. 663.05(5).~~

~~(4) An application for renewal of an annual license to operate an international banking office shall be filed, not later than thirty days before the expiration of the annual license, on Form DBF-C-21, Application for Renewal of Annual License to Operate an International Banking Office in the State of Florida, revised 7/92. An annual license renewal fee of \$2,000.00 shall accompany the application.~~

~~(5) The application for conversion of an annual license to an indefinite license for the operation of an international banking corporation shall be filed on Form DBF-C-57, Application for Indefinite License to Operate an International Banking Corporation in the State of Florida, effective 7/92. An international banking corporation that is granted a license for an indefinite period shall annually file with the Department current certified comparative statements of financial condition, income, cash flows, and related notes. The international banking corporation shall pay an annual fee equal to the annual renewal fee for each banking license held by the international banking corporation. Form DBF-C-57 shall be postmarked not later than January 31 of each year.~~

~~(4)(6) Copies of Form DBF-C-20, Form DBF-C-21, Form DBF-C-57, and Form DBF-C-20A, and Form DBF-C-20B, which are hereby incorporated by reference, may be obtained online at the Division of Banking web page located at www.dbf.state.fl.us/banking.html or from the Director, Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.~~

Specific Authority 655.012(3), ~~663.05(4)~~; 663.13 FS. Law Implemented 663.05, ~~663.10~~ FS. History—New 7-21-81, Amended 12-20-82, 3-8-84, Formerly 3C-15.09, Amended 2-9-87, 10-1-87, 10-10-88, 1-24-89, Formerly 3C-15.009, Amended 3-22-93, 9-5-94, Formerly 3C-140.050, Amended 11-5-97, _____.

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Outline of Coverage	4-149.204
Indemnity Standard Risk Rates	4-149.205
Preferred Provider/Exclusive Provider	
Standard Risk Rates	4-149.206
Health Maintenance Organization Standard	
Risk Rates	4-149.207

PURPOSE AND EFFECT: The rule amendment adopts new standard risk rates pursuant to §627.6675(3)(c), and makes minor corrections to conform the rule to current statutory language. The standard risk rates are required to be amended annually.

SUBJECT AREA TO BE ADDRESSED: Standard risk rates.

SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS.

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

TIME AND DATE: 9:30 a.m., January 10, 2002

PLACE: Room 142, 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:

4-149.204 Outline of Coverage.

(1) No change.

(2) It is noted that this list is an outline and not intended to be a comprehensive description of all policy benefits. The statutory sections indicated should be reviewed for more comprehensive information.

PPO/EPO & Indemnity	Standard Health Benefit Plan (Section 627.6675(11))
Lifetime Limit	\$1,000,000
Annual Deductible	\$1,000
Coinsurance Amount:	(1) <u>80% in-network/60% out-of-network of the first \$10,000 per individual, then 100%. For family coverage, the aggregate coinsurance limit is two times the individual coinsurance limit.</u> In-network - 80% of the first \$10,000, then 100%; Out-of-network 60% of the first \$10,000 then 100%
(1) Preferred Provider	
(2) Indemnity Plan	(2) <u>80% of the first \$10,000 per individual, then 100%. For family coverage, the aggregate coinsurance limit is 2 times the individual coinsurance.</u>
Maternity	Covered
Prescription Drug	Covered
In-patient	Covered
Out-patient	Covered
Out-of-Network	Covered
Emergency	Covered

HMO	Standard Health Benefit Plan (Section 641.3922(10))
Office visit co-pay	\$10.00
In-Patient	\$100.00
Emergency Room co-pay (if not admitted)	\$100.00
Rx - generic	\$75.00
Rx - brand	\$1440.00
Maternity	Covered
Prescription Drug	Covered
In-patient	Covered
Out-patient	Covered
Out-of-Network (emergency only)	Covered
Emergency	Covered

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01,_____.

46	\$2,539.83	\$3,198.78	Indian River	0.93
47	\$2,666.17	\$3,295.95	Jackson	0.76
48	\$2,791.36	\$3,378.19	Jefferson	0.75
49	\$2,932.00	\$3,472.60	Lafayette	0.78
50	\$3,096.81	\$3,565.80	Lake	0.84
51	\$3,259.24	\$3,656.34	Lee	0.95
52	\$3,442.80	\$3,759.28	Leon	0.75
53	\$3,612.40	\$3,845.61	Levy	0.80
54	\$3,811.76	\$3,938.43	Liberty	0.75
55	\$4,021.34	\$4,034.29	Madison	0.79
56	\$4,224.42	\$4,109.26	Manatee	0.83
57	\$4,438.54	\$4,202.31	Marion	0.77
58	\$4,648.98	\$4,322.74	Martin	0.97
59	\$4,838.33	\$4,438.63	Monroe	1.40
60	\$5,030.94	\$4,577.65	Nassau	0.84
61	\$5,184.07	\$4,709.01	Okaloosa	0.74
62	\$5,313.49	\$4,847.63	Okeechobee	0.97
63	\$5,365.15	\$4,935.47	Orange	0.92
64	\$5,408.94	\$5,018.70	Osceola	0.92
65	\$5,590.98	\$5,169.91	Palm Beach	1.00
66	\$5,779.16	\$5,325.68	Pasco	0.83
67	\$5,973.67	\$5,504.92	Pinellas	0.87
68	\$6,174.72	\$5,690.20	Polk	0.77
69	\$6,382.54	\$5,881.72	Putnam	0.77
70	\$6,597.36	\$6,079.68	St. Johns	0.79
71	\$6,819.41	\$6,284.30	St. Lucie	0.97
72	\$7,048.93	\$6,495.81	Santa Rosa	0.77
73	\$7,286.17	\$6,714.44	Sarasota	0.77
74	\$7,531.40	\$6,940.42	Seminole	0.92
75	\$7,784.88	\$7,174.02	Sumter	0.81
76	\$8,046.90	\$7,415.47	Suwannee	0.82
77	\$8,317.73	\$7,665.05	Taylor	0.79
78	\$8,597.68	\$7,923.04	Union	0.79
79	\$8,887.05	\$8,189.70	Volusia	0.82
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

STANDARD HEALTH BENEFIT PLAN

Age	Male	Female	County	Area Factor
0-17	\$699.54	\$699.54	Alachua	0.76
18	\$1,003.97	\$1,316.33	Baker	0.78
19	\$1,003.97	\$1,316.33	Bay	0.74
20	\$1,003.97	\$1,316.33	Bradford	0.82
21	\$1,005.35	\$1,320.47	Brevard	0.89
22	\$1,005.35	\$1,325.98	Broward	1.25
23	\$1,006.73	\$1,330.11	Calhoun	0.75
24	\$1,008.11	\$1,334.25	Charlotte	0.96
25	\$1,031.99	\$1,338.38	Citrus	0.74
26	\$1,055.87	\$1,377.49	Clay	0.82
27	\$1,079.75	\$1,414.16	Collier	0.92
28	\$1,107.51	\$1,455.33	Columbia	0.81
29	\$1,153.50	\$1,494.60	Dade	1.38
30	\$1,199.48	\$1,549.63	De Soto	0.74
31	\$1,245.47	\$1,604.66	Dixie	0.77
32	\$1,275.89	\$1,659.69	Duval	0.96
33	\$1,310.75	\$1,714.72	Escambia	0.75
34	\$1,346.78	\$1,779.04	Flagler	0.77
35	\$1,384.53	\$1,845.31	Franklin	0.75
36	\$1,422.29	\$1,907.97	Gadsden	0.75
37	\$1,460.04	\$1,970.51	Gilchrist	0.75
38	\$1,497.80	\$2,036.30	Glades	0.98
39	\$1,543.29	\$2,104.10	Gulf	0.76
40	\$1,594.72	\$2,168.57	Hamilton	0.77
41	\$1,644.51	\$2,228.16	Hardee	0.80
42	\$1,708.30	\$2,287.74	Hendry	0.95
43	\$1,791.60	\$2,359.81	Hernando	0.82
44	\$1,882.22	\$2,422.01	Highlands	0.78
45	\$1,979.03	\$2,495.39	Hillsborough	0.87
46	\$2,077.46	\$2,569.87	Holmes	0.75
47	\$2,181.40	\$2,646.03	Indian River	0.92
48	\$2,271.81	\$2,704.39	Jackson	0.76
49	\$2,362.22	\$2,767.51	Jefferson	0.75
50	\$2,476.94	\$2,830.64	Lafayette	0.78
51	\$2,608.19	\$2,895.68	Lake	0.84
52	\$2,757.23	\$2,954.28	Lee	0.94
53	\$2,906.27	\$3,008.68	Leon	0.75
54	\$3,055.31	\$3,064.46	Levy	0.80
55	\$3,239.72	\$3,130.64	Liberty	0.75
56	\$3,424.14	\$3,187.18	Madison	0.79
57	\$3,623.93	\$3,250.48	Manatee	0.77
58	\$3,815.28	\$3,336.78	Marion	0.75
59	\$4,001.69	\$3,444.34	Martin	0.99
60	\$4,188.09	\$3,536.88	Monroe	1.37
61	\$4,345.59	\$3,646.52	Nassau	0.84
62	\$4,465.26	\$3,758.85	Okaloosa	0.75
63	\$4,579.73	\$3,874.66	Okeechobee	0.97
64	\$4,694.15	\$3,971.78	Orange	0.90
65	\$4,806.70	\$4,068.90	Osceola	0.89

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01.

4-149.206 Preferred Provider/Exclusive Provider Standard Risk Rates.

(1) through (3) No change.

(4) Standard risk rates for coverage providing benefits as defined in Section 627.6498, Florida Statutes (FCHA plan), shall multiply the standard risk rates identified herein by .96.

66	\$4,926.87	\$4,166.02	Palm Beach	1.00
67	\$5,050.04	\$4,270.17	Pasco	0.82
68	\$5,176.29	\$4,376.92	Pinellas	0.87
69	\$5,305.70	\$4,486.35	Polk	0.76
70	\$5,438.34	\$4,598.50	Putnam	0.77
71	\$5,574.30	\$4,713.47	St. Johns	0.77
72	\$5,713.65	\$4,831.30	St. Lucie	0.99
73	\$5,856.50	\$4,952.09	Santa Rosa	0.77
74	\$6,002.91	\$5,075.89	Sarasota	0.76
75	\$6,152.98	\$5,202.79	Seminole	0.92
76	\$6,306.81	\$5,332.86	Sumter	0.81
77	\$6,464.48	\$5,466.18	Suwannee	0.82
78	\$6,626.09	\$5,602.83	Taylor	0.79
79	\$6,791.74	\$5,742.90	Union	0.79
			Volusia	0.81
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

47	\$1,776.43	\$2,242.36	Indian River	0.93
48	\$1,824.24	\$2,272.73	Jackson	0.76
49	\$1,886.62	\$2,310.79	Jefferson	0.75
50	\$2,035.56	\$2,403.08	Lafayette	0.78
51	\$2,126.70	\$2,438.67	Lake	0.84
52	\$2,235.86	\$2,473.90	Lee	0.95
53	\$2,323.69	\$2,501.11	Leon	0.75
54	\$2,434.58	\$2,531.10	Levy	0.80
55	\$2,669.35	\$2,641.72	Liberty	0.75
56	\$2,818.01	\$2,676.18	Madison	0.79
57	\$2,967.66	\$2,717.17	Manatee	0.83
58	\$3,110.76	\$2,775.41	Marion	0.77
59	\$3,263.63	\$2,851.46	Martin	0.97
60	\$3,557.61	\$3,062.54	Monroe	1.40
61	\$3,662.24	\$3,142.07	Nassau	0.84
62	\$3,731.11	\$3,224.51	Okaloosa	0.74
63	\$3,795.31	\$3,309.39	Okeechobee	0.97
64	\$854.59	\$3,374.15	Orange	0.92
65	\$3,984.32	\$3,475.81	Osceola	0.92
66	\$4,118.42	\$3,580.53	Palm Beach	1.00
67	\$4,257.03	\$3,688.41	Pasco	0.83
68	\$4,400.31	\$3,799.54	Pinellas	0.87
69	\$4,548.41	\$3,914.02	Polk	0.77
70	\$4,748.36	\$4,086.08	Putnam	0.77
71	\$4,957.11	\$4,265.71	St. Johns	0.79
72	\$5,175.03	\$4,453.23	St. Lucie	0.97
73	\$5,402.53	\$4,649.00	Santa Rosa	0.77
74	\$5,640.03	\$4,853.38	Sarasota	0.77
75	\$5,839.70	\$5,025.20	Seminole	0.92
76	\$6,046.45	\$5,203.11	Sumter	0.81
77	\$6,260.51	\$5,387.32	Suwannee	0.82
78	\$6,482.15	\$5,578.04	Taylor	0.79
79	\$6,711.64	\$5,775.52	Union	0.79
			Volusia	0.82
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

Age	Male	Female	County	Area Factor
0-17	\$825.58	\$993.78	Alachua	0.77
18	\$820.62	\$1,087.63	Baker	0.78
19	\$790.88	\$1,123.32	Bay	0.75
20	\$790.88	\$1,123.32	Bradford	0.82
21	\$790.88	\$1,123.32	Brevard	0.92
22	\$790.88	\$1,123.32	Broward	1.34
23	\$790.88	\$1,123.32	Calhoun	0.75
24	\$790.88	\$1,123.32	Charlotte	0.96
25	\$807.91	\$1,152.63	Citrus	0.75
26	\$843.28	\$1,186.20	Clay	0.83
27	\$872.66	\$1,218.79	Collier	0.92
28	\$896.53	\$1,250.41	Columbia	0.81
29	\$915.83	\$1,281.25	Dade	1.41
30	\$1,014.09	\$1,341.83	De Soto	0.77
31	\$1,036.17	\$1,396.12	Dixie	0.77
32	\$1,055.79	\$1,440.11	Duval	0.96
33	\$1,078.65	\$1,483.89	Escambia	0.76
34	\$1,100.67	\$1,532.30	Flagler	0.78
35	\$1,142.12	\$1,604.83	Franklin	0.75
36	\$1,170.69	\$1,650.57	Gadsden	0.75
37	\$1,189.40	\$1,695.01	Gilchrist	0.75
38	\$1,213.07	\$1,742.59	Glades	0.98
39	\$1,242.67	\$1,793.08	Gulf	0.76
40	\$1,306.17	\$1,869.24	Hamilton	0.77
41	\$1,343.63	\$1,909.20	Hardee	0.80
42	\$1,392.08	\$1,960.38	Hendry	0.95
43	\$1,452.87	\$2,013.59	Hernando	0.82
44	\$1,518.56	\$2,059.87	Highlands	0.79
45	\$1,633.98	\$2,140.74	Hillsborough	0.89
46	\$1,703.22	\$2,190.89	Holmes	0.75

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01.

4-149.207 Health Maintenance Organization Standard Risk Rates.

- (1) No change.
- (2) To determine the rate for a particular county, multiply the rate schedule below by the appropriate area factor.

STANDARD HEALTH BENEFIT PLAN

Age	Male	Female
0	\$1,832.36	\$1,832.36
1	\$1,242.29	\$1,242.29
2-6	\$1,233.22	\$1,233.22
7-11	\$1,219.60	\$1,219.60
12	\$1,227.67	\$1,261.62
13	\$1,235.74	\$1,303.64
14-16	\$1,243.81	\$1,345.66
17	\$1,247.08	\$1,485.87
18	\$1,250.35	\$1,626.08
19	\$1,253.63	\$1,766.29
20	\$1,282.91	\$1,826.96
21	\$1,312.20	\$1,885.09
22	\$1,341.36	\$1,942.25
23	\$1,382.57	\$2,010.46
24	\$1,436.64	\$2,069.90
25	\$1,474.26	\$2,123.64
26	\$1,528.50	\$2,190.55
27	\$1,559.98	\$2,216.59
28	\$1,591.45	\$2,242.62
29	\$1,622.93	\$2,268.66
30	\$1,642.13	\$2,268.66
31	\$1,661.33	\$2,268.66
32	\$1,680.53	\$2,268.66
33	\$1,698.88	\$2,268.66
34	\$1,717.22	\$2,268.66
35	\$1,739.07	\$2,268.66
36	\$1,760.91	\$2,268.66
37	\$1,782.75	\$2,268.66
38	\$1,809.62	\$2,268.66
39	\$1,841.40	\$2,268.66
40	\$1,885.28	\$2,299.92
41	\$1,929.17	\$2,331.18
42	\$1,973.06	\$2,362.44
43	\$2,036.19	\$2,393.70
44	\$2,097.28	\$2,446.87
45	\$2,168.71	\$2,500.03
46	\$2,258.04	\$2,563.75
47	\$2,356.20	\$2,631.87
48	\$2,461.72	\$2,697.42
49	\$2,570.30	\$2,768.15
50	\$2,693.43	\$2,851.87
51	\$2,830.35	\$2,947.20
52	\$2,991.21	\$3,047.13
53	\$3,152.07	\$3,147.05
54	\$3,312.93	\$3,246.97
55	\$3,492.56	\$3,352.50
56	\$3,672.20	\$3,447.54
57	\$3,851.84	\$3,559.23
58	\$4,054.80	\$3,716.78

County	Area Factor
Alachua	1.05
Baker	1.09
Bay	0.90
Bradford	1.05
Brevard	0.99
Broward	1.00
Calhoun	0.90
Charlotte	0.97
Citrus	0.84
Clay	1.09
Collier	0.90
Columbia	1.05
Dade	1.00
De Soto	0.90
Dixie	1.05
Duval	1.09
Escambia	1.05
Flagler	0.90
Franklin	0.90
Gadsden	0.90
Gilchrist	1.05
Glades	0.90
Gulf	0.90
Hamilton	0.90
Hardee	0.84
Hendry	0.90
Hernando	1.05
Highlands	0.84
Hillsborough	1.03
Holmes	0.90
Indian River	0.90
Jackson	0.90
Jefferson	0.90
Lafayette	0.90
Lake	0.95
Lee	0.99
Leon	0.90
Levy	1.05
Liberty	0.90
Madison	0.90
Manatee	1.01
Marion	0.90
Martin	1.05
Monroe	0.90
Nassau	1.09
Okaloosa	0.95
Okeechobee	0.95
Orange	0.99
Osceola	0.99

59	\$4,292.46	\$3,874.32
60	\$4,530.12	\$4,031.87
61	\$4,700.36	\$4,188.99
62	\$4,886.62	\$4,353.14
63	\$5,072.88	\$4,517.28
64	\$5,259.14	\$4,681.42
65	\$5,459.80	\$4,860.04
66	\$5,668.12	\$5,045.48
67	\$5,884.39	\$5,237.99
68	\$6,108.91	\$5,437.84
69	\$6,341.99	\$5,645.32
70	\$6,583.97	\$5,860.72
71	\$6,835.18	\$6,084.34
72	\$7,095.98	\$6,316.48
73	\$7,366.72	\$6,557.49
74	\$7,647.80	\$6,807.69
75	\$7,939.60	\$7,067.44
76	\$8,242.54	\$7,337.09
77	\$8,557.03	\$7,617.04
78	\$8,883.52	\$7,907.67
79	\$9,222.47	\$8,209.38

Palm Beach	1.03
Pasco	1.03
Pinellas	1.03
Polk	1.05
Putnam	1.01
St. Johns	1.07
St. Lucie	0.95
Santa Rosa	1.05
Sarasota	1.03
Seminole	1.03
Sumter	1.02
Suwannee	0.90
Taylor	0.90
Union	0.90
Volusia	1.03
Wakulla	0.90
Walton	1.05
Washington	0.90

Age	Male	Female	County	Area Factor
0	\$1,446.14	\$1,446.14	Alachua	1.05
1-4	\$1,008.94	\$1,008.94	Baker	1.05
5-12	\$953.77	\$953.77	Bay	0.90
13-17	\$969.07	\$1,024.15	Bradford	1.05
18	\$976.60	\$1,092.89	Brevard	1.01
19	\$1,085.58	\$1,274.63	Broward	1.00
20	\$1,149.13	\$1,348.56	Calhoun	0.90
21	\$1,203.86	\$1,423.44	Charlotte	0.97
22	\$1,261.48	\$1,489.58	Citrus	0.84
23	\$1,328.10	\$1,575.29	Clay	1.05
24	\$1,387.70	\$1,649.21	Collier	0.90
25	\$1,335.35	\$1,702.24	Columbia	1.05
26	\$1,380.28	\$1,761.32	Dade	1.00
27	\$1,443.53	\$1,827.48	De Soto	0.90
28	\$1,430.44	\$1,812.19	Dixie	1.05
29	\$1,432.53	\$1,800.98	Duval	1.05
30	\$1,432.70	\$1,803.43	Escambia	1.05
31	\$1,440.40	\$1,794.11	Flagler	0.90
32	\$1,444.22	\$1,788.56	Franklin	0.90
33	\$1,446.71	\$1,766.79	Gadsden	0.90
34	\$1,457.67	\$1,756.59	Gilchrist	1.05
35	\$1,458.89	\$1,722.37	Glades	0.90
36	\$1,463.62	\$1,700.29	Gulf	0.90
37	\$1,482.53	\$1,678.16	Hamilton	0.90
38	\$1,495.99	\$1,670.30	Hardee	0.84
39	\$1,520.69	\$1,662.87	Hendry	0.90
40	\$1,531.63	\$1,650.95	Hernando	1.05
41	\$1,589.44	\$1,732.78	Highlands	0.84
42	\$1,641.81	\$1,821.39	Hillsborough	1.02
43	\$1,702.93	\$1,864.41	Holmes	0.90

(i) Vehicles, equipment, facilities and handling areas which are cleaned of all garbage residue after exposure to untreated garbage;

(j) Maintenance of records on sources of all untreated garbage; and

(k) A brief description of the equipment and the method used to cook the garbage.

(3) Issuance of Permit.

(a) Recommendation for Approval. Facilities which meet the requirements in 5C-11.015(2) above on inspection by an authorized representative of the Department will be recommended for approval on Form AI-15. The applicant will submit the signed Form AI-15 recommending approval to the Department accompanied by a permit fee as provided in the following schedule:

1-25 swine	\$ 25 <u>50</u>
26-50 swine	\$ 50 <u>100</u>
51-100 swine	\$ 75 <u>150</u>
over 100 swine	\$ 100 <u>200</u>

The fee must be by check or money order made payable to the Florida Department of Agriculture and Consumer Services. The Department will issue the permit on receipt of the completed and signed Form AI-15 and the prescribed fee. All permits expire on July 1.

(b) To determine the permit fee in the initial year, the applicant will indicate the average number of swine expected at a facility in any one month period. The permit reissue fee will be based upon the actual average number of swine per month at the facility during the previous year.

(4) Reissue of Permit. The applicant will submit to the Department a completed AI-15 form indicating a request for reissue of permit signed by an authorized representative and accompanied by a permit fee as set forth in the schedule at 5C-11.015(3)(a) above. Permit reissue requests will be due by July 1 of each year. If a permit request for reissue has not been received by July 1, an applicant must comply with all provisions of this rule as though never previously permitted.

(5) Forms and Materials. Department of Agriculture and Consumer Services AI-15 Application for Permit to Feed Garbage to Swine (Form AI-15, Rev. 1-91) is hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Animal Industry, The Mayo Building, Tallahassee, Florida 32399-0800.

Specific Authority 585.0024(4) FS. Law Implemented 585.002(5), 585.48, 585.50, 585.51, 585.52 FS. History--New 6-29-62, Formerly 5C-11.15, Amended 5-4-94, 7-2-95,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE: Schedule of Fees for Services
RULE CHAPTER NO.: 5C-24

RULE TITLE: Official Certificate of Veterinary Inspection (OCVI)
RULE NO.: 5C-24.003

PURPOSE AND EFFECT: The department proposes fee increases for the Official Certificates of Veterinary Inspection forms. The increase in fees is to cover the increased cost to the department to maintain the forms and to perform the inspection services and maintain records of the completed Official Certificates of Veterinary Inspection.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed is the increase in the fees for the Official Certificates of Veterinary Inspection forms.

SPECIFIC AUTHORITY: 585.002(4),(5), 585.09(2)(a), 585.15, 585.145(2) FS.

LAW IMPLEMENTED: 585.002(5), 585.08(1),(2), 585.145(1),(2),(3), 585.155, 828.29 FS.

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

TIME AND DATE: 1:00 p.m., December 27, 2001

PLACE: Room 316, Mayo Building, 407 South Calhoun Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe, Kight, Assistant Director, Division of Animal Industry, Department of Agriculture and Consumer Services, Room 321, Mayo Building, 407 South Calhoun Street, Tallahassee, FL 32399-0800

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-24.003 Official Certificate of Veterinary Inspection (OCVI).

(1) Horses.

(a) OCVI. The OCVI for horses is the Official Equine Certificate of Veterinary Inspection, DACS 09002 (SN 6001) (10/97).

(b) The fee for the OCVI, DACS 09002 (SN 6001) (10/97) is ~~\$65~~ 25 per book of 25.

(2) Livestock.

(a) The OCVI for cattle, goats, sheep, swine, cervidae, ratites, and other hoofed animals, excluding horses, is the Official Certificate of Veterinary Inspection, DACS 09001 (SN 6000) (1/98).

(b) The fee for the OCVI, DACS 09001 (SN 6000) (1/98) is ~~\$65~~ 25 per book of 25.

(3) Domesticated Fowl.

(a) OCVI. The OCVI for domesticated fowl originating from other than NPIP participating flocks, hatcheries or dealers is the Official Certificate of Veterinary Inspection, DACS 09001 (SN 6000) (1/98).

1. The OCVI, DACS 09001 (SN 6000) (1/98) will be provided to licensed and accredited veterinarians.

2. The fee for the OCVI, DACS 09001 (SN 6000) (1/98) is ~~\$65~~ 25 per book of 25.

(b) NPIP Participating Flocks, Hatcheries, and Dealers. The certification of health status for interstate shipment of flocks, hatcheries, and dealers participating in the NPIP is the Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (08/95).

1. The Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (08/95) will be certified by a Division representative and provided to an NPIP participating flock, hatchery, or dealer.

2. The certification and processing fee for the Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (08/95) is ~~\$50~~ 25 for 25 certified forms.

(c) Official Health Certificate Avian, DACS 09023 (8/95). The Official Health Certificate Avian, DACS 09023 (8/95) is the OCVI for NPIP participating flocks, hatcheries, and dealers which are required by the country or state of destination to provide an OCVI in addition to the Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (08/95).

1. The Official Health Certificate Avian, DACS 09023 (8/95) is certified by a Division veterinarian and is provided to the NPIP participating flock, hatchery or dealer.

2. The fee for the Official Health Certificate Avian, DACS 09023 (8/95) is ~~\$100~~ 35 per 100 certificates.

3. Special Certifications. The fee for individual OCVI including, but not limited to, certificates requiring individual identification numbers of domesticated fowl, vaccination status, or the Florida Department of Agriculture seal, is ~~\$45.00~~ 30 for each certificate.

(4) Dogs, Cats and Other Non-Livestock Species.

(a) OCVI for Interstate Movement. The OCVI for dogs, cats and other non-livestock species, including but not limited to zoo animals and domesticated non-native wildlife, is the Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and Other Non-livestock Species, DACS 09086 (SN 6002) (1/98).

(b) OCVI for Sale of Dog or Cat. The OCVI for Sale of Dog or Cat, DACS 09085 (SN 6003) (10/97) must accompany any dog or cat sold, or offered for sale, in the state of Florida.

(c) The fee for the OCVI, DACS 09085 (SN 6003) (10/97) or DACS 09086 (SN 6002) (10/97) is ~~\$65~~ 25 per package of 25.

(5) Forms. The Official Equine Certificate of Veterinary Inspection, DACS 09002 (SN 6001) (10/97); the Official Certificate of Veterinary Inspection, DACS 09001 (SN 6000) (1/98); the Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and Other Non-Livestock Species, DACS 09085 (SN 6002) (1/98); the Official Certificate of Veterinary Inspection for Sale of Dog or Cat,

DACS 09086 (SN 6003) (10/97); and the Official Health Certificate Avian, DACS 09023 (8/95) are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 South Calhoun Street, Room 323, Mayo Building, Tallahassee, Florida 32399-0800. The Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (08/95) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

Specific Authority 585.002(4),(5), 585.09(2)(a), 585.15, 585.145(2) FS. Law Implemented 585.002(5), 585.08(1),(2), 585.145(1),(2),(3), 585.155, 828.29 FS. History—New 7-13-99, Amended.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Assessment of Limited English 6A-1.09432
 Proficient Students

PURPOSE AND EFFECT: The purpose of this rule development is to develop procedures for the provisions of testing accommodations for students with limited English proficiencies. The effect will be to allow students with limited English proficiency greater access to appropriate test modifications, thus allowing them to more fully participate in the statewide assessment testing programs and to allow more students to meet the requirements for a regular high school diploma.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed will be provisions of testing accommodations for students with limited English proficiencies.

SPECIFIC AUTHORITY: 232.245(2)(b) FS.

LAW IMPLEMENTED: 232.245 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 3, 2002

PLACE: Department of Education, 325 West Gaines Street, Room 314, Tallahassee, Florida 32399-0400

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09432 Assessment of Limited English Proficient Students.

(1) All students classified as limited English proficient (LEP) must participate in the statewide assessment program, prescribed in Section 229.57, Florida Statutes. There is no categorical exemption from participation in the statewide assessment program for LEP students.

(2) An exemption from participation in any component of the statewide assessment program for an individual LEP student may only be made by specific action of a LEP committee as defined in Rule 6A-6.0901(5), FAC., and only for a student whose date of classification as LEP falls within one (1) year prior to the assessment date.

(a) The LEP committee, in making its decision, shall consider the following factors:

1. Level of mastery of basic competencies or skills in English and home language according to appropriate local, state, and national criterion-referenced standards;

2. Grades from the current or previous years; or

3. Other test results.

(b) The LEP committee shall exempt a LEP student from participation in a component of the statewide assessment program if it determines that the student's participation would have an unsound instructional effect on the student.

(3) The use of LEP assessment data for school grading purposes shall be as stated in Rule 6A-1.09981, FAC.

(4) LEP assessment data shall be used by school districts and schools to evaluate the effectiveness of their instructional programs for LEP students and to follow-up such evaluations with appropriate adjustments, modifications, and improvements of the district's and the school's LEP programs. The district's LEP plan, pursuant to Section 233.058, Florida Statutes, and Rule 6A-6.0905, FAC., shall be revised whenever substantive changes in the district's LEP program are required.

(5) Assessment results of individual students shall be used by schools to evaluate the progress of individual students. When indicated, such evaluations shall result in appropriate adjustments, modifications, and improvements of each individual LEP student plan, pursuant to Rules 6A-6.0901, 6A-6.0902, and 6A-6.0903, FAC. A LEP committee shall be convened whenever substantive changes in an individual LEP student plan are required.

(6) No promotion or retention decision may be made for any individual student classified as LEP based solely on a score on any single assessment instrument, whether such assessment instrument is part of the statewide assessment program or of a particular district's formal assessment process. A formal retention recommendation regarding a LEP student may be made through action of a LEP committee.

Specific Authority 232.245(2)(b) FS. Law Implemented 232.245 FS. History--New _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Grievances – Miscellaneous Provisions

RULE NO.: 33-103.015

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct an inconsistency in the rules addressing inmate grievance procedures.

SUBJECT AREA TO BE ADDRESSED: Inmate grievances.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (2) No change.

(3) The warden, assistant warden or deputy warden is authorized to designate other staff to receive, review, and investigate any grievance of an institutional nature. The warden is authorized to designate the assistant warden or deputy warden to grant and implement relief as approved by the warden, except as to grievances involving discipline, ~~medical grievances~~, grievances alleging violation of the Americans with Disabilities Act, grievances challenging placement in close management, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature that are filed directly with the warden. For grievances filed directly with the warden, the decision to approve, return, or deny the grievance shall be made by the warden.

(4) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Probation and Parole – Use of Force

RULE NO.: 33-302.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures for use of force and reporting use of force by correctional probation officers.

SUBJECT AREA TO BE ADDRESSED: Use of force in community corrections.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.35 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.105 Probation and Parole – Use of Force.

(1) through (2) No change.

(3) Whenever force is used, except as provided in paragraph (6)(f), a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. Form DC3-210, Community Corrections Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC3-210 part I shall prepare a Community Corrections Report of Force Used Staff Supplement, Form DC3-211. The report shall describe in detail the type and amount of force used by himself or herself. Any additional employee who does not agree with the facts and circumstances as reported in Form DC3-210 part I shall prepare a separate Form DC3-210, Community Corrections Report of Force Used. Any employee who witnesses the use of force, but was not directly or physically involved in the use of force, shall complete Form DC3-225, Community Corrections Incident Report. Forms DC3-210, DC3-211 and DC3-225 shall be submitted to the circuit administrator upon completion. Forms DC3-210, DC3-211 and DC3-225 are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is _____.

~~(4)(3)~~ Staff or Offender Injury Sustained During Use of Force Incident.

(a) through (b) No change.

(c) If the offender is not in custody, the officer shall call emergency services for the offender as soon as possible, without jeopardizing the officer's safety. Documentation of contacts for medical services shall be included in the Community Corrections Report of Force Used, Form DC3-210.

~~(5)(4)~~ Use of Handcuffs.

(a) through (c) No change.

(d) In any case in which handcuffs are used, an accurate record shall be maintained as to the location and reason for use, and a factual description of the circumstances and the incident. This information shall be reflected on the Community Corrections Report of Force Used, Form DC3-210. ~~The officer who used the handcuffs shall complete the report within five working days (Monday through Friday) after the incident.~~ Any additional officer(s) physically involved in the handcuffing who agrees with the facts and circumstances as reported on the DC3-210, shall prepare a Community Corrections Report of Force Used – Staff Supplement, DC3-211. ~~Form DC3-211 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is October 2, 2001.~~

~~(6)(5)~~ Use of chemical agents.

(a) Chemical agents shall be used only for self defense or defense of another and only after all other reasonable efforts to avoid confrontation with a disorderly person or persons or animal posing an immediate threat of bodily harm to an officer have been exhausted. Chemical agents will never be used to punish an offender. Chemical agents will be used when this level of force is the least likely to cause injuries to all parties involved, and when a lesser level of force or persuasion is ineffective.

(b) No change.

(c) Only those chemical agents containing oleoresin capsicum and that are non-flammable shall be approved for use. Chemical agents may be issued to correctional probation staff including clerical support staff who have received training pursuant to ~~(6)(5)~~(b). Trained support staff are authorized to be issued a chemical agent with less than two (2) ounces. The Receipt for Chemical Agents, Form DC3-254, will be utilized to document the issuance, testing, and return of chemical agents. This form is hereby incorporated by reference. The Chemical Agent Inventory, Form DC3-253, is utilized by the circuit office to maintain control of the chemical agents issued, stored, returned, and disposed of within the circuit. The circuit office will conduct semi-annual chemical agent inventories. This form is hereby incorporated by reference. Copies of Form DC3-254 and DC3-253 may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is October 2, 2001. Staff who have received training may carry chemical agents upon their persons during working hours. Nothing in this rule authorizes staff to carry department issued chemical agents while off duty. Support staff shall store chemical agents safely and securely in the office after working hours. If an employee has a question regarding chemical agents, he or she shall refer to the manufacturer's instructions or shall contact his or her supervisor.

(d) through (e) No change.

(f) Use of chemical agents on animals shall be limited to those situations in which the officer is in danger of an immediate attack from the animal. Following use of chemical agents, the officer shall immediately remove himself from the area, contact local animal control officers or local law enforcement if there is no local animal control office, and make a formal complaint regarding the attack. Under no circumstances shall chemical agents be used on animals who are not posing an immediate threat to the officer. Form DC3-225, Community Corrections Incident Report, shall be used to report use of chemical agents on animals.

(g) In any case in which chemical agents are used, except for training or testing purposes, an accurate record shall be maintained as to what type was used, how much was used, and the location and reason for use, and a factual description of the circumstances and the incident. When chemical agents are used on a person, this information shall be reflected on the Community Corrections Report of Force Used, Form DC3-210. When chemical agents are used on an animal, this information shall be reflected on the Community Corrections Incident Report, Form DC3-225. The employee who used the chemical agent shall complete the report ~~within five working days (Monday through Friday) after the incident. The employee shall notify his or her supervisor within one working day when chemical agents are used and the supervisor shall notify the circuit administrator.~~

~~(7)~~(6) No change.

Specific Authority 944.09 FS. Law Implemented 944.35 FS. History--New 5-28-86, Amended 8-6-90, 2-15-98, Formerly 33-24.017, Amended 10-2-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions
 RULE NO.: 33-601.314
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide more detailed disciplinary charges for misconduct involving safety or security devices.
 SUBJECT AREA TO BE ADDRESSED: Inmate Discipline.
 SPECIFIC AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Maximum
Disciplinary
Actions

Section 1 through Section 8 No change.

SECTION 9 – MISCELLANEOUS INFRACTIONS

9-1 through 9-32 No change.

9-33 Tampering with, defeating or depriving staff of any security device 60 DC + All GT

9-34 Tampering with or defeating any fire or other safety device 60 DC + All GT

Section 10 through Section 11 No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History--New 3-12-84, Formerly 33-22.12, Amended 1-10-85, 12-30-86, 9-7-89, 11-2-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Variances from Specified Review Criteria for Environmental Resource Permits
 RULE NO.: 40E-0.113
 PURPOSE AND EFFECT: The SFWMD is amending the existing variances rule to be consistent with the statutory timeframes imposed upon agencies to grant or deny petitions for variances or waivers.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides specificity as to timeframes set forth in Section 120.542(8), F.S., (the "90 day timeclock").
 SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.414(17) FS.
 LAW IMPLEMENTED: 403.210 FS.

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

TIME AND DATE: 10:30 a.m., January 11, 2002
 PLACE: South Florida Water Management District's Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809
 PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m., November 6, 2001
PLACE: South Florida Water Management District, Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001
PLACE: South Florida Water Management District's Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) through (4) No change.

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

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

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

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permit Application Processing Fees
PURPOSE AND EFFECT: The SFWMD is amending its permit application processing fees rule to reduce permit fees for certain environmental restoration and enhancement

RULE NO.: 40E-1.607

projects. The proposed fee reduction is expected to serve as an incentive to encourage certain environmental and restoration projects.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides a reduced permit fee of \$100 for environmental restoration or enhancement activities that are not associated with a mitigation bank and are not being implemented as mitigation for other Part IV, Ch. 373, F.S. permits.

SPECIFIC AUTHORITY: 373.109, 373.421(6)(b) FS.

LAW IMPLEMENTED: 373.109, 373.421(6)(b) FS.

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

WRITTEN PUBLIC COMMENTS REGARDING THE PROPOSED RULE AMENDMENT MUST BE RECEIVED BY THE SFWMD NO LATER THAN 21 DAYS OF THE PUBLICATION DATE OF THIS NOTICE.

CONTACTS FOR PROVIDING WRITTEN COMMENTS OR REQUESTS FOR WORKSHOPS TO BE CONDUCTED ARE: Penelope Bell or Susan Martin, Esquire, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680 or Terrie Bates, Director, Environmental Resource Regulation Division, South Florida Water Management District, MSC 4110, 3301 Gun Club Road, West Palm Beach, FL 33416-4680.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.607 Permit Application Processing Fees.

(1) through (2) No change.

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

TABLE 40E-1.607(3)(a)

PERMIT APPLICATION PROCESSING FEES FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS

REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40, AND 40E-400, F.A.C.

Fee amounts shall apply to applications for conceptual and construction, or conceptual, or construction, except as noted.

Category	Amount
New Individual Permit, except Mitigation Bank	
Project area less than 100 acres	
Agriculture	\$3050
All others	\$5000
Project area 100 acres to less than 640 acres	
Agriculture	\$4000
All others	\$7500
Project area 640 acres or more	
Agriculture	\$5000
All others	\$10,000
New Individual Permit, Mitigation Bank	
Project area less than 100 acres	\$5000
Project area 100 acres to less than 640 acres	\$7500
Project area 640 acres or more	\$10,000
Individual Permit Modification, except Mitigation Bank	
Project area less than 100 acres	
Agriculture	\$2050
All others	\$3500
Project area 100 acres to less than 640 acres	
Agriculture	\$2500
All others	\$5000
Project area 640 acres or more	
Agriculture	\$3500
All others	\$7500
Individual Permit Modification, Mitigation Bank	
Project area less than 100 acres	\$3500
Project area 100 acres to less than 640 acres	\$5000
Project area 640 acres or more	\$7500
New Standard General Permit (excluding incidental site activities pursuant to Section 40E-40.042, F.A.C.)	
Agriculture	\$650
All others	\$2000
Standard General Permit Modification including	
Application for phase construction under a Conceptual Approval Application for individual permit modification for a system which does not exceed the criteria in Section 40E-40.041, F.A.C. and which is not required to obtain an individual environmental resource permit for the reasons in Rule 40E-40.011(2), F.A.C.	\$500
Agriculture	\$1000
All others	

Noticed General Permit pursuant to Chapter 40E-400, F.A.C., including aquaculture	\$100
Single family residential homesite consisting of 10 acres or less in total land area	\$100
Standard General Permit for incidental site activities pursuant to Section 40E-40.042, F.A.C.	\$500
Transfer of permit (including Mitigation Bank) to another entity pursuant to Sections 40E-1.6107 and 40E-4.351, F.A.C.	\$450
Variance associated with an environmental resource permit application	
From Rule 40E-4.301(1)(e), F.A.C.	\$100
From other permitting standards, permit conditions, or water quality standards	\$500
New Individual Operation Permit	\$3500
Letter Modification	\$100

New Individual or Standard General Permits, or Individual or Standard General Permit Modifications, solely for environmental restoration or enhancement activities provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. Such activities may include incidental passive recreation and facilities to provide public access to the environmental restoration or enhancement site.	\$100
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(b) through (5) No change.

Specific Authority 373.109, 373.421(6)(b) FS. Law Implemented 403.201 FS. History—New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-11, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

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

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.	0119	8-95	Wetland Resource Permit No.
LAW IMPLEMENTED: 373.113 FS.	0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE AS SHOWN BELOW:			
TIME AND DATE: 10:30 a.m., January 11, 2002	0123	8-90	Well Construction Permit Application
PLACE: South Florida Water Management District's Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809	0124	11-90	Well Completion Report
	0145	8-95	Environmental Resource Permit No.
PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:	0157	8-95	Environmental Resource Permit Modification No.
TIME AND DATE: 1:30 p.m., November 6, 2001	0195	6-91	Public Water Supply Well Information and Classification
PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406	0196	10-89	Water Well Inspection Scheduling Card
	0299	1-90	Water Use Permit No.
TIME AND DATE: 10:30 a.m., November 9, 2001	0444	8-95	Application for a Standard General Permit for Incidental Site Activities
PLACE: South Florida Water Management District's Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901	0445	7-87	Notice of Intent to Short-term Dewater
	0483	8-95	Request for Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit Transfer
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.	0645	8-95	Water Use Permit Application
Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.	0659	3-94	Notice of Intent to Use Water in Conjunction with Oil Well Drilling in Lee, Collier and Hendry Counties
Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.	0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/Application for a Works of the District Permit
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:	0830	4-94	Special Use Application and License
40E-1.659 Forms and Instructions.	0881	8-95	Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification
(1) The following forms and instructions are hereby incorporated by reference into this chapter:	0889	8-95	Transfer of Permit to the Operating Entity
Form No. Date Title	0938	8-95	Mitigation Construction Commencement Notice
0050A 7-89 Application to the South Florida Water Management District Utilization of District Works and Modification of Existing Permit Works of the District No.	0941	8-95	Environmental Resource Standard/Noticed General Permit No.
0108 3-91 Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida	0942	8-95	Surface Water Management General Permit No.
0113 8-95 Surface Water Management Permit No.	0960	8-95	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
0115 8-95 Surface Water Management Permit Modification No.	0961	8-95	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction
	0970	8-95	Applicant Transmittal Form for Requested Additional Information
	0971	8-95	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit

0972	8-95	Petition for a Formal Wetland and Surface Water Determination
0973	8-95	Above Ground Impoundment Inspection/Certification Report
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit
<u>XXXX</u>	<u>X-XX</u>	<u>Performance Bond to Demonstrate Financial Assurance</u>
<u>XXXX</u>	<u>X-XX</u>	<u>Irrevocable Letter of Credit to Demonstrate Financial Assurance</u>

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

- (a) Florida Keys Service Center, 80431 Old Hwy., Islamorada, FL 33036 Big Pine Key Service Center, Marshall Building, Unit 9, Route 5 Box 183 H, Big Pine Key, FL 33043;
- (b) Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901 Ft. Myers Service Center, Key West Professional Center, 1342 Colonial Blvd., Suite 81, Ft. Myers, FL 33907;
- (c) Okeechobee Service Center, 205 North Parrott Ave., Suite 201, P. O. Box 2033, Okeechobee, FL 34973-2033 Okeechobee Service Center, 305 East North Park Street, Suite A, Okeechobee, FL 349973-2033;
- (d) Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809 Orlando Service Center, Lake Eleanor Center, 1756 Orlando Central Parkway, Orlando, FL 32809;
- (e) Miami/Dade Regional Service Center, 172A W. Flagler Street, Miami, FL 33130 Miami Service Center, Kendar Building, 1550 Mandruga Avenue, Suite 412, Coral Gables, FL 33146;
- (f) Big Cypress Basin, 6089 Janes Lane, Naples, FL 34109 Naples Service Center, 6167 Janes Lane, Naples, FL 33942; and
- (g) No change.

Specific Authority ~~120.53~~, 373.044, 373.113 FS. Law Implemented ~~120.53~~, 373.113 FS. History--New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permit Thresholds
 RULE NO.: 40E-4.0415
 PURPOSE AND EFFECT: The SFWMD is amending the existing environmental resource permit thresholds rule to specify that ditches and wholly owned ponds constructed in uplands and any isolated wetlands with a surface area of less than 0.5 acres will not be included in the calculation of acreage of "impacts to wetlands and other surface waters" for purposes

of determining whether a project exceeds the one acre impact threshold for Standard General Permits. Additionally, the SFWMD is creating a new section in the environmental resource permit thresholds rule (40E-4.0415(b)(3)) to allow phases of a project that have a valid environmental resource/surface water management conceptual permit to be permitted at the staff level provided that the specific phase is constructed and operated consistently with the original conceptual approval.

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

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

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

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

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District's Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

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

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

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

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

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.0415 Permit Thresholds.

(1) No change.

(a) No change.

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

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

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

(c) No change.

(2) No change.

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

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

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

1. The proposed activity is consistent with the conceptual approval permit;

2. The approved conceptual plan includes the location and acreage of wetlands onsite, an assessment of wetland impacts, and a conceptual mitigation plan (if required); and

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

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE:

RULE NO.:

Publications, Rules and Interagency Agreements

Incorporated by Reference

40E-4.091

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

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

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

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

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

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District’s Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

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

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

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

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

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

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

- (b) through (j) No change.
- (2) No change.

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

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

4.2.2.2 Fish, Wildlife, Listed Species and their Habitats.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency Agreements

RULE NO.:

Incorporated by Reference 40E-4.091

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

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

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

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

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

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District's Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

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

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

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

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

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

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

(b) through (j) No change.

(2) No change.

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

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

4.2.8.1 Cumulative Impacts.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency Agreements

RULE NO.: 40E-4.091

Incorporated by Reference

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

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

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

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

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

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District’s Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

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

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

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

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

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

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

(b) through (j) No change.

(2) No change.

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

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

4.2.8.2 Applicants may propose measures such as preservation to prevent cumulative impacts. Such preservation shall comply with the land preservation provisions in subsection 4.3.8. If unacceptable cumulative impacts are

expected to occur, the applicant may propose mitigation measures as provided for in sections 4.3 through 4.3.8. Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 4.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within the same drainage basin.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency Agreements
Incorporated by Reference

RULE NO.: 40E-4.091

PURPOSE AND EFFECT: The proposed newly created Section 4.2.8.3 "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District - January 2001" (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., reflects legislative revisions to the cumulative impact statute. Specifically, the proposed creation of new section 4.2.8.3, ERP BOR, specifies that if an applicant mitigates within the same drainage basin as the impacts, and the mitigation fully offsets the impacts, then the project will have no unacceptable cumulative impacts.

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

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

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

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

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District's Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

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

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

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

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

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

(a) "Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District - _____ "January 2001"

(b) through (j) No change.

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

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

4.2.8.3 Mitigation Within the Same Drainage Basin as the Proposed Project

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency Agreements
Incorporated by Reference

RULE NO.: 40E-4.091

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

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

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

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

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

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District’s Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

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

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

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

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

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

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

(b) through (j) No change.

(2) No change.

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

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

4.2.8 Cumulative Impacts

Pursuant to paragraph 4.1.1(g), an applicant must provide reasonable assurances that a regulated activity will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the regulated activity for which a permit is sought. The impact on wetlands and other surface waters shall be reviewed by evaluating the impacts to water quality as set forth in subsection 4.1.1(c) and by evaluating the impacts to functions identified in subsection 4.2.2. If an applicant proposes to mitigate these adverse impacts within the same drainage basin as the impacts, and if the mitigation fully offsets these impacts, the District will consider the regulated activity to have no unacceptable cumulative impacts upon wetlands and other surface water, and consequently the condition for issuance in paragraph xxx, will be satisfied. The drainage basins within the District are identified on Figure 4.2.8-1.

When adverse impacts to water quality or adverse impacts to the functions of wetlands and other surface water, as referenced in the paragraph above, are not fully offset within the same drainage basin as the impacts, then an applicant must provide reasonable assurance that the proposed system, when considered with the following activities, will not result in unacceptable cumulative impacts to water quality or the functions of wetlands and other surface waters, within the same drainage basin:

(a) through (b) No change.

Only those activities listed in paragraphs (a) and (b) which have similar types of adverse impacts to those which will be caused by the proposed system will be considered. (All citations in paragraphs (a) and (b) refer to provisions of Florida Statutes.)

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

The cumulative impact evaluation is conducted using an assumption that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permit Thresholds

RULE NO.: 40E-40.041

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

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

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

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

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District’s Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

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

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

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

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

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-40.041 Permit Thresholds.

(1) No change.

(2) Threshold conditions are as follows:

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

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

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

(b) through (c) No change.

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

1. The proposed activity is consistent with the conceptual approval permit;

2. The approved conceptual plan includes the location and acreage of wetlands onsite, an assessment of wetland impacts, and a conceptual mitigation plan (if required);

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

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE:

RULE NO.:

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

40E-400.447

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

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

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

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District's Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District,

MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

(g) Ditch bank and bottom stabilization necessary to repair erosion damage to restore previously existing ditch configurations. Authorized repair methods are placement of riprap, sand cement toe walls, clean fill material, poured concrete, geotechnical textiles and other similar stabilization materials. The placement of riprap or other lining materials shall be limited to a length of 500 feet along the axis of the ditch and must not diminish permitted water quality treatment capacity. This general permit shall not be applicable within one-quarter mile along the length of an area, within the same ditch, which has been stabilized under this general permit within a three year period.

(2) through (3) No change.

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

LAND AND WATER ADJUDICATORY COMMISSION

Indigo Community Development District

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Indigo Community Development

District

42U-1

RULE TITLE:

RULE NO.:

Boundary

42U-1.002

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to amend the boundaries of the Indigo Community Development District ("District"), a community development district (CDD) established pursuant to Chapter 190, F.S. The petition to amend the boundaries submitted by the Indigo CDD requests that the Florida Land and Water Adjudicatory Commission (the "Commission") amend Florida Administrative Code Chapter 42U-1 by deleting approximately 38.7 acres (the contraction parcel) from the existing boundaries. After contraction, the proposed amended District

will consist of approximately 2,513 acres. The contraction parcel is generally located East of Tomoka River and South of the 234 foot Florida Power & Light easement recorded in official records of Volusia County at Book 511, page 86, and Book 1335, Page 500. There are no out parcels within the contraction parcel, or the proposed amended boundaries of the District, that are to be excluded from the Indigo CDD as a result of the contraction. The filing of the contraction petition by the Board of Supervisors of the Indigo CDD constitutes consent of the landowners within the District. Additionally, the District has written consent to amend the District from the owners of 100% of the real property to be deleted from the District.

SUBJECT AREA TO BE ADDRESSED: Contraction of the boundaries of the Indigo Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 10:00 a.m., Monday, January 14, 2002

PLACE: Room 1702A, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)488-7793, at least 5 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jonathan Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, telephone (850)222-7500, or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1701, Tallahassee, Florida 32399-0001, telephone (850)488-7793

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Disciplinary Guidelines **RULE NO.:** 61G5-30.001

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address Disciplinary Guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 455.2273, 477.016, 477.029(2) FS.

LAW IMPLEMENTED: 455.2273, 477.029(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Citations **RULE NO.:** 61G18-30.003

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

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 455.224, 474.206 FS.

LAW IMPLEMENTED: 455.224 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-53R

RULE CHAPTER TITLE: Wastewater Facility and **RULE CHAPTER NO.:** Activities Permitting

RULE TITLE: General Conditions for All Permits **RULE NO.:** 62-620.610

PURPOSE AND EFFECT: To amend language in Rule 62-620.610(20), F.A.C., to provide that certain unauthorized discharges be reported to the State Warning Point to facilitate communication and enable immediate response action where necessary.

SUBJECT AREA TO BE ADDRESSED: Certain unauthorized releases or spills of treated or untreated wastewater would be reported to the Department using the State Warning Point Toll Free Number so that these spills can

be responded to on an expedited basis in order to protect public health and the environment. Previously, these were reported directly to the Department.

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.051, 403.061, 403.087, 403.088, 403.0885 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Coates, P.E., Environmental Administrator, 2600 Blair Stone Road, M.S. #3550, Tallahassee, Florida 32399-2400, (850)488-4520

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Standards for Approval of Continuing Education Credit
 RULE NO.: 64B1-6.005

PURPOSE AND EFFECT: To amend the existing rule to require that continuing education programs contribute to licensee’s knowledge and skills related to the safe and beneficial use of laboratory test and imaging findings.

SUBJECT AREA TO BE ADDRESSED: Continuing education credits.

SPECIFIC AUTHORITY: 457.104, 457.107(3), 456.033 FS.

LAW IMPLEMENTED: 457.107(3), 456.033 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Continuing Education for Biennial Renewal
 RULE NO.: 64B15-13.001

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text for continuing education for biennial renewal.

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 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: 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, or End of Life and Palliative Health Care, one hour Risk Management Course, one hour Florida Laws and Rules, ~~and~~ one hour Managed Care Course, and two hours 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) All 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. In lieu of the domestic violence course, a licensee may complete a course in end of life care and palliative health care if the licensee has completed an approved domestic violence course in the immediately preceding biennium.

(8) All applicants for an initial license, reactivation or reinstatement of their licensee who obtained the required domestic violence, end of life and palliative health care, or HIV/AIDS course for initial licensure, reactivation or reinstatement within six (6) months immediately preceding licensure renewal may use the same domestic violence, end of life palliative health care, or HIV/AIDS hours obtained for initial licensure, reactivation or reinstatement to meet the requirements for licensure renewal.

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 Psychology

RULE TITLE: Application Forms
RULE NO.: 64B19-11.012

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule entitled "Application Forms."

SUBJECT AREA TO BE ADDRESSED: Application Forms.

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.005, 490.006(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Notice to the Department of Mailing
Address and Place of Practice
of Licensee
RULE NO.: 64B19-13.0025

PURPOSE AND EFFECT: The Board promulgate a new rule entitled "Notice to the Department of Mailing Address and Place of Practice of Licensee."

SUBJECT AREA TO BE ADDRESSED: Notice of change of address.

SPECIFIC AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 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, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Continuing Psychological Education Credit
PURPOSE AND EFFECT: The Board proposes to update the above rule.
RULE NO.: 64B19-13.003

SUBJECT AREA TO BE ADDRESSED: Continuing Psychological Education Credit.

SPECIFIC AUTHORITY: 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 490.007(2), 490.0085(1),(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Reactivation of Inactive Licenses

RULE NO.: 64B19-15.003

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

SUBJECT AREA TO BE ADDRESSED: Reactivation of Inactive Licenses.

SPECIFIC AUTHORITY: 490.004(5), 456.036 FS.

LAW IMPLEMENTED: 456.036 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, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B19-17.002

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

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079, 490.009(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 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, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Citations

RULE NO.: 64B19-17.004

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

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Use of Test Instruments

RULE NO.: 64B19-18.004

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

SUBJECT AREA TO BE ADDRESSED: Use of Test Instruments.

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.003(4), 490.009(2)(s),(v),(w) 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, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

Section II
Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Procedures for Determining Need for a New Cemetery Company
RULE NO.: 3D-30.0055

PURPOSE, EFFECT AND SUMMARY: The purpose of the proposed amendments is to implement the provisions of Chapter 2001-120, Laws of Florida. By repealing Sections 497.201(3) and (4), Florida Statutes, Chapter 2001-120 eliminates the requirement of a need determination by the Department of Banking and Finance in order to establish a new cemetery. Accordingly, the purpose of this proposed rulemaking is to repeal, Rule 3D-30.0055 which clarified procedures for determining need and was originally promulgated pursuant to Section 497.201, Florida Statutes.

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: 497.103, 497.105 FS.

LAW IMPLEMENTED: Chapter 2001-120, Laws of Florida.

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: 4:00 p.m., January 7, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Wheaton, Room 636, Fletcher Building, 101 East Gaines Street, Tallahassee, FL 32399-0350, (850)410-9898

THE FULL TEXT OF THE PROPOSED RULE IS:

3D-30.0055 Procedures for Determining Need for a New Cemetery Company.

Specific Authority 497.103, 497.105 FS. Law Implemented 497.201 FS. History--New 3-1-99, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Wheaton, Fletcher Building, Room 636, 101 East Gaines Street, Tallahassee, FL 32399-0350, (850)410-9898

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diana Evans, Chief of Funeral and Cemetery Services

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

DEPARTMENT OF INSURANCE

RULE TITLES: Premium Growth Reporting
RULE NOS.: 4-137.003
Reinsurance Summary Statement 4-137.011

PURPOSE AND EFFECT: The proposed amendment to Rule 4-137.003 would adopt a revised form for property and casualty insurers to report premium growth information to the Department. Proposed new Rule 4-137.011 would adopt a form for all insurers to use to report information to the Department relating to reinsurance.

SUMMARY: The information and filing requirement for reporting premium growth is contained in Section 624.4243(3), Florida Statutes. The revision to Rule 4-137.003 is necessary to correct the formula used for calculating the percentage of change in premium growth. Proposed new Rule 4-137.011 adopts a form for all insurers to report information on specific types of reinsurance agreements that is required to be filed by Section 624.610(11), Florida Statutes. Neither the form nor the filing requirement is new. However, the form has never been adopted by rule.

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: 624.308(1), 624.4243(3) FS.

LAW IMPLEMENTED: 624.4243(3), 624.610(11) 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:

TIME AND DATE: 2:00 p.m. - 3:00 p.m., January 4, 2002

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

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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sam Coskey, Senior Management Analyst, Bureau of Property and Casualty Insurer Solvency and Market Conduct, Division of Insurer Services, Department of Insurance, 200 E. Gaines Street, Room 216, Larson Building, Tallahassee, FL 32399-0329, (850)413-3148

THE FULL TEXT OF THE PROPOSED RULES IS:

4-137.003 Premium Growth Reporting.

Section 624.4243(3), Florida Statutes, requires that a form for reporting premium growth be adopted by rule for each insurer that has been authorized to transact property and casualty insurance in Florida for less than three years. Form DI4-1229 (rev. 7/01 ~~40/96~~) is hereby incorporated by reference to be the form specified in Section 624.4243(3), Florida Statutes, for reporting premium growth.

Specific Authority 624.4243(3) FS. Law Implemented 624.4243 FS. History—New 3-26-98, Amended _____.

4-137.011 Reinsurance Summary Statement.

Section 624.610(11), Florida Statutes, requires each domestic or commercially domiciled insurer ceding directly written risks of loss to file with the department one copy of a summary statement containing information about each treaty. The required information shall be filed on Form DI4-1433 (rev. 07/01), which is hereby incorporated by reference. Form DI4-1433 shall be filed within 30 days after receipt of a cover note or similar confirmation of coverage, or, without exception, no later than 6 months after the effective date of the reinsurance treaty.

Specific Authority 624.308(1) FS. Law Implemented 624.610(11) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sam Coskey, Senior Management Analyst, Bureau of Property and Casualty Solvency and Market Conduct, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lee Roddenberry, Chief, Bureau of Property and Casualty Solvency and Market Conduct, Division of Insurer Services, Department of Insurance

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2001

DEPARTMENT OF INSURANCE

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

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

SUMMARY: Life and health insurers are required to file a form that summarizes the changes requested in an insurance rate or form filing. The Department is proposing to adopt a new standardized form that will be used with any type of life or health rate or form filing. This will eliminate the use of different forms for different types of filings. Only one copy of a filing would have to be submitted rather than two. Filings could be submitted by electronic mail. Incomplete filings would no longer be returned to the insurer.

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

LAW IMPLEMENTED: 119.07(1)(b), 624.307, 625.121, 627.410, 627.476, 627.807 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., January 4, 2002
PLACE: Room 143, Larson Building, 200 E. Gaines St., Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

4-149.003 Rate Filing Procedures.

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

(b) Credibility. In analyzing the experience of policy forms, the following sequence shall be used: if the Florida experience is comprised of fully credible data, as defined in Rule 4-149.006(4)(e), F.A.C., the Florida experience will be used; if not, then nationwide experience will be used as

described in Rule 4-149.006(4)(e), F.A.C. Once policy forms have been combined, they remain so for all rating purposes. When forms have been so combined, a rate revision request shall not differentiate between the experience of the individual forms. Where significant inconsistencies between rate levels exist between forms providing similar benefits, some deviation in rate revision granted shall be allowed to reduce these inconsistencies.

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

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

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

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

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

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

2. Form "1507, The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter", rev. 7/01, completely filled out in accordance with Form DI4-1507A, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet", rev. 7/01, Form DI4-562A, "Standardized Data Letter/Florida Department of Insurance/Division of Insurer Services/Health Forms Filing," rev. 4/91; and Form DI4-562B, "Standardized Data Letter/Florida Department of Insurance/Division of Insurer Services/Health Rates Filing,"

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

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

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

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

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

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

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

(4) Every insurer submitting a rate filing shall be notified as to whether the filing ~~has been deemed approved,~~ has been affirmatively approved by the Department, or has been disapproved by the Department, including disapprovals for failure of the material to meet the definition of a "filing" or for illegibility, within any statutory review period of the date of receipt of the filing. Every insurer submitting a rate filing which does not comply with the requirements of Rules 4-149.001 through 4-149.006, F.A.C., or for which the Department determines that additional information is

necessary for a proper review, will be notified of the additional information necessary deficiencies in the filing within the statutory limit. Every insurer shall submit the required data by a date certain stated in the clarification deficiency letter, to allow the Department sufficient time to perform a proper review. Failure to correct the filing deficiencies by the date certain in the clarification deficiency letter will result in an affirmative disapproval of the filing by the Department.

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

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

4-149.021 Form Filing Procedures.

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

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

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

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

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

disapproval. If the filing is either a group life or a group annuity form, the letter shall indicate the Florida statute number under which the form is to be issued.

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

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

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

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

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

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

6.8. Each filing shall contain an actuarial memorandum, certified and signed by a qualified actuary. The actuarial memorandum for life and annuity product filings shall demonstrate compliance with the Standard Valuation Law. In addition, filings for life insurance products other than annuities shall demonstrate compliance with the Standard Nonfeature Law.

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

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

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

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

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

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

(7) Definitions. As used in this rule:

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

(b) Resubmission – A filing submission in response to a final disapproval from the Department is a resubmission. It is given a new filing number by the Department. This term does not apply to ongoing correspondence under the same filing number before an affirmative approval or disapproval by the Department.

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

4-149.022 Forms Adopted.

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

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

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

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

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

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

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

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

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

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

Specific Authority 624.308 FS. Law Implemented 627.410 FS. History–New 10-29-91, Amended 5-15-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frank Dino, Bureau of Life and Health Forms and Rates,
Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Rich Robleto, Chief, Bureau of Life
and Health Forms and Rates, Division of Insurer Services,
Department of Insurance

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF INSURANCE

RULE TITLE:
Forms Adopted

RULE NO.:
4-149.022

PURPOSE AND EFFECT: The purpose of the proposed rule development is to adopt revised forms that are part of the policy form filing process for life and health insurance companies.

SUMMARY: The revised forms are checklists of Florida laws and rules that set forth various provisions which insurers are required to include in insurance policies. The checklists aid insurers in complying with Florida laws and rules. The revisions reflect the adoption of new statutes and rules, as well as amendments to existing statutes or rules, which have changed various policy provision requirements. Copies of the new forms are available and may be printed from the department's web site: www.doi.state.fl.us.

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: 624.308 FS.

LAW IMPLEMENTED: 627.410 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:

TIME AND DATE: 10:00 a.m. – 12:00 p.m., January 4, 2002

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

4-149.022 Forms Adopted.

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

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

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

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

~~(c)(d)~~ Form DI4-520, "Florida Individual Health Application Checklist," rev. 4/91.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(xx) Form DI4-1382, "Individual Fraternal Term Life," 7/00.

(yy) Form DI4-1383, "Group Fraternal Term Life," 7/00.

(zz) Form DI4-1384, "Individual Variable Life," 7/00.

(aaa) Form DI4-1485, "Group Fraternal Term Life," 7/00.

(bbb) Form DI4-1486, "Group Fraternal Whole Life," 7/00.

(ccc) Form DI4-1487, "Group Fraternal Universal Life," 7/00.

(ddd) Form DI4-1488, "Group Term Life," 7/00.

(eee) Form DI4-1489, "Group Variable Life," 7/00.

(fff) Form DI4-1490, "Group Whole Life," 7/00.

(ggg) Form DI4-1491, "Individual Fraternal Universal Life," 7/00.

(hhh) Form DI4-1492, "Individual Fraternal Variable Life," 7/00.

(iii) Form DI4-1493, "Individual Term Life," 7/00.

(jjj) Form DI4-1494, "Individual Universal Life," 7/00.

(kkk) Form DI4-1496, "Individual Whole Life," 7/00.

~~(bb) Form DI4 545, "Filing Instructions for: Life, Annuities, Credit Life and Credit Disability, Variable Life and Variable Annuity Forms," rev. 4/91.~~

~~(ee) Form DI4 547, "Life and Annuity Individual Applications Checklist," rev. 4/91.~~

~~(dd) Form DI4 548, "Individual Ordinary Life Policies Checklist," rev. 4/91.~~

~~(ee) Form DI4 549, "In State Group Life Policies Checklist," rev. 4/91.~~

~~(ff) Form DI4 550, "Out of State Group Life Policies Checklist," rev. 4/91.~~

~~(gg) Form DI4 551, "Individual or Group Universal Life Policies and/or Variable Life Policies Checklist," rev. 4/91.~~

~~(hh) Form DI4 552, "Individual or Group Credit Life Policies Checklist," rev. 4/91.~~

~~(ii) Form DI4 553, "Individual or Group Credit Disability Policies Checklist," rev. 4/91.~~

~~(jj) Form DI4 554, "Industrial Life Policies Checklist," rev. 4/91.~~

~~(kk) Form DI4 555, "Fixed Annuity Checklist," rev. 4/91.~~

~~(ll) Form DI4 556, "Variable Annuity Checklist," rev. 4/91.~~

~~(mm) Form DI4-557, "Fixed or Variable Group Annuity Checklist," rev. 4/91.~~

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Chief, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference
RULE CHAPTER NO.: 14-15

RULE TITLE: Toll Facilities Description and Toll Rate Schedule
RULE NO.: 14-15.0081

PURPOSE AND EFFECT: The purpose of this notice of rulemaking is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of the CR 470/Florida's Turnpike interchange. Section 338.155(1), Florida Statutes, does not permit the use of the State's toll facilities without paying a toll.

SUMMARY: The proposed action is being taken to determine the Toll Rate Schedule resulting from the Florida Department of Transportation's construction of the CR 470/Florida's Turnpike interchange. The project is located in Lake County. Tolls are proposed to be collected for vehicles entering the Turnpike northbound and exiting the Turnpike southbound. The toll rate public hearing is being held in conjunction with the Design Public Hearing for the interchange project, Financial Project ID 404214-1. The required Toll Rate Rule Development Workshop was held July 11, 2000.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

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.

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

TIME AND DATE: 7:00 p.m., January 24, 2002 (An informal open house will begin at 6:00 p.m.)

PLACE: Commission Meeting Room, Leesburg City Hall, 501 West Meadow Street, Leesburg, Florida 34748

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, and September 4, 2001, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History--New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Ely, District Secretary, Turnpike District, and Deborah Stemle, Director, Office of Toll Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2001

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Purpose	19-7.001
Pooled Investment Accounts	19-7.010
Rate of Return Calculation	19-7.011
Pool Participation	19-7.012
Reporting Procedures	19-7.013
Number of Accounts	19-7.014
Allocation of Earnings	19-7.015
Close of Business	19-7.016
Pooled Investment Account Reserve Fund	19-7.017

PURPOSE AND EFFECT: These proposed rules implement the provisions of Part IV of Chapter 218, Florida Statutes, regarding local government investment pools.

SUMMARY: Proposed amended Rule 19-7.001 sets out the purpose of the rules. Proposed amended Rule 19-7.010 describes Rules 19-7.010 through 19-7.016 as relating to the Local Government Pooled Investment Account. Proposed amended Rule 19-7.011 provides the rate of return calculation for the Pooled Investment Account. Proposed amended Rule 19-7.012 provides a method for investing surplus funds. Proposed amended Rule 19-7.013 provides reporting procedures for the pool. Proposed amended Rule 19-7.014 provides the maximum number of accounts. Proposed amended Rule 19-7.015 provides for allocation of earnings for accounts participating in the Pooled Investment Account. Proposed amended Rule 19-7.016 provides procedures for investments based on when the Board's records are balanced. Proposed amended Rule 19-7.017 provides procedures for establishing a reserve fund.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and estimated the cost to be minimal.

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: 218.405, 218.412 FS.

LAW IMPLEMENTED: Ch. 218, Part IV FS.

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

TIME AND DATE: 9:00 a.m. – 11:30 a.m., Thursday, January 3, 2002

PLACE: Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1199

THE FULL TEXT OF THE PROPOSED RULES IS:

19-7.001 Purpose.

These rules are promulgated to provide guidance and to establish general operating procedures for the administration of the Local Government Surplus Funds Trust Fund.

Specific Authority 218.405, 218.412, 420.53(1), 218.409(4) FS. Law Implemented Ch. 218, Part IV FS. History—New 8-24-82, Formerly 19-7.01, Repromulgated _____.

19-7.010 Pooled Investment Accounts.

Rules 19-7.010 through 19-7.016, F.A.C., are developed for the Local Government Pooled Investment Account pursuant to Section 218.409, Florida Statutes.

Specific Authority 218.405, 218.412, 420.53(1), 218.409(4) FS. Law Implemented Ch. 218, Part IV FS. History—New 8-24-82, Formerly 19-7.10, Repromulgated _____.

19-7.011 Rate of Return Calculation.

The Rate of Return Calculation for the Pooled Investment Account shall be as follows:

(1) Daily Rate of Return:

DAE x 360

DRR = IB

DRR = Daily Rate of Return (stated as a decimal fraction)

DAE = Daily Accrued Earnings

IB = Investment Balance at Cost (End of Day)

(2) Moving 30 Day Average Rate of Return:

MAE x (360/30)

AIB

MRR = Monthly Average Rate of Return (stated as a decimal fraction)

MAE = 30 Previous Day's Cumulative DAE

AIB = Average Daily Investment Balance at Cost of the 30 previous days

(3) Definitions:

(a) Daily Accrued Earnings:

1. Accrued coupon income;

2. Accretion/Amortization on securities; and

3. Realized gains/losses on security sales.

All computations for the components of Daily Accrued Earnings are in conformance with the "Standard Securities Calculation Methods" published by the Securities Industry Association.

(b) Investment Balance at Cost (end of day) is the total of all investments held in inventory for the Pooled Investment Account totaled on a cost basis.

(c) Average Daily Investments Balance at Cost is the average of the daily investment balance at cost for each day of the time period cited.

Specific Authority 218.405, 218.412, 420.53(1), 218.409(4) FS. Law Implemented 218.407(4) Ch. 218, Part IV FS. History—New 8-24-82, Formerly 19-7.11, Amended 4-8-92, Repromulgated _____.

19-7.012 Pool Participation.

All units of Local Government that qualify to be participants in the Local Government Surplus Funds Trust Fund after January 1, 1982, will normally have surplus funds deposited into the Pooled Investment Account. If a unit of Local Government wishes to establish a separate account outside of the Pooled Investment Account, the Executive Director shall make a determination based on the following considerations: The Executive Director of the Board may under special or unusual circumstances grant exceptions to this rule and authorize a participant to establish a separate account outside the Pooled Investment Account. In making the decision concerning said exception, the Executive Director shall take into account the following considerations:

- (a) Magnitude of the deposit;
- (b) Frequency of anticipated withdrawals;
- (c) Special investment requirements of the unit of Local Government;
- (d) Anticipated period of time between request to withdraw and required receipt of withdrawn funds; and
- (e) Any other relevant information offered by the unit of Local Government. During the pendency of a major market disruption which causes a suspension of trading or liquidity is impaired, the Executive Director shall limit contributions to the fund or withdrawals from the fund to ensure that the Board can invest the monies entrusted to it exercising its fiduciary responsibility as trustee. All withdrawals from the Pool of \$20,000,000 or more may, at the option of the Executive Director of the Board, require two (2) days prior notice. Funds designated by a unit of Local Government for the purpose of investment management by a private investment asset manager shall not be deposited into the Pooled Investment Account nor into any separate account established within the Local Government Surplus Funds Trust Fund.

Specific Authority 218.405, 218.412 420.53(1), 218.409(4) FS. Law Implemented 218.407(2), 218.409(1),(3) Ch. 218, Part IV FS. History--New 8-24-82, Formerly 19-7.12, Amended 12-20-87, 2-16-92,_____.

19-7.013 Reporting Procedures.

The State Board of Administration shall forward to each Pool participant a monthly statement containing each account's activity including deposits, withdrawals, balances, earnings and administrative expense charges. If no errors are reported to the Board within 14 days, the statement will be considered correct. A semi-annual portfolio activity statement will be forwarded to each participant.

Specific Authority 218.405, 218.412 FS. Law Implemented 218.409(6) Ch. 218, Part IV FS. History--New 8-24-82, Formerly 19-7.13, Amended 12-18-88, 11-7-99, Repromulgated_____.

19-7.014 Number of Accounts.

The maximum number of accounts allowed each participant shall be ten (10) six (6).

Specific Authority 218.405, 218.412 420.53(1), 218.409(4) FS. Law Implemented 218.409(5) Ch. 218, Part IV FS. History--New 8-24-82, Formerly 19-7.14, Amended 12-2-93,_____.

19-7.015 Allocation of Earnings.

The Local Government Surplus Funds Trust Fund System is used to keep current account balance information for individual accounts participating in the Pooled Investment Account and to apportion the pooled investment earnings back to each account. At the end of each month, pool month-to-date accrued earnings are apportioned to the participants directly proportionate to the respective net amounts deposited in the Fund and the length of time such amounts remain therein. The resulting proportionate amount is credited to each account at that time. An investment service charge ~~The administrative expense charge, per Rule 19-6.009, F.A.C.,~~ is then deducted

from the account. If the investment service administrative expense charge is less than one dollar, a minimum charge of one dollar or the account ending balance, whichever is less, will be deducted as satisfaction of the investment service administrative expense charge for that month. If the account balance is less than \$1.00, the account may be closed upon satisfaction of the investment service administrative expense charge.

Specific Authority 218.405, 218.412 420.53(1), 218.409(4) FS. Law Implemented 218.409(4) Ch. 218, Part IV FS. History--New 8-24-82, Formerly 19-7.15, Amended 6-26-95,_____.

19-7.016 Close of Business.

~~The Board's records are balanced daily with the bank. Therefore, it is necessary that all transactions be recorded and the accounts closed on a timely basis.~~ Any requests for funds to be returned or notification of funds to be wired for investment after 11:00 a.m. ~~shall~~ may be included in the following day's business. In the event that the Board is informed by 11 a.m. of a deposit for investment that day, and the funds are not transmitted to the Board's bank account by the close of business that day, which results in a shortfall, a fee shall be charged to the participant for each day until the shortfall is corrected. The fee will be based on the current applicable overdraft fee charged by the bank on the amount of the shortfall.

Specific Authority 218.405, 218.412 420.53(1), 218.409(4) FS. Law Implemented 218.409(2) Ch. 218, Part IV FS. History--New 8-24-82, Formerly 19-7.16, Amended 6-26-95,_____.

19-7.017 Pooled Investment Account Reserve Fund.

~~A~~ At the discretion of the Executive Director, a Pooled Investment Account Reserve Fund shall ~~may~~ be established in order to protect the Pooled Investment Account in accordance with Section 218.409(3), F.S. an amount determined by the Executive Director periodically but no less infrequently than once each three years to be reasonable and consistent with sound investment policy. The funds required to establish said Reserve Fund shall be deducted from "pooled investment gross earnings" as the term is used in Rule 19-7.015, F.A.C. If ~~at any time the Executive Director of the Board determines that it is prudent to reduce~~ the size of the Reserve Fund is reduced, then the excess moneys in the Reserve Fund shall be distributed in accordance with the formula set forth in Rule 19-7.015, F.A.C., at the end of the month during which the Reserve Fund was reduced.

Specific Authority 218.405, 218.412 420.53(1), 218.409(4) FS. Law Implemented 218.409(3) Ch. 218, Part IV FS. History--New 8-17-92, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Herndon, Executive Director, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 27, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2001

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

RULE CHAPTER TITLE: RULE CHAPTER NO.:
State Group Insurance Program 60P-1
RULE TITLES: RULE NOS.:
Executive Offices and Telephone Number 60P-1.0015
Definitions 60P-1.003
Appeals 60P-1.004

PURPOSE AND EFFECT: To readopt each rule in this chapter, with minimal changes as noted, 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.

SUMMARY: Definitions of words and phrases that are used in Rule Chapters 60P-2, 60P-3, 60P-6, 60P-9 and 60P-10; procedure to appeal from a decision or intended decision of the Division of State Group Insurance determining a person's substantial interests.

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

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

SPECIFIC AUTHORITY: 110.123(3)(c),(5), 110.161(5) FS.
LAW IMPLEMENTED: 110.123, 17.04, 110.161, 110.12315 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., December 28, 2001
PLACE: Room 260L, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frederick J. Springer, Office of the General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee FL 32399-0950, (850)487-1898

THE FULL TEXT OF THE PROPOSED RULES IS:

60P-1.0015 Executive Offices and Telephone Number.
The executive offices of the State Group Insurance Program are as follows:

Division of State Employees' Insurance
4040 Esplanade Way
Tallahassee, FL 32399-0949

Telephone Number (850)921-4600 SUNCOM 291-4600.

Specific Authority 120.53(1)(a) FS. Law Implemented 110.123 FS. History--New 8-22-96, Repromulgated.

60P-1.003 Definitions.

For the purpose of administering the State Group Insurance Program, the following words and terms shall have the meaning indicated:

(1) "Administrator" means the Department of Management Services, hereinafter referred to as "Administrator" or "Department."

(2) "Appeal" means the filing of a petition pursuant to Rule 60P-1.004, and the proceeding that results from such filing. ~~an administrative proceeding in which a petition, in compliance with Section 120.57, Florida Statutes, and Rule 60 4, Florida Administrative Code, is filed requesting a hearing. Petitions shall be sent to the Division of State Employees' Insurance, 4040 Esplanade Way, Tallahassee, FL 32399 0949.~~

(3) "Cancellation" means the loss of coverage, with a right of reinstatement, caused by a failure to pay the required premiums for two consecutive months.

(4) "Continuation coverage" means coverage that is identical to the coverage provided under the Health Program to active employees which must be offered to qualifying employees and dependents in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA).

(5) "Conversion plan" means a standard policy as is issued by the servicing agent to direct payment subscribers at applicable rates then in effect. An insured shall have the right to apply directly to the servicing agent in writing within thirty-one (31) days of the termination date of coverage under the Program.

(6) "Coverage" means the provision of plan benefits to a subscriber and eligible dependents.

(7) "Eligible children" shall mean the subscriber's own children, legally adopted children or children placed in the subscriber's home for the purpose of adoption in accordance with Chapter 63, Florida Statutes, stepchildren for whom the employee or retiree is financially responsible, or any other children for whom the subscriber has established legal guardianship in accordance with Chapter 744, Florida Statutes, foster children, or any other unmarried children for whom the subscriber has been granted court-ordered temporary or other custody. Such children are eligible for coverage as follows:

(a) From their date of birth to the end of the month in which their nineteenth (19th) birthday occurs;

(b) From their nineteenth (19th) birthday to the end of the calendar year in which their twenty-fifth (25th) birthday occurs, if they are dependent upon the subscriber for support and are either living with the subscriber or enrolled in any

school, college or university which provides training or educational activities, and which is certified or licensed by a state or foreign country.

(c) Such children who are mentally or physically disabled shall be eligible to continue coverage after attainment of the above age limits and while the subscriber's family coverage is in effect provided such children are incapable of self-sustaining employment by reason of such mental or physical disability and chiefly dependent upon the subscriber for support and maintenance.

(d) Such children who are over the above age limits at the time of the subscriber's enrollment in the Program, and who are mentally or physically disabled, shall be eligible for coverage if they are incapable of self-sustaining employment by reason of such mental or physical disability and chiefly dependent upon the employee or retiree for support and maintenance.

(8) "Eligible dependents" shall mean the following:

(a) The wife or husband of the employee or retiree and any eligible children.

(b) The eligible children of a surviving spouse.

(c) The newborn child of an eligible child from the date of birth until the end of the month the child attains eighteen (18) months of age.

(d) Children of law enforcement, probation, or correctional officers who were killed in the line of duty and who are attending a college or university beyond their eighteenth (18th) birthday.

(9) "Employee contribution" means that portion of the total premium required by the subscriber to keep the insurance in force.

(10) "Family coverage" means the provision of Plan benefits under a single plan for a subscriber and one or more of his or her eligible dependents.

(11) "Financially responsible" shall mean the degree of financial support sufficient to claim the eligible dependent as an exemption on the subscriber's Federal income tax return.

(12) "Health maintenance organization (HMO) service area" means the geographic area composed of a county or contiguous counties for which the HMO has received a Certificate of Authority issued by the Florida Department of Insurance to provide or arrange for comprehensive health services and for which the HMO has received approval to offer such services to state employees residing in the area.

(13) "Health Program" means the insurance plans offered to eligible subscribers.

(14) "Individual coverage" means the provision of plan benefits for the subscriber only.

(15) "Initial eligibility period" means the sixty (60) day period beginning on the date a person first becomes employed by the state.

(16) "Open enrollment period" means a period designated by the Department during which time eligible persons may enroll or make changes in the Health Program.

(17) "Qualifying status change (OSC) event" or "OSC event" means the change in employment status, for subscriber or spouse, family status or significant change in health coverage of the employee or spouse attributable to the spouse's employment.

(18) "Servicing agent" means an insurance carrier or professional administrator selected by competitive bid, or request for proposal process and contracted by the Department to process and pay health insurance claims for subscribers and eligible dependents insured under the Health Program and to provide other specific services required by the Department.

(19) "State contribution" means that portion of the total premium appropriated by law.

(20) "Subscriber" means the employee, retiree, surviving spouse, terminated employee or individual with continuation coverage participating in the State Group Insurance Program.

(21) "Suspension" means the temporary loss of coverage caused by a failure to pay the required premiums for one month.

(22) "Termination" means the loss of coverage, without a right for reinstatement, caused by a failure to pay the required premiums for three or more consecutive months.

(23) "Total disability" means disability of an employee resulting from disease or injury which completely and continuously prevents the employee from engaging in any and every occupation or business and from performing any and all work for compensation or profit.

(24) "Total premium or full premium" means the total amount equal to the State contribution plus an amount equal to the employee contribution as determined by the Legislature in the General Appropriations Act.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 11-2-76, Amended 2-3-77, 6-30-77, 7-1-80, Formerly 22K-1.03, Amended 7-16-86, 9-25-86, 4-11-88, Formerly 22K-1.103, Amended 8-22-96, Repromulgated as Amended _____.

60P-1.004 Appeals.

Any party whose substantial interests have been or will be determined by a decision or intended decision of the Division of State ~~Group Employees~~² Insurance and who desires to contest the agency's decision or intended decision shall submit a petition for an administrative hearing that complies with Rule ~~28-106.201~~ ~~60-4.012~~, Florida Administrative Code, if there is a dispute of material fact, or Rule 28-106.301 if there is no dispute of material fact. ~~The Such~~ petition must be received by the agency clerk of the Department ~~Division of State Employees' Insurance~~ within twenty-one (21) calendar days after notice of the decision or intended decision is received by the party. The clerk's address is Office of General Counsel, Department of Management Services, 4050 ~~Petitions shall be sent to the Division of State Employees' Insurance, 4040~~

Esplanade Way, Tallahassee, FL 32399-0949, Proceedings shall be conducted ~~for consideration~~ pursuant to Chapter 120, Florida Statutes, and Rule Chapter 28-106.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-22-96, Repromulgated as Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Garrett R. Blanton, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Group Insurance

RULE CHAPTER TITLE: State Group Health Self-Insurance Plan

RULE CHAPTER NO.: 60P-2

RULE TITLES: Eligibility

RULE NOS.: 60P-2.001

Enrollment 60P-2.002

Changes in Coverage 60P-2.003

Subscriber Change 60P-2.0035

Spouse Program 60P-2.0036

Effective Date of Coverage 60P-2.004

Other Changes in Information 60P-2.005

Employee Contributions 60P-2.006

Underpayment of Contributions 60P-2.007

Overpayment of Contributions 60P-2.008

State Contribution 60P-2.009

Agency Changes 60P-2.010

Retirees 60P-2.011

Employees Not on Payroll/Return to Payroll 60P-2.012

Dismissed Employees 60P-2.013

Returned Checks 60P-2.014

Terminations and Conversions 60P-2.015

Overpayment of Claims 60P-2.016

Payment of Claims 60P-2.017

Review of Claims 60P-2.019

Date of Receipt 60P-2.020

PURPOSE AND EFFECT: To readopt each rule in this chapter, with minor changes as noted, 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.

SUMMARY: 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.

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

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

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

LAW IMPLEMENTED: 110.123, 17.04, 110.161, 110.12315 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., December 28, 2001

PLACE: Room 260L, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frederick J. Springer, Office of the General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee FL 32399-0950, (850)487-1898

THE FULL TEXT OF THE PROPOSED RULES IS:

60P-2.001 Eligibility.

(1) Eligibility to participate in the Health Program will be in accordance with Section 110.123, Florida Statutes.

(2) Eligible dependents may only participate under a family coverage.

(3) The surviving spouse may participate in the Health Program with family coverage if there are eligible children to be covered; otherwise, the surviving spouse may only participate under an individual coverage.

(4) In order to participate in a HMO, the subscriber must reside in the HMO service area; if the subscriber is a state employee, he or she must either reside or work in the HMO service area.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 10-8-79, Amended 10-22-79, 7-1-80, 9-13-82, 8-7-83, Formerly 22K-1.14, Amended 7-16-86, Formerly 22K-1.201, Amended 8-22-96, Repromulgated _____.

60P-2.002 Enrollment.

(1) An employee or state officer may apply for enrollment in the Health Program through the employing agency personnel office:

(a) During the first sixty (60) calendar days of state employment or a new term of office;

(b) During open enrollment;

(c) Within thirty-one (31) days of a OSC of losing other group health coverage;

(d) Within thirty-one (31) days of a OSC of an increase in the number of work hours for an employee;

(e) Within thirty-one days prior to termination of employment and before the effective date of retirement.

(2) The employing agency shall request an effective date of coverage for enrollment in the Health Program in accordance with Rule 60P-2.004, F.A.C., and indicate such date on the application along with the following required employee and agency information:

(a) Employee's name, social security number, birth date, sex, home mailing address, employment status, pay plan, employment date, SAMAS organizational code, I.D. code, and other insurance carriers;

(b) Dependent's name, social security number, birth date, sex, date dependent was acquired, relationship of dependent, documentation verifying dependent eligibility;

(c) Employee's requested plan type, type of coverage and Spouse Program eligibility;

(d) Contains the signature and date of the employee and authorized signature and date of the employing agency certifying eligibility of the employee.

(3) The employee acknowledges that eligibility and enrollment are governed by Section 110.123, Florida Statutes; authorizes the State to reduce salary as often and in amount necessary to continue coverage; authorizes the State to deduct from salary any underpayment of employee contribution or overpayment of claims; acknowledges that premiums may change from time to time; authorizes any licensed physician or medical facility to release medical records of insureds to the health plan; certifies notification of COBRA rights and agrees to notify the Department at the time any dependent becomes ineligible for coverage; and agrees that all statements made on the application are complete and true.

(4) After completion by the employee and employing agency, the employing agency shall enter applicable information into the state insurance computer data base and retain the application.

(5) Upon learning of the death of an insured employee with family coverage, the agency personnel office, by certified mail, will notify the surviving spouse of his or her eligibility to continue coverage under the Health Program. A surviving spouse of a retiree shall be notified by the Department. Such notice shall advise the surviving spouse of the following:

(a) That family coverage may be continued if there are eligible children to be covered; otherwise the spouse may continue participation only under individual coverage;

(b) The amount of the applicable monthly total premium;

(c) That in order to continue coverage the surviving spouse must complete an application in accordance with subsection 60P-2.002(2), F.A.C. The application must be submitted with one month's total premium to the personnel office of the deceased employee's agency and forwarded to the Department, or submitted to the Department for a retiree, either within thirty-one (31) calendar days after the end of the month in

which the deceased employee died or within thirty-one (31) calendar days after receipt of the notice of eligibility to continue coverage, whichever is later.

(6) In no case shall any subscriber or subscriber's eligible dependent be covered simultaneously under two coverages within the Group Health Program.

(7) An employee who applies for enrollment and is enrolled in the Health Program shall automatically be enrolled in the Pretax Premium Plan of the Flexible Benefits Program unless the employee submits a signed rejection which shall include the employee's name, social security number, address, agency and a statement that this decision cannot be changed until the next open enrollment period.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 10-8-78, Amended 5-22-79, 10-22-79, 4-15-80, 7-1-80, 9-13-82, 8-7-83, Formerly 22K-1.15, Amended 7-16-86, 9-25-86, Formerly 22K-1.202, Amended 8-22-96, Repromulgated _____.

60P-2.003 Changes in Coverage.

(1) An employee enrolled in the Health Program may apply for a change to family coverage or individual coverage within thirty-one (31) calendar days of a OSC event if the change is consistent with the event or during the open enrollment period.

(2) A retiree, surviving spouse or participant with continuation coverage enrolled with family coverage may apply to change to individual coverage at any time, however, those enrolled with individual coverage may apply for a change to family coverage within thirty-one (31) calendar days of the date of acquisition of or loss of other group coverage for any eligible dependent or during the open enrollment period.

(3) A subscriber enrolled with individual coverage may apply for a change to family coverage prior to acquiring any eligible dependent. Since family coverage is effective the first day of any given month, a subscriber who will acquire the eligible dependent and is desirous of having immediate coverage of such dependent must:

(a) Submit an application and pay a full month's premium prior to the first day of the month in which the dependent will be acquired. Otherwise, coverage cannot be effective on the actual date of acquisition.

(b) A subscriber applying for family coverage under (3)(a) above may also add any other eligible dependents.

(4) If a subscriber enrolled with family coverage under an HMO plan is divorced, he or she may transfer such family coverage to the State Self Insurance Plan within thirty-one (31) calendar days after a covered dependent child is moved out of the HMO Plan's service area with the individual awarded custody of such child or during the open enrollment period.

(5) An HMO subscriber who no longer resides in the HMO's service area; if an employee, no longer resides or works; must change HMO plans or transfer to the State Self Insured Plan.

(6) The employing agency shall request an effective date for the change in accordance with Rules 60P-2.004 and 60P-2.002, and indicate such date on the application.

(7) All applications for coverage changes must be approved by the Department, subject to the following:

(a) The Department shall approve a coverage change if the completed application is submitted to the employing agency within thirty-one (31) calendar days of and is consistent with the OSC event.

(b) Documentation substantiating an OSC event is as follows:

1. If changing to family coverage, proof of family status change or proof of loss of other group coverage is required.

2. If changing to individual coverage, proof of family status change or proof of change of employment status is required.

3. If adding an eligible dependent to family coverage, proof of family status change is required.

4. If terminating coverage, proof of family status change or proof of employment change is required.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 10-8-78, Amended 10-22-79, 9-13-82, 8-7-83, Formerly 22K-1.16, Amended 7-16-86, 9-25-86, Formerly 22K-1.203, Amended 8-22-96, Repromulgated _____.

60P-2.0035 Subscriber Change.

(1) If an employee has family coverage and the employee's spouse is also employed by the State, coverage may be transferred to the spouse's name without loss of benefits, if the employee terminates employment with the State or is on approved leave without pay, suspension or lay off, provided such change is made prior to the termination of coverage.

(2) If a retiree has family coverage and the retiree's spouse is a retiree eligible to participate in the Health Program, coverage may be transferred to the spouse's name or to two individual coverages without loss of benefits provided such change is made prior to the termination of coverage.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated _____.

60P-2.0036 Spouse Program.

(1) Participation in the spouse program is voluntary and available to any married state employee whose spouse is also a state employee. Subject to the following conditions either employee may apply for the spouse program at any time by submitting an application in accordance with subsection 60P-2.002(2), F.A.C.:

(a) If one employee is insured as an eligible dependent under the other employee's family coverage; or

(b) If either employee is applying for family coverage in accordance with Rule 60P-2.002 or 60P-2.003, F.A.C.

(2) If either employee becomes ineligible for the state contribution after the spouse program is in effect, eligibility for the spouse program shall cease. Both employees shall immediately report the ineligibility in accordance with Rule 60P-2.002(2), F.A.C., to their agency personnel office to avoid an underpayment of premiums. Should the employee who is not eligible for the state contribution return to work, the spouse program shall not become effective unless either employee submits a completed spouse program application in accordance to subsection (1) above.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated _____.

60P-2.004 Effective Date of Coverage.

(1) The effective date of coverage requested by the employing agency for enrollment or changes in coverage in the Health Program by an employee shall always be the first day of a month, subject to the following:

(a) Subject to the requirements of subsections (2), (3), and (4), the requested effective date for new enrollees shall be no later than the first day of the month for which a full month's premium may be deducted using single deductions based upon the employee's signature date on the application.

(b) The requested effective date shall be no earlier than the first day of the month following the employee's signature date; however, in no case shall such effective date be prior to or on the employee's employment date.

(2) The coverage of an employee applying for enrollment during his or her initial enrollment period shall become effective as follows:

(a) If the employee's agency personnel office enters the application information as required in subsection 60P-2.002(4), F.A.C., into the state insurance computer system data base prior to the requested effective date, coverage shall be effective on the date requested.

(b) If the employee's agency personnel office does not enter the application information as required in subsection 60P-2.002(3), F.A.C., into the state insurance computer system data base, coverage shall be effective on the date requested provided the Department receives the completed application prior to the requested effective date. If the application is received by the Department after the requested effective date, coverage shall be effective on the first day of the month following the date the application is received. However, if the proper full month's premium is received by the Department prior to the requested effective date, coverage shall become effective on the date requested, even though the application may not be received until after such date.

(3) Coverage changes shall be effective as follows:

(a) If the completed application for a family to individual coverage change is received by the Department before the requested effective date, but after a designated monthly payroll due date, such change shall be effective on the date requested.

(b) If the completed application for an individual to family coverage change is received by the Department after the designated monthly payroll due date but before the requested date of coverage, such change shall be effective on the date requested provided the employee's personal check or money order for the additional employee contribution not payroll deducted is received by the Department prior to the requested effective date. If the completed application is received after the requested effective date, the coverage change shall be effective the first of the month following the date such application and additional employee contribution are received.

(4) The effective date of coverage for an eligible dependent acquired while family coverage is in effect shall be the date such dependent is acquired.

(5) Changes in coverage requested by a retiree or surviving spouse shall become effective the first day of the month following receipt of a written request for such changes by the Department.

(6) The effective date of all enrollments and or changes made during the open enrollment period shall be designated by the Department.

(7) The effective date of coverage for an employee enrolling due to a pending retirement application shall be no later than the retirement date.

(8) The effective date of coverage for enrollment or changes will be determined by the Department if an error or omission occurs by the employee's agency personnel office.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 10-8-78, Amended 10-22-79, 7-1-80, 9-13-82, 8-7-83, Formerly 22K-1.17, Amended 7-16-86, 9-25-86, Formerly 22K-1.204, Amended 8-22-96, Repromulgated.

60P-2.005 Other Changes in Information.

(1) Any change in the following data shall be immediately reported by the employee to the agency personnel office by completing an application in accordance with subsection 60P-2.002(2), F.A.C., and such application shall be immediately forwarded to the Department by the employing agency:

- (a) Social Security Number;
- (b) Name;
- (c) Address;
- (d) Eligible Dependents;
- (e) Marital Status; or
- (f) Employment Status.

(2) A retired employee or surviving spouse shall report any such change to the Department.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 10-8-78, Amended 10-11-79, 7-1-80, 9-13-82, 8-7-83, Formerly 22K-1.18, Amended 7-16-86, Formerly 22K-1.205, Amended 8-22-96, Repromulgated.

60P-2.006 Employee Contributions.

(1) Employee contributions are due in advance of each month of coverage and shall be paid as follows:

(a) The initial month's employee contribution shall be paid by personal check, money order or payroll deduction; however, the initial month's premium for surviving spouses or retirees shall only be paid by personal checks or money orders. If the employee contribution is not received by the Department prior to the end of the month for which coverage is to be effective, such coverage shall not be effective.

(b) Employee contributions due after the initial month shall be payroll deducted if there are sufficient funds to make the deduction. If there are insufficient funds for payroll deduction, employee contributions shall be paid monthly by personal check or money order.

(c) Premiums due from employees who are off the payroll, surviving spouses ineligible to receive monthly warrants as beneficiaries of deceased employees, retirees, or insureds having continuation coverage shall be paid monthly by personal checks or money orders.

(d) It shall be the responsibility of the employing agency to initiate payroll deductions or receive the employee contributions and to timely remit the same to the Department.

(2) Payroll deductions for insurance coverage shall be made in such a manner that a full month's premium has been deducted prior to the requested effective date of coverage.

(3) Double payroll deductions shall be made for an employee on an academic contract or who is regularly employed for less than twelve (12) months. However, double deductions shall not be made for an employee who is paid monthly or applies for a change in coverage. No deduction shall be taken on a supplemental payroll.

(4) Employee contributions shall not be accepted for coverage beyond the end of the month following the month in which the employee terminates employment, except as provided in subsection 60P-2.002(5) and paragraph 60P-2.011(2)(a), F.A.C.

(5) The agency personnel office shall submit all personal checks or money orders, along with purpose, subscriber and agency I.D. and coverage period, from any employee, retiree or surviving spouse to the Department prior to the first day of the applicable coverage month. A late payment from a retiree, surviving spouse or an employee on approved leave without pay, workers' compensation, layoff or suspension, or an insured having continuation coverage will be accepted as a late payment if it is received by the Department on or before the last day of the coverage month; however, payment will not be accepted after such date and coverage will be terminated.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 10-8-78, Amended 10-22-79, 4-15-80, 7-1-80, 9-13-82, 8-7-83, Formerly 22K-1.19, Amended 7-16-86, Formerly 22K-1.206, Amended 8-22-96, Repromulgated.

60P-2.007 Underpayment of Contributions.

(1) For employees, retirees and surviving spouses on the active or retiree payroll:

(a) When it has been determined that a contribution has been underpaid, the Department shall notify the employee, retiree or surviving spouse of the underpayment by certified mail and shall notify the employee's agency of the underpayment. This notice will advise the employee, retiree or surviving spouse of the nature of the underpayment and the methodology used to determine this amount and will request the employee, retiree or surviving spouse to contact his or her agency or the Department to resolve the problem so that future contributions will be correct. The notice shall advise of the following procedures for resolving the underpayment:

1. If the full amount of the underpayment is not received by the Department within thirty (30) calendar days from the date of receipt of the notification of underpayment or if approval is not granted in accordance with subparagraph (1)(a)2., or if an administrative hearing is not requested in accordance with subparagraph (1)(a)3., the retiree's or surviving spouse's coverage shall be terminated. With respect to the employee, the Department will request the Department of Banking and Finance to initiate involuntary wage deductions where applicable.

2. If the underpayment involves more than one coverage period, the Department may approve an installment payment program provided a written request for such program is received from the employee, retiree or surviving spouse within thirty (30) calendar days from the date of the notification of underpayment; provided, however, that any such installment payment program is subject to approval of the Department of Banking and Finance in accordance with Section 17.04, Florida Statutes. Payroll deductions must be used whenever the employee is receiving a state payroll warrant issued by the Department of Banking and Finance.

3. The employee, retiree or surviving spouse may request an administrative hearing pursuant to Section 120.57, Florida Statutes, provided such request is received by the Department within twenty-one (21) calendar days from the date of receipt of the notification of underpayment. Such notice shall be mailed to the address on file.

(b) When it has been determined that an agency has underpaid its contribution, the Department shall notify the agency of the underpayment in writing. Such notice will advise the agency that the full amount of the underpayment should be received by the Department within forty-five (45) calendar days from the date of the letter. The agency shall take appropriate action to insure that future state contributions are correct. Should any agency become more than sixty (60) days delinquent in payment of this obligation, the Department shall certify to the Comptroller the amount due and request the Comptroller to recover such underpayment in accordance with Section 17.04, Florida Statutes.

(2) For subscribers off the payroll:

(a) As it applies to the employee, when it is determined that none of the required contribution is paid by the end of the coverage month, coverage will be canceled effective the first day of that month.

(b) As it applies to all others, when it is determined that none of the required premium is paid by the coverage month, coverage will terminate effective the first day of the month.

(c) If less than the required contribution is paid, the subscriber and the employee's agency will be notified as described in subsection 60P-2.007(1), F.A.C.

(3) An employee whose coverage is suspended in accordance with subsection (2)(a) may only apply for reenrollment in the Health Program by settling all underpayment claims and resubmitting an application during the open enrollment period. A retiree, surviving spouse or an insured with continuation coverage whose coverage is terminated in accordance with subsection (2)(b) may not reenroll in the Health Program.

(4) When it has been determined that an employee contribution has been underpaid, the Department shall notify the servicing agent to suspend the payment of claims until such underpayment has been resolved.

(5) Claims rejected by the Group Health Self Insurance Plan due to underpayment of premium shall be reprocessed upon receipt by the Department of the full amount of the underpayment or an approved signed agreement for installment repayment from the employee, retiree or surviving spouse, provided such claims were initially submitted to the Group Health Self Insurance Plan within sixteen (16) months from the date medical expenses were incurred.

Specific Authority 110.123(5) FS. Law Implemented 17.04, 110.123 FS. History--New 10-8-78, Amended 7-19-79, 10-22-79, 7-1-80, 9-13-82, 8-7-83, Formerly 22K-1.20, Amended 7-16-86, 9-25-86, Formerly 22K-1.207, Amended 8-22-96, Repromulgated.

60P-2.008 Overpayment of Contributions.

(1) Whenever the employee's agency becomes aware of a total premium payment that is more than the amount required for the type of coverage selected, the agency shall take appropriate action to request a refund for the overpayment of premiums and to correct the contributions for any subsequent periods. The Department shall make such corrections for retired employees, surviving spouses and insureds with continuation coverage.

(2) Requests for refunds of any premium overpayments must be submitted by the employing agency.

(3) If an employee contribution has been overpaid and the Department is aware of a claim overpayment on behalf of any insured, a refund of the employee contribution overpayment shall not be processed until the claim overpayment has been resolved pursuant to Rule 60P-2.016, F.A.C.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 10-8-78, Amended 10-22-79, 7-1-80, 9-12-82, 8-7-83, Formerly 22K-1.21, Amended 7-16-86, Formerly 22K-1.208, Amended 8-22-96, Repromulgated.

60P-2.009 State Contribution.

Any state officer, full-time employee or part-time employee participating in the Health Program shall be entitled to the state contribution or prorated state contribution if any of the following conditions exist:

(1) The employee is at work or on approved leave with pay for a minimum of one day in the month previous to the month of coverage.

(2) The employee is either on academic contract or is regularly employed for less than twelve (12) months, provided the employee has worked at least eight (8) months during the prior consecutive twelve (12) month period. Such employee shall receive the state contribution for the entire twelve (12) months.

(3) The employee is on Workers' Compensation disability leave.

(4) The employee successfully appeals a suspension and receives full back pay. In such cases, the employee shall receive the state contribution during the time of the suspension provided the employee continued coverage under the Health Program during the period of such suspension and was receiving the state contribution at the time of suspension.

(5) The employee successfully appeals a dismissal and receives full back pay. In such cases, the employee shall receive the state contribution during the time of dismissal provided the employee was receiving the state contribution at the time of dismissal and, upon reinstatement, pays all back employee contributions in order to have continuous coverage under the Health Program.

(6) When the spouse of an employee is also a state officer, full-time employee, or part-time employee, and both are covered under the Health Program, and the spouse is listed as an eligible dependent under the employee's family coverage, the spouse shall also be eligible to receive the designated state contribution beginning with the coverage month following receipt of the applications by the Department.

(7) The state contribution for a part-time employee shall be on a pro rata basis so that the percentage of the cost contributed for the part-time employee shall bear that relation to the percentage of cost contributed for a similar full-time employee that the part-time employee's normal workday bears to a full-time employee's normal workday.

(8) The state contribution for full-time employees or part-time permanent employees shall continue in the respective proportions for a minimum of twelve (12) weeks for any such employee who has been granted an approved medical leave of absence.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 10-8-78, Amended 10-22-79, 7-1-80, 9-13-82, Formerly 22K-1.22, Amended 7-16-86, Formerly 22K-1.209, Amended 8-22-96, Repromulgated

60P-2.010 Agency Changes.

(1) A change from one state agency to another state agency does not constitute a change in qualifying status new employment; therefore, enrollment or coverage eligibility does not change.

(2) When an insured employee changes from one state agency to another state agency, the new agency shall request a copy of the employee's insurance file from the former agency and notify the Department in a timely manner as not to interrupt insurance coverage. If payroll deductions cannot be made by the new agency in time to maintain continuous coverage, the employee must pay the required employee contribution by personal check or money order.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 10-8-78, Amended 7-1-80, 9-13-82, Formerly 22K-1.23, Amended 7-16-86, 9-25-86, Formerly 22K-1.210, Amended 8-22-96, Repromulgated as Amended

60P-2.011 Retirees.

(1) An employee who retires on regular retirement or who has received approval of disability retirement prior to his or her last day of employment and is covered under the Health Program as of the last day of employment, must elect one of the following options:

(a) To continue coverage by submitting an application in accordance with subsection 60P-2.002(2), F.A.C. Such application and a personal check or money order for one month's full premium must be received by the employee's former agency personnel office and forwarded to the Department no later than thirty-one (31) calendar days after the employee's last day of employment; or

(b) To terminate coverage under the Health Program.

(2) An employee who applies for disability retirement and who has not been approved or rejected prior to his or her last day of employment, but was covered under the Health Program as of the last day of employment, shall have the following options:

(a) The employee may continue coverage in the Health Program pending such approval or rejection by paying the full monthly premium by personal check or money order to the Department in accordance with Rule 60P-2.006, F.A.C. If coverage is continued and:

1. The disability retirement is subsequently approved, the employee must complete an application in accordance with subsection 60P-2.011(1)(a), F.A.C.

2. The disability retirement is subsequently rejected, coverage under the Program will terminate the end of the month in which such application is rejected. However, the subscriber may apply for continuation coverage offered by the administrator or convert to a direct pay plan offered by the Servicing Agent pursuant to Rule 60P-2.015, F.A.C.

(b) The employee may elect not to continue coverage in the Health Program pending the determination of disability retirement and thereby allow such coverage to terminate on the last day for which contributions have been paid. If coverage is allowed to terminate and:

1. The disability retirement is subsequently approved, the employee may apply for reenrollment in the Health Program subject to the following requirements:

a. The employee shall complete an application in accordance with subsection 60P-2.011(1)(a), F.A.C., indicating the disability retirement status and submit to the former agency personnel office who must forward such application to the Department no later than thirty-one (31) calendar days after the date of approval of the disability retirement;

b. The retiree shall pay all back premiums from the date of termination of coverage within thirty-one (31) calendar days after the date of approval of the disability retirement since coverage must be continuous.

2. The disability retirement is subsequently rejected, coverage under the Program will terminate on the last day for which premiums had been paid and the subscriber shall not be eligible for reenrollment in the Health Program, continuation coverage nor conversion to a direct pay plan.

(3) An employee who does not elect to continue coverage as provided in this Section or terminates coverage after retirement shall not be eligible to reenter the Health Program at a later date unless subsequently reemployed by the State.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 10-8-78, Amended 7-1-80, 9-13-82, Formerly 22K-1.24, Amended 7-16-86, Formerly 22K-1.211, Amended 8-22-96, Repromulgated _____.

60P-2.012 Employees Not on Payroll/Return to Payroll.

(1) For all employees not on payroll, premiums shall be paid in monthly amounts by personal check or money order during the period the employee is not on the payroll. An employee who is not on the payroll during the calendar month, whether paid biweekly or monthly, shall pay the full premium for that month by either payroll deduction, or by personal check or money order. The insured employee has the responsibility for remitting the required premiums to continue coverage in effect. The agency from which the employee goes off the payroll shall be responsible for receiving these premiums and forwarding them to the Department pursuant to subsection 60P-2.006(5), F.A.C.

(2) Leave Without Pay.

(a) An insured employee granted leave without pay shall be eligible to continue coverage while on such leave provided the employee pays the full premium and notifies the Department in accordance with subsection 60P-2.002(2), F.A.C.

(b) An employee who does not continue coverage while on leave without pay may only apply for reenrollment in the Health Program after returning to work and by submitting an

application in accordance with subsection 60P-2.002(2), F.A.C., to the agency personnel office within thirty-one (31) calendar days after returning to work or during the open enrollment period.

(3) Suspension. A suspended employee may continue coverage as an employee on leave without pay by paying the full cost of the premium. If an employee successfully appeals a suspension and receives full back pay, the employee is then entitled to the state contribution during the time of the suspension provided he or she was receiving the state contribution at the time of the suspension. An employee on suspension who does not continue insurance coverage may only apply for reenrollment in the Health Program after returning to work and by submitting an application in accordance with subsection 60P-2.002(2), F.A.C., to the agency personnel office during the thirty-one (31) calendar day period after returning to work or during the open enrollment period.

(4) An employee on leave without pay or suspension, as described in this section, who does not pay the premiums to continue coverage during such leave or suspension because of circumstances subsequently deemed as “extreme hardship” by the Department, may apply for reinstatement of coverage within thirty-one (31) calendar days after returning to work by making a request to the Department and agreeing to pay all back premiums. Such request must be in writing and submitted through the employing agency. The employee must demonstrate by clear and convincing evidence that the employee has suffered severe financial hardship resulting from a sudden or unexpected illness or accident to the employee or a dependent. If the Department approves the employee’s request, reinstatement will occur upon the Department’s receipt of a personal check or money order for the back premiums for the period not on payroll. Upon reinstatement, the employee may file claims for reimbursement of charges for covered services and supplies received during the period not on payroll.

(5) Layoff. An employee who is laid off in accordance with the rules promulgated by the Department shall be eligible to continue coverage while laid off for a period not to exceed two (2) years from the date of layoff, provided the employee pays the full premiums. An employee who does not continue coverage during such period, may only apply for reenrollment in the Health Program after returning to work and by submitting an application in accordance with subsection 60P-2.002(2), F.A.C., to the agency personnel office within thirty-one (31) calendar days after returning to work or during the open enrollment period.

(6) Workers’ Compensation Disability Leave.

(a) An employee who is on Workers’ Compensation disability leave is eligible to continue in the Health Program and shall be entitled to the state contribution during such leave. The agency shall collect personal checks or money orders on a month-to-month basis for the employee contributions during

the period the employee will not be on the payroll and submit the contributions to the Department pursuant to subsection 60P-2.006(5), F.A.C.

(b) An employee who does not continue coverage under the Health Program while on Workers' Compensation disability leave may only reenroll in the Health Program during the open enrollment period after such employee returns to work.

(7) Less than year round employment.

(a) An employee on an academic contract or who is regularly employed for less than twelve (12) months and who has worked at least eight (8) months during the prior consecutive twelve (12) month period is eligible to continue in the Health Program and receive the state contribution for a period not to exceed four (4) months while such employee is off the payroll.

(b) Employee contributions for such employees must be paid by advance payroll deductions, by collecting a single personal check or money order for the employee contribution for the entire period the employee will not be on the payroll or on a month-to-month basis.

(8) Military Leave. An insured employee granted military leave as defined under Personnel Chapter 60K-5, F.A.C., shall be eligible to continue enrollment in the Health Program while on such leave provided the employee pays the full premium. An employee who does not continue coverage while on military leave may apply for reenrollment in the Health Program as follows:

(a) If the employee returns to work within ninety (90) calendar days after separation from active military service, the employee may enroll in the Health Program for the type of coverage in effect immediately prior to going on military leave, by submitting an application in accordance with subsection 60P-2.002(2), F.A.C., to the agency personnel office within thirty-one (31) calendar days of returning to work. At the employee's option, coverage under the Health Program may be effective the first day of the month in which the employee separates from active military service, provided the employee pays all back premiums. In addition, the Group Health Self Insurance Plan's preexisting condition provision will not apply for persons insured under the employee's coverage in effect immediately prior to the employee's military leave.

(b) If the employee returns to work but does not enroll in the Health Program within thirty-one (31) calendar days of such return, the employee may only enroll during the open enrollment.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 10-8-78, Amended 10-22-79, 7-1-80, 9-13-82, Formerly 22K-1.25, Amended 7-16-86, 9-25-86, Formerly 22K-1.212, Amended 8-22-96, Repromulgated _____.

60P-2.013 Dismissed Employees.

(1) If an insured employee is dismissed, he or she is no longer eligible for coverage under the Health Program, but may apply to the Department for continuation coverage within sixty (60) calendar days after notification of eligibility by the Department or purchase a conversion plan offered by the servicing agent within 31 days.

(2) If an insured employee is dismissed, successfully appeals the dismissal and is reinstated, the employee shall have the following options:

(a) If the employee is reinstated with full back pay and desires to have continuous coverage, he or she shall pay all back employee contributions and apply for reenrollment in the Health Program by completing and submitting an application in accordance with subsection 60P-2.002(2), F.A.C., to the agency personnel office within thirty-one (31) calendar days after returning to work.

(b) If the employee is reinstated without back pay and desires to have continuous coverage he or she shall pay all back premiums and apply for reenrollment in the Health Program by completing and submitting an application in accordance with subsection 60P-2.002(2), F.A.C., to the personnel office within thirty-one (31) calendar days after returning to work.

(c) If an employee is reinstated with or without full back pay and does not desire to have continuous coverage, the employee may apply for reenrollment in the Health Program by completing and submitting an application in accordance with subsection 60P-2.002(2) and Rule 60P-2.004, F.A.C., to the agency personnel office within thirty-one (31) calendar days after returning to work or during the open enrollment period.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 10-8-78, Amended 6-10-80, Formerly 22K-1.26, Amended 7-16-86, 9-25-86, Formerly 22K-1.213, Amended 8-22-96, Repromulgated _____.

60P-2.014 Returned Checks.

(1) Personal checks will be accepted by the Department for payment of premium in accordance with Rule 60P-2.006, F.A.C.; however, personal checks signed by a person other than the employee for payment of the employee's premium must have the following information recorded on the back of the check regarding the identity of such person:

- (a) The full name;
- (b) Residence address, city, state, zip code;
- (c) Home telephone number;
- (d) Business telephone number;
- (e) Place of employment;
- (f) Sex;
- (g) Date of birth;
- (h) Height;
- (i) Race.

(2) When a check for the employee contribution is returned for nonpayment, a certified letter will be mailed directly to the signer of the check requesting payment of the amount due plus a service charge of fifteen (\$15.00) dollars or five percent (5%) of the face amount of the check, whichever is greater. If the signer of the check is someone other than the insured, a certified letter will be mailed to the insured, requesting payment of the amount due plus the service charge. If payment in full has not been received within ten (10) calendar days of receipt of the certified letter, the insured's insurance coverage shall be terminated.

(3) An employee whose coverage is terminated in accordance with this section may only apply for reenrollment in the Health Program during the open enrollment period after making restitution for all dishonored checks. A retiree or surviving spouse whose coverage is terminated in accordance with this section, shall not reenter the Health Program.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 10-8-78, Amended 10-22-79, 7-1-80, 9-13-82, 8-7-83, Formerly 22K-1.27, Amended 7-16-86, 9-25-86, Formerly 22K-1.214, Amended 8-22-96, Repromulgated.

60P-2.015 Terminations and Conversions.

(1) Coverage under the Health Program shall continue through the last day of the month for which a premium has been paid.

(2) An employee terminated from state employment for any reason or placed in other than a salaried position shall not be eligible to continue in the Health Program. Upon termination of coverage, the employee may, if eligible, purchase continuation coverage available through the Department or purchase a conversion plan offered by the servicing agent.

(3) Coverage of an eligible dependent will terminate on the last day of the month in which they no longer meet the provisions of subsections 60P-1.003(6), F.A.C.

(4) The Department must receive notice within sixty (60) calendar days of the date such eligible dependents lose coverage under the Health Program, in order to offer the option to purchase continuation coverage available through the Department, otherwise the dependents shall be given the right to purchase a conversion plan offered by the servicing agent.

(5) A surviving spouse who remarries shall not be eligible to continue in the Health Program as a surviving spouse but may purchase continuation coverage through the Department or purchase a conversion plan offered by the servicing agent.

(6) A terminated employee, eligible dependent or surviving spouse wishing to purchase continuation coverage must apply to the Department within sixty (60) calendar days after notification of eligibility for such coverage. A terminated employee, eligible dependent or surviving spouse desiring to purchase a conversion plan offered by the servicing agent, must apply directly to the servicing agent, in writing, within thirty-one (31) calendar days after continuation coverage

terminates. The servicing agent shall then issue such standard contract or policy as is issued to direct payment subscribers and at its stipulated rates then in effect.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 10-8-78, Amended 10-22-79, 7-1-80, 9-13-82, 8-7-83, Formerly 22K-1.28, Amended 7-16-86, Formerly 22K-1.215, Amended 8-22-96, Repromulgated.

60P-2.016 Overpayment of Claims.

(1) Whenever the Department becomes aware of an overpayment or the erroneous payment in the settlement of a claim for reimbursement of incurred expenses under the Health Program, the Department will notify the subscriber, in writing, of an overpayment. This notice will advise the subscriber of the nature of the overpayment, the methodology used to determine this amount and of the following procedures to resolve the overpayment:

(a) If the full amount of the overpayment is not received by the Department within sixty (60) calendar days from date of receipt of the notification of overpayment or if approval is not granted in accordance with paragraph (1)(b), or if an administrative hearing is not requested in accordance with paragraph (1)(c), the Department will instruct the servicing agent not to pay any further claims submitted under the individual or family coverage of the subscriber. The Department will also request the Department of Banking and Finance to initiate involuntary wage deductions where applicable.

(b) If the overpayment is greater than \$50, the Department shall approve an installment payment program provided a written request justifying such program is received from the subscriber within sixty (60) calendar days from the date of notification of overpayment; and provided, however, that any such installment payment program is approved by the Department of Banking and Finance in accordance with Section 17.04, Florida Statutes. Payroll deductions must be used whenever the employee is receiving a state payroll warrant issued by the Department of Banking and Finance.

(c) The subscriber may request an administrative hearing pursuant to Section 120.57, Florida Statutes, and Rule Chapter 60-4 provided such request is received by the Department within twenty-one (21) calendar days from the date of receipt of the notification of overpayment.

(2) Overpayments which are detected beyond the period provided by law shall be deemed uncollectible.

(3) Claims rejected by the servicing agent as instructed by the Department shall be reprocessed upon receipt by the Department of the full amount of the overpayment or an approved signed agreement for installment repayment from the subscriber, provided such claims were initially submitted to the servicing agent within sixteen (16) months from the date medical expenses were incurred.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 7-16-86, Formerly 22K-1.216, Amended 8-22-96, Repromulgated.

60P-2.017 Payment of Claims.

Payment of claims for reimbursement of covered expenses under an individual or family coverage is contingent upon certification by the subscriber of the following:

- (1) The names, sex, social security numbers, addresses and birthdays of eligible dependents;
- (2) The name and address of any insurance company or employer with whom a group health insurance policy is carried by the subscriber or dependent and the group number of such policy;
- (3) Any additional information deemed necessary by the Department for the clarification of information previously provided.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 7-16-86, Formerly 22K-1.217, Amended 8-22-96, Repromulgated.

60P-2.019 Review of Claims.

(1) Any subscriber who disagrees with the servicing agent's decision concerning the payment of benefits under the Group Health Self Insurance Plan shall request the Division of State Employees' Insurance to review the payment or denial of benefits by writing the Division of State Employees' Insurance at 4040 Esplanade Way, Tallahassee, FL 32399-0950 or by calling (850)921-4603 or Suncom 291-4603.

(2) Any subscriber who disagrees with a decision concerning the payment of benefits under any of the qualified health maintenance organizations shall file a grievance with the HMO. If resolution is not reached through the HMO's internal grievance procedure, a formal grievance shall be filed with the Statewide Subscriber Provider Assistance Panel by writing the Agency for Health Care Administration.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated.

60P-2.020 Date of Receipt.

Date of receipt of applications, personal checks, money orders, or agency checks by the Department shall be the date of the Department's date stamp shown.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated.

NAME OF PERSON ORIGINATING PROPOSED RULE: Garrett R. Blanton, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
State Group Life Insurance Plan	60P-3
RULE TITLES:	RULE NOS.:
Eligibility	60P-3.004
Enrollment	60P-3.005
Effective Date of Coverage	60P-3.006
Changes in Coverage	60P-3.007
Changes in Information	60P-3.008
Payment of Employee Contributions	60P-3.009
Underpayment of Contributions	60P-3.010
Overpayment of Premiums	60P-3.011
State Contribution	60P-3.012
Agency Changes	60P-3.013
Retirees	60P-3.014
Employees Not on Payroll	60P-3.015
Dismissed Employees	60P-3.016
Returned Checks	60P-3.017
Terminations and Conversions	60P-3.018

PURPOSE AND EFFECT: To readopt each rule in this chapter, with minimal changes as noted, 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.

SUMMARY: Group life insurance for state officers and employees under Section 110.123, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 110.123(3)(c),(5), 110.161(5) FS.
LAW IMPLEMENTED: 110.123, 17.04, 110.161, 110.12315 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., December 28, 2001
PLACE: Room 260L, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frederick J. Springer, Office of the General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee FL 32399-0950, (850)487-1898

THE FULL TEXT OF THE PROPOSED RULES IS:

60P-3.004 Eligibility.

An employee or retiree, is eligible to participate in the Life Plan, in accordance with the provisions of this Chapter.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-12-80, Formerly 22K-1.43, 22K-1.043, 22K-1.301, Amended 8-26-96, Repromulgated.

60P-3.005 Enrollment.

(1) An employee may apply through his or her personnel office before or during the initial eligibility period or during the open enrollment period. A state officer may apply during the first sixty (60) calendar days after beginning a new term of office or during the open enrollment period.

(2) It shall be the responsibility of the employing agency to assist the employee in completing the application, entering information into the insurance data base, placing a copy of such application in the employee's personnel file and forwarding the application to the Department.

(3) Participation in the Life Plan shall be voluntary on the part of all employees or retirees. If the employee or retiree does not elect to enroll in the Life Plan, he or she must give written refusal. If an employee's refusal is not received by the employing agency within sixty (60) calendar days of employment, the agency shall immediately certify such lack of action in writing and shall place it in the employee's personnel file and a copy shall be given to the employee.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-12-80, Formerly 22K-1.44, 22K-1.044, 22K-1.302, Amended 8-26-96, Repromulgated.

60P-3.006 Effective Date of Coverage.

The effective date of coverage for an employee under the Life Plan shall be as follows:

(1) If the employee applies for enrollment in the Life Plan during the initial eligibility period, the effective date of coverage shall be the first day of the month in which a full month's premium has been received by the Department or the employee's agency.

(2) If the employee applies for enrollment in the Life Plan during open enrollment, the effective date of coverage shall be the date designated by the Department.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-12-80, Formerly 22K-1.45, 22K-1.045, 22K-1.303, Amended 8-26-96, Repromulgated.

60P-3.007 Changes in Coverage.

For an employee, the amount of life insurance and accidental death and dismemberment (AD&D) will change with a change in the employee's age, annual salary or job status depending on the employee's class. For an employee age 71 or over, or a retired employee, the amount of life insurance and AD&D will be \$1,500.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-12-80, Formerly 22K-1.46, 22K-1.046, 22K-1.304, Amended 8-26-96, Repromulgated.

60P-3.008 Changes in Information.

Name and beneficiary changes shall be submitted to in writing the employee's agency personnel office and placed in the employee's personnel file. A retiree must submit such request in writing to the Department. If so submitted, the effective date of such change shall be the date the request is signed.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-12-80, Formerly 22K-1.47, 22K-1.047, 22K-1.305, Amended 8-26-96, Repromulgated.

60P-3.009 Payment of Employee Contributions.

(1) Employee contributions are due in advance of each month's coverage.

(2) Payroll deductions for insurance coverage should always be made in such a manner that a full month's employee contribution has been deducted prior to the first day of the following month's coverage using authorized payroll procedures.

(3) Personal checks or money orders shall only be used for the correction of employee contributions, payment while off the payroll or when payroll deductions cannot be made for initial enrollment; otherwise, employee contributions shall be made by payroll deductions.

(4) The agency shall submit all personal checks or money orders to the Department. Each such check or money order shall be transmitted in a manner to be received by the Department prior to the first day of the month for which the employee contribution is being paid. Late payments for employees on leave without pay, Workers' Compensation, disability leave, layoff or suspension status, will be accepted if they are received by the Department on or before the last day of the coverage month for which premiums are being paid; however, payment will not be accepted after such date and coverage will be terminated except as provided in subsection 60P-3.015(4), F.A.C.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-12-80, Formerly 22K-1.48, 22K-1.048, 22K-1.306, Amended 8-26-96, Repromulgated.

60P-3.010 Underpayment of Contributions.

(1) For employees or retiree's on the payroll:

(a) When it has been determined that an employee's or retiree's contribution has been underpaid, the Department shall notify the employee or retiree of the underpayment by certified letter and shall send a copy of such notification to the employee's agency. This notice will advise the employee or retiree of the following provisions:

1. If the full amount of the underpayment is not received by the Department within thirty (30) calendar days from the date of the notification of the underpayment or if approval is not granted in accordance with subsection (1)(a)2., or if an administrative hearing is not requested in accordance with

subsection (1)(a)3., the retiree's coverage shall be terminated. With respect to the employee, the Department will request the Department of Banking and Finance initiate involuntary wage deductions where applicable.

2. If the underpayment involves more than one coverage period, the Department may approve an installment payment program, provided a written request for such program is received from the employee or retiree within thirty (30) calendar days from the date of notification of underpayment. However, any such installment payment program is subject to approval of the Department of Banking and Finance in accordance with Section 17.04, Florida Statutes. Payroll deductions must be used whenever the employee is receiving a state payroll warrant issued by the Department of Banking and Finance. The period of payment shall not extend beyond two (2) years from the date of approval.

3. The employee or retiree may request an administrative hearing pursuant to Section 120.57, Florida Statutes, provided such request is received by the Department within twenty-one (21) calendar days from the date of receipt of the notification of underpayment.

(b) When it has been determined that an agency has underpaid its contribution, the Department shall notify the agency of the underpayment in writing. Such notice will advise the agency that the full amount of the underpayment must be received by the Department within forty-five (45) calendar days from the date of the letter. The agency shall take appropriate action to ensure that future premium payments are correct. Should any state agency become more than sixty (60) days delinquent in payment of this obligation, the Department shall certify the amount due and request the Department of Banking and Finance recover such underpayment in accordance with Section 17.04, Florida Statutes.

(2) For employees or retirees off the payroll:

(a) When it has been determined that none of the required contribution has been paid by the end of the coverage month, an employee's coverage will be cancelled and a retiree's coverage will be terminated effective the first day of that month.

(b) If some, but not all of the required contribution has been paid, the retiree, employee and the employee's agency will be notified as described in subsection (1)(a).

(3) An employee whose coverage is cancelled in accordance with subsection (2) may only apply for reenrollment in the Life Plan by settling all underpayments and submitting an application in accordance with subsection 60P-3.005(3), F.A.C. during the open enrollment period. A retired employee whose coverage is terminated in accordance with subsection (1) or (2) may not reenter the Plan.

(4) Underpayments which are detected beyond the period provided by law shall be deemed uncollectible.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-12-80, Formerly 22K-1.49, 22K-1.049, 22K-1.307, Amended 8-26-96, Repromulgated.

60P-3.011 Overpayment of Premiums.

(1) Whenever the employee's agency becomes aware of a premium payment that is more than the amount required for the type of coverage selected, the agency shall take appropriate action to request a refund for the overpayment and ensure that future state or employee contributions are correct. The Department shall take corrective action for retired employees.

(2) Requests for refunds of any employee and or state contribution overpayments for active employees must be submitted by the employing agency. The Department shall initiate refunds for retired employees.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-12-80, Formerly 22K-1.50, 22K-1.050, 22K-1.308, Amended 8-26-96, Repromulgated.

60P-3.012 State Contribution.

Any state officer, full-time employee, or part-time employee participating in the Plan shall receive the state contribution or prorated state contribution if any of the following conditions exist:

(1) The employee is at work or on approved leave for a minimum of one day in the month previous to the month of coverage.

(2) The employee is either on academic contract or if regularly employed for less than twelve (12) months, provided the employee has worked at least eight (8) months during the prior consecutive twelve (12) month period. Such employee shall receive the state contribution for the entire twelve (12) months.

(3) The employee is on Workers' Compensation disability leave.

(4) The employee successfully appeals a suspension and receives full back pay. In such cases, the employee shall receive the state contribution for the period of suspension provided the employee continued coverage under the Life Plan during the period of suspension and was receiving the state contribution at the time of suspension.

(5) The employee successfully appeals a dismissal and receives full back pay. In such cases, the employee shall receive the state contribution for the period of the dismissal: provided the employee was receiving the state contribution at the time of dismissal and, upon reinstatement, pays all back employee contributions in order to have continuous coverage under the Life Plan.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-12-80, Formerly 22K-1.51, 22K-1.051, 22K-1.309, Amended 8-26-96, Repromulgated.

60P-3.013 Agency Changes.

(1) A change from one state agency to another state agency does not constitute a change in qualifying new employment status; therefore, enrollment or coverage eligibility does not change.

(2) When an insured employee changes from one state agency to another state agency, the former agency shall forward a copy of the employee's current application and subsequent change requests, if any, to the new agency prior to the termination of coverage since coverage must be continuous. If a payroll deduction cannot be made by the new agency in time to maintain continuous coverage, the employee must pay the required employee contribution by personal check or money order.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-12-80, Formerly 22K-1.52, 22K-1.052, 22K-1.310, Amended 8-26-96, Repromulgated as Amended.

60P-3.014 Retirees.

(1) An employee who retires and is covered under the Life Plan must elect one of the following options:

(a) Submit a request to continue coverage during retirement. The request should include the retiree's name, social security number, date of retirement, date of last payroll deduction, signature of retiree, and date of agreement that the amount of life insurance shall be \$1,500 and the AD&D benefits shall not exceed \$1,500. However, the benefit for employees who cease active employment due to total disability would be based on the annual salary at the time of disability, subject to the age change factor. Such request and a personal check or money order for one full month's premium must be received by the employee's former agency and forwarded along with the original application and any beneficiary change requests to the Department no later than thirty-one (31) calendar days after the employee's last day of employment; or

(b) Submit a request to terminate coverage under the Life Plan. Such request shall include an acknowledgement that the retiree may not reenroll at a later date. The request shall be submitted to the employee's former agency and forwarded to the Department no later than thirty-one (31) calendar days after the employee's last day of employment. If the employee does not submit the request within thirty-one (31) calendar days after the last day of employment, the agency shall immediately prepare a request to terminate coverage and send it to the Department. Copies shall be put in the employee's personnel file and given to the employee.

(2)(a) An employee who applies for disability retirement and who has not received approval thereof prior to his or her last day of employment, but was covered under the Life Plan, as of the last day of employment, shall have the following options:

(b) The employee may continue coverage in the Life Plan pending such approval or rejection by submitting a request to continue coverage in accordance with paragraph

60P-3.014(1)(a), F.A.C. and paying the full premium for each month of coverage by personal check or money order to his or her former personnel office and in accordance with Rule 60P-3.009, F.A.C.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-12-80, Formerly 22K-1.53, 22K-1.053, 22K-1.311, Amended 8-26-96, Repromulgated.

60P-3.015 Employees Not on Payroll.

(1) For employees not on payroll, premiums shall be paid in monthly amounts by personal check or money order during the period the employee is not on the payroll. An employee who is not on the payroll for an entire payroll period, whether paid biweekly or monthly, should have the total monthly premium for that month paid by either payroll deduction, or by personal check or money order. The employing agency shall be responsible for receiving premiums and forwarding them to the Department pursuant to Rule 60P-3.009, F.A.C.

(2) Leave without pay. An employee on approved leave without pay shall be eligible to continue coverage while on such leave provided the employee pays the full premium. An employee who does not continue coverage while on approved leave without pay may only apply for reenrollment in the Life Plan after return to work and submitting an application in accordance with subsection 60P-3.005(2), F.A.C. to their personnel office within thirty-one (31) calendar days after return to work or during the open enrollment period.

(3) Suspension. A suspended employee may continue coverage during the period of suspension by paying the full premium. An employee on suspension who does not continue insurance coverage may only apply for reenrollment in the Life Plan after return to work and submitting an application in accordance with Rule 60P-3.005, F.A.C. during the thirty-one (31) calendar day period after return to work or during the open enrollment period. If an employee successfully appeals a suspension and receives full back pay, the employee is then entitled to the state contribution during the time of the suspension, provided he or she was receiving the state contributions prior to the suspension.

(4) An employee on approved leave without pay or suspension as described in this section who does not pay premiums to continue coverage during such leave or suspension because of circumstances subsequently deemed "extreme hardship" by the Department, may apply for reinstatement of coverage within thirty-one (31) calendar days after return to active work by making a request to the Department and agreeing to pay all back premiums. Such requests must be in writing and submitted through the employee's agency. The employee must demonstrate by clear and convincing evidence that the existence of a severe financial hardship resulting from the loss of income or a sudden or unexpected illness or accident to the employee or dependent. If the Department approves the employee's request,

reinstatement will occur upon the Department's receipt of a personal check or money order for the premiums for the period not on payroll.

(5) Layoff. An employee who is laid off in accordance with a plan approved by the Department shall be eligible to continue coverage while laid off not to exceed two (2) years from the date of layoff, provided the employee pays the appropriate employee contribution. An employee who does not continue coverage during such two year period, may only apply for reenrollment in the Life Plan after return to work and by submitting an application in accordance with subsection 60P-3.005(2), F.A.C. within thirty-one (31) days of returning to work or during the open enrollment period.

(6) Workers' Compensation disability leave. An employee who is on Workers' Compensation disability leave is eligible to continue in the Life Plan and shall be entitled to the state contribution during such leave. The employee shall pay the employee contribution by personal check or money order and submit it to the agency on a month-to-month basis during the period the employee is not on the payroll. The agency shall be responsible for forwarding such checks or money orders to the Department within five (5) business days. An employee who does not continue coverage under the Life Plan while on Workers' Compensation disability leave may only reenroll in the Life Plan during the open enrollment period after returning to work.

(7) Less than year round employment.

(a) An employee on an academic contract, or if regularly employed for less than twelve (12) months, has worked at least eight (8) months during the prior consecutive twelve (12) month period, is eligible to continue in the Life Plan and receive the state contribution for a period not to exceed four (4) months while such employee is off the payroll.

(b) Employee contributions for such employees must be paid by advance payroll deductions, by collecting a single personal check or money order for the employee contribution for the entire period the employees will not be on the payroll or on a month-to-month basis.

(8) Military leave. An insured employee granted military leave as defined under Personnel Chapter 60K-5, F.A.C. shall be eligible to continue coverage while on such leave, provided the employee pays the full premium. Premiums shall be submitted to the agency for transmittal to the Department. If the employee does not continue coverage while on military leave, the employee may apply for reenrollment in the Plan within thirty-one (31) calendar days after reemployment by the State.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-12-80, Formerly 22K-1.54, 22K-1.054, 22K-1.312, Amended 8-26-96, Repromulgated _____.

60P-3.016 Dismissed Employees.

(1) An insured employee who is dismissed, is no longer eligible for coverage under the Life Plan, but may convert to an individual policy offered by the servicing agent within thirty-one (31) calendar days of termination of coverage for an amount equal to or less than the amount of insurance which ceases because of such termination.

(2) An insured employee, who successfully appeals a dismissal and is reinstated may apply for reenrollment in the Life Plan pursuant to Rule 60P-3.005, F.A.C.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-12-80, Formerly 22K-1.55, 22K-1.055, 22K-1.313, Amended 8-26-96, Repromulgated _____.

60P-3.017 Returned Checks.

(1) When a check for the employee contribution is returned for nonpayment, a certified letter will be mailed directly to the signer of the check requesting payment of the amount due plus a service charge of fifteen dollars (\$15) or five percent (5%) of the face amount of the check, whichever is greater. If the signer of the check is someone other than the insured, a certified letter will be mailed to the insured, requesting payment of the amount due plus the service charge.

(2) An employee whose coverage is terminated in accordance with this Section may only apply for enrollment in the Life Plan during the open enrollment period after making restitution for all dishonored checks. A retired employee whose coverage is terminated in accordance with this Section may not reenter the Life Plan.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-12-80, Formerly 22K-1.56, 22K-1.056, 22K-1.314, Amended 8-26-96, Repromulgated _____.

60P-3.018 Terminations and Conversions.

An employee terminated from state employment for any reason or placed in other than a salaried position shall not be eligible to continue in the Life Plan, but may convert to an individual policy plan by applying to the Carrier, in writing, within thirty-one (31) calendar days after his or her coverage terminates under the Plan.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-12-80, Formerly 22K-1.57, 22K-1.057, 22K-1.315, Amended 8-26-96, Repromulgated _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Garrett R. Blanton, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Provisions and Definitions	60P-6
RULE TITLES:	RULE NOS.:
Definitions	60P-6.006
Enrollment	60P-6.0063
Coverage Period	60P-6.0065
Changes in Participation	60P-6.0068
Termination of Participation	60P-6.007
Benefits	60P-6.0075
Continuation of Participation	60P-6.0079
Submission of Claims for Reimbursement	60P-6.0081
Underpayment	60P-6.009
Forfeitures	60P-6.010

PURPOSE AND EFFECT: To readopt each rule in 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.

SUMMARY: 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.

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

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

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

LAW IMPLEMENTED: 110.123, 17.04, 110.161, 110.12315 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., December 28, 2001

PLACE: Room 260L, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frederick J. Springer, Office of the General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, FL 32399-0950, (850)487-1898

THE FULL TEXT OF THE PROPOSED RULES IS:

60P-6.006 Definitions.

Unless otherwise expressly stated whenever used in Chapter 60P-6, F.A.C., the following terms shall have the respective meaning indicated:

(1) "Claim Filing Deadline" is April 15 following the participant's period of eligibility. All initial prior plan year claims filings must be postmarked or received, when not mailed, at the Department on or prior to this date to be considered for processing.

(2) "Claim filing run-out period" is the period during which the Department will accept documentation in support of claims filed within the claim filing deadline. This period will not extend beyond June 30 following the end of the prior plan year.

(3) "Dependent" means:

(a) An individual for whom the participant is entitled to a tax deduction under the Internal Revenue Code; requires full time care because of a physical or mental incapacity; or is the spouse of the participant and is physically or mentally incapable of caring for himself or herself.

(4) "Dependent Care Expenses" means expenses incurred by a participant for the care of an eligible dependent as defined in applicable Internal Revenue Code to permit a participant and spouse, if any, to be gainfully employed.

(5) "Dependent care reimbursement account" means an account under which an employee may set aside money, on a pretax basis via salary reduction to pay for qualified daycare expenses.

(6) "Participant" means an employee who has enrolled in the Program for a period of coverage, and who has not become ineligible for participation at any time during the period of coverage.

(7) "Health care expenses" means any unreimbursed eligible expenses incurred by a participant or by a spouse or dependent of such participant for medical care.

(8) "Health care reimbursement account" means an account under which an employee may set aside money, on a pretax basis via salary reduction to pay for qualified health care expenses.

(9) "Period of coverage" means the Plan Year or that portion of the Plan Year during which coverage of benefits under the Plan is available to and elected by the participant.

(10) "Program" means the Florida Flexible Benefits Program established pursuant to Section 110.161, Florida Statutes.

(11) "Plan year" means a 12-month period beginning January 1 and ending December 31.

(12) "Salary reduction agreement" means an agreement by and between the State and the employee, in which the employee elects to participate in the Program.

(13) "Qualifying status change (QSC) event" or "QSC event" means the change in employment status, for subscriber or spouse, family status or significant change in health coverage of the employee or spouse attributable to the spouse's employment.

Specific Authority 110.161(5) FS. Law Implemented 110.161 FS. History—New 8-3-89, Amended 4-17-91, Formerly 22FB-1.006, Amended 8-26-96, Repromulgated.

60P-6.0063 Enrollment.

(1) Those employees participating in the Health Program or Life Plan through premium contributions shall be enrolled in the Pretax Premium Plan in accordance with subsection 60P-2.002(7), F.A.C.

(2) Those employees participating in a supplemental insurance plan shall be enrolled in the Pretax Premium Plan.

(3) Eligible employees may elect to enroll in the Reimbursement Plan within sixty (60) calendar days of employment, within thirty-one (31) calendar days of a QSC event, or during open enrollment by completing an application in accordance with subsection 60P-2.002(2), F.A.C. Such application shall include an annual election amount for either or both reimbursement account(s).

Specific Authority 110.161(5) FS. Law Implemented 110.161 FS. History—New 8-26-96, Repromulgated.

60P-6.0065 Coverage Period.

The coverage period shall be the Plan Year. However, with respect to the Pretax Premium Plan, when an employee becomes eligible to participate during a Plan Year, the coverage period, in the absence of the submission of a written waiver, will begin on the first day of the first month which follows sixty (60) calendar days after enrollment into the State Group Insurance Program and continues throughout the Plan Year. With respect to the Reimbursement Plan, the coverage period shall be the Plan Year. However, when an employee becomes eligible to participate during a Plan Year, an adjusted coverage period will be from the date that the completed application is received at the Department or the date of the occurrence of the qualifying event, whichever is later, through the last day of that Plan Year, provided that required contributions are made.

Specific Authority 110.161(5) FS. Law Implemented 110.161 FS. History—New 8-26-96, Repromulgated.

60P-6.0068 Change in Participation.

(1) A participant's salary reduction amount shall be increased or decreased automatically to correspond to any changes in employee contributions where, during the Plan Year, there has been a change in the cost of the premium under the State Health Insurance Program.

(2) An election made under the Pretax Premium Plan shall be irrevocable during the Plan Year except when a participant experiences a QSC event.

(3) A participant may revoke an existing election and make a new benefit election for the remaining period of coverage when a QSC event is or has been experienced, provided that the new election is consistent with the event and the request for such a change is made within thirty-one (31) calendar days of the event's occurrence by submission of an application to the Department. Such application shall be required in addition to any insurance applications that may be required to comply with Chapter 60P-2, F.A.C. The Department shall determine if the requested benefit change is consistent with the change in status. Documentation of the occurrence of the change in status is required.

(4) Retirees under the State University System Phased Retirement Program who elect to continue their coverage shall be treated as having taken an unpaid leave of absence upon returning to employment, if they return during the same Plan Year.

(5) A participant may revoke an existing election if employment is terminated during the Plan Year. However, the participant may not make a new benefit election for the remaining portion of the Plan Year. A participant who fails to make the required contributions to the Medical Reimbursement Account in accordance with the salary reduction agreement at any time during the coverage period will have benefit payments suspended, regardless of account balance, until payment of required contributions resumes.

Specific Authority 110.161(5) FS. Law Implemented 110.161 FS. History—New 8-26-96, Repromulgated.

60P-6.007 Termination of Participation.

(1) Contributions under any pretax plan shall not be discontinued, except in the event of termination of participation as provided in this section. Any contribution made under any Plan may not be refunded to the participant. Reimbursements made under any Reimbursement Plan shall not be considered refunds of contributions.

(2) A participant shall continue to participate in any pretax plan until the earlier of the following dates:

(a) The date the participant ceases to be an eligible employee, unless the participant elects to continue coverage in the Medical Reimbursement Account by continuing payment of contributions; or

(b) The date on which the coverage period ends due to non-payment of contributions for a Medical Reimbursement Account; or

(c) The date the Plan Year ends.

(3) Upon subsequent employment with the State, an eligible employee who has terminated participation in the Plan shall be entitled to recommence participation as follows:

(a) If the participant is rehired as an eligible employee within 31 calendar days of termination and during the same Plan Year in which employment terminated, the participant shall not be allowed to make any new benefit elections under the Plan and will have the same level of benefits as were in effect immediately prior to the termination of employment unless there has been a Qualifying Status Change other than the termination and rehire.

(b) If reemployment as an eligible employee occurs during the same Plan Year in which employment terminated but occurs more than 31 calendar days after termination, and the participant has revoked his earlier benefit election, the participant shall not be entitled to recommence participation until the following Plan Year. However, the employee will be entitled to elect insurance coverage under the State Group Health Insurance Program on an after-tax basis, in accordance with Chapter 60P-2, F.A.C.

(c) If reemployment occurs during a Plan Year subsequent to the one in which termination occurred, the employee shall be entitled to recommence participation upon reemployment and can make new benefit elections for the new Plan Year in accordance with rules and procedures established for newly-hired and newly-eligible employees.

Specific Authority 110.161(5) FS. Law Implemented 110.161 FS. History—New 8-3-89, Amended 4-17-91, Formerly 22FB-1.007, Amended 8-26-96, Repromulgated _____.

60P-6.0075 Benefits.

(1) Subject to the limitations provided under the Internal Revenue Code to avoid discrimination, the amount of salary reduction which a participant may elect under the Pretax Premium Plan shall be the aggregate amount of employee premiums for coverage under the State Group Insurance Program.

(2) All participants' contributions to any reimbursement account under the Program shall be made by salary reduction except in the case of certain participants of the Medical Reimbursement Account whose employment has terminated.

(3) A participant's gross compensation shall not be affected by participation in any Plan. A participant who contributes to a deferred compensation plan or a tax sheltered annuity may be required to adjust his contributions to such

programs. Employee contributions under the State University System Optional Retirement Program will be computed on the participant's adjusted gross income automatically.

Specific Authority 110.161(5) FS. Law Implemented 110.161 FS. History—New 8-26-96, Repromulgated _____.

60P-6.0079 Continuation of Participation.

(1) Upon termination of employment, the participant may desire to continue in the Medical Reimbursement Account and satisfy his or her annual election. The participant must notify the Department of his or her desire to continue no later than sixty (60) calendar days from the later of:

(a) The employment termination date;

(b) The date the participant is notified by the Department of his or her eligibility to continue participation.

(2) Continuation in the Medical Reimbursement Account requires that the participant satisfy his or her annual election by one of the following methods:

(a) Arranging, in advance of termination, to have all or part of the remaining balance deducted from his or her payment for annual or sick leave through payroll deduction on a pretax basis. Any amount needed to satisfy the annual election after this deduction is taken must be paid by personal check or money order within forty-five (45) calendar days of the participant's election to continue participation;

(b) Making a single after-tax payment by check or money order for 100% of the remaining balance due within forty-five (45) calendar days of the participant's election to continue participation;

(c) Making monthly after-tax payments by check or money order for the required monthly contribution made as an active employee. Such payments must be made no later than the first of each month. The first payment must be made within forty-five (45) calendar days of the participant's election to continue participation.

Specific Authority 110.161(5) FS. Law Implemented 110.161 FS. History—New 8-26-96, Repromulgated _____.

60P-6.0081 Submission of Claims for Reimbursement.

(1) The participant shall submit to the Department a request which shall include the following:

(a) Social security number, name, address, work and home telephone numbers;

(b) A description of the expenses;

1. For medical expenses, the patient's name, the dates and descriptions of services, and the expenses the participant is claiming for reimbursement;

2. For dependent day care expenses, the dependent's name, the dates and descriptions of services, and the expenses the participant is claiming that are directly associated with the day care provided to the dependent;

(c) A statement certifying that the expenses claimed were incurred by the participant or my eligible dependent on the dates indicated, such expenses have not and will not be reimbursed by any other plan and are eligible for reimbursement, and such expenses are not eligible as deductions or credits when filing a federal income tax return;

(d) Signature of the participant, date signed, and accompanied by documentation of the expense incurred.

(2) Claims for expenses covered by insurance must include a statement from the insurer indicating the patient's responsibility for the expense(s). Expenses shall be reimbursed only in accordance with the level of benefits in effect at the time the expense was incurred. Expenses shall be deemed incurred at the time such services are rendered.

(3) Initial requests for reimbursement for expenses incurred during a participant's period of coverage must be postmarked or received if not mailed, at the Department no later than April 15 following the prior Plan Year.

(4) For requests filed prior to the claims filing deadline and rejected due to lack of proper documentation, such documentation must be submitted, within the claims filing run-out period.

Specific Authority 110.161(5) FS. Law Implemented 110.161 FS. History--New 8-26-96, Repromulgated.

60P-6.009 Underpayment.

(1) If non-payment of the required contribution to any plan occurs as a result of an authorized leave without pay, the amount of such contribution will be adjusted and payment will resume with the next payroll check.

(2) Upon receipt of the required contributions, participation in any plan will resume as if no break had occurred.

(3) If payment of required contributions does not resume, no reimbursement will be made for expenses incurred after the last date of the coverage period for which the required contribution was made.

(4) Collection efforts will be made to ensure that a participant satisfies his annual elections.

Specific Authority 110.161(5) FS. Law Implemented 110.161 FS. History--New 8-26-96, Repromulgated.

60P-6.010 Forfeitures.

With respect to the Reimbursement Plan, if unused portions of the participant's annual election remain in an account for which otherwise eligible claims are not received prior to the claims filing deadline, these funds shall be forfeited. Administrative expenses shall be debited from the Pretax Trust Fund and any remaining balance shall be transferred to the State Health Trust Fund.

Specific Authority 110.161(5) FS. Law Implemented 110.161 FS. History--New 8-26-96, Repromulgated.

NAME OF PERSON ORIGINATING PROPOSED RULE: Garrett R. Blanton, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

RULE CHAPTER TITLE: RULE CHAPTER NO.:

State Group Disability Income Self Insurance Plan 60P-9

RULE TITLES: RULE NOS.:

Definitions 60P-9.001

Eligibility 60P-9.002

Enrollment 60P-9.003

Effective Date of Coverage 60P-9.004

Benefits 60P-9.005

Payment of Premiums 60P-9.006

Employing Agency Change 60P-9.007

Termination of Coverage 60P-9.009

PURPOSE AND EFFECT: To readopt each rule in this chapter, with minimal changes as noted, 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.

SUMMARY: Group disability income insurance for state officers and employees under Section 110.123, Florida Statutes.

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

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

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

LAW IMPLEMENTED: 110.123, 17.04, 110.161, 110.12315 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., December 28, 2001

PLACE: Room 260L, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frederick J. Springer, Office of the General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee FL 32399-0950, (850)487-1898

THE FULL TEXT OF THE PROPOSED RULES IS:

60P-9.001 Definitions.

For the purpose of administering this Plan, the following words and terms shall have the meaning indicated:

(1) "Active work" or "actively at work" means the actual expenditure of time and energy by the employee, performing duties pertaining to the employee's job in the place where and in the manner in which such job is performed on a continuing basis.

(2) "Basic daily earnings" means the employee's annual salary divided by 364.

(3) "Employee" means an individual holding a salaried Senior Management Service or Selected Exempt Service position with any state agency.

(4) "Plan" shall mean the State of Florida Group Disability Income Insurance Plan adopted pursuant to Section 110.123(3), Florida Statutes.

(5) "Sickness" means illness or disease and is inclusive of pregnancy and resulting childbirth, miscarriage, abortion or complications.

(6) "Totally disabled" means that the employee is completely unable, due to sickness or injury or both, to perform the duties pertaining to his or her employment and is under the direct care of a physician.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-26-96, Repromulgated.

60P-9.002 Eligibility.

Eligibility to participate in the Plan will be in accordance with Section 110.123, Florida Statutes.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-26-96, Repromulgated.

60P-9.003 Enrollment.

(1) Enrollment in the Plan is automatic upon an employee's appointment to an eligible position.

(2) An employee may elect to refuse coverage by signing a refusal statement and submitting it to his or her personnel office.

(3) An employee who previously refused coverage may apply for enrollment by submitting a written request to the Department.

Specific Authority 110.123(5), 20.05(5) FS. Law Implemented 110.123 FS. History--New 8-26-96, Repromulgated.

60P-9.004 Effective Date of Coverage.

The effective date of coverage for an employee under the Plan shall be as follows:

(1) The date of an employee's appointment to an eligible position; unless the employee is disabled or under a physician's care on account of sickness or injury and not actively at work on that date, the effective date will be the date the employee resumes active work.

(2) The effective date of an employee who has previously refused coverage will be the first day of the month following the receipt of the employee's written request to enroll; unless the employee is disabled or under a physician's care on account of sickness or injury and not actively at work on that date, the effective date will be the date the employee resumes active work.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-26-96, Repromulgated.

60P-9.005 Benefits.

If an employee, while insured under the Plan and as a result of sickness or injury, becomes totally disabled, the Plan will pay biweekly benefits to the employee for the period of such disability. Such benefits are payable in an amount of sixty-five (65) percent of the employee's basic daily earnings at the date of disability. Benefits are payable from the first benefit day of any one continuous period of disability up to a maximum of one year (364 days) subject to the following:

(1) The "first benefit day" shall be the later of:

(a) The thirty-first (31st) day of continuous disability,

(b) The date following the day that an employee exhausts all accumulated leave credits including annual leave, sick leave, sick pool leave and personal holiday leave.

(2) Benefits paid under the Plan will be reduced by any benefits paid or payable:

(a) Under any Workers' Compensation Act or similar legislation; and

(b) As primary and family benefits under the Social Security Act; and

(c) As regular or disability retirement benefits under the State of Florida Retirement System.

(3) Successive periods of disability separated by less than one work week of continuous active work with the employer will be considered one continuous period of disability unless the later disability is due to causes entirely unrelated to the causes of the previous disability and commences after return to active work for at least one full day.

(4) Plan benefits will be suspended at the employees' anniversary date and will recommence on the date following the day that an employee exhausts all accumulated leave credits including annual leave, sick leave, sick pool leave and personal holiday leave.

(5) Any claim files must contain the following information:

(a) Employee information including the employee's full name, Social Security number, address, telephone number, date of birth, signature of compliance and medical release, sex, occupation, marital status, spouse's name and date of birth, children's names and dates of birth, a description of the disability, date of the disability, date first treated for the disability, date of the last day worked due to disability, date returned to work full or part time, and any benefits paid or payable under Workers' Compensation, Florida Retirement or Social Security and the employee's signature.

(b) Employer information including the employee hire date, certification of last day worked and date returned to work, salary at time of disability, accumulated leave balances, agency name, SAMAS organizational code, address and telephone number, and authorized personnel signature.

(c) Attending physicians' statement including a physical history, diagnosis, dates of treatment, nature of treatment, progress notes, impairment levels, prognosis, rehabilitation remarks, and the physician's name, address, telephone number, licenses and signature.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-26-96, Repromulgated.

60P-9.006 Payment of Premiums.

(1) The employing agency will pay 100% of the premium for each employee participating in the Plan, while that employee is on the active state payroll.

(2) The employing agency will pay 100% of the premium for an employee on an approved medical leave, unless the employee is receiving Plan benefits.

(3) In the event of an employee changing agencies and remaining in a Senior Management or Select Exempt position, the agency employing on the first day of a month will be responsible for paying 100% of the premium for that month.

(4) The employee may pay the full monthly premium by submitting a personal check or money order to his or her personnel office for transmittal to the Department:

(a) If the employee is on an approved leave without pay, but not to exceed six months.

(b) In the event of layoff, but not to exceed one month.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-26-96, Repromulgated.

60P-9.007 Employing Agency Change.

Movement from one state agency to another state agency does not constitute a change in qualifying status new employment, therefore, enrollment requirements do not change. If the change results in the loss of Senior Management or Select Exempt status, coverage will continue until the last day of the month for which premiums have been paid.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-26-96, Repromulgated.

60P-9.009 Termination of Coverage.

The date of termination of coverage will be as follows:

(1) In the event of termination of employment, the employment termination date.

(2) In the event the employee requests to cancel coverage, the last day of the month in which the Department receives a signed waiver of coverage.

(3) In the event an employee terminates his or her position in Senior Management or Select Exempt status but remains a state employee, the last day of the month for which premiums have been paid.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-26-96, Repromulgated.

NAME OF PERSON ORIGINATING PROPOSED RULE: Garrett R. Blanton, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Supplemental Insurance Plan	60P-10
RULE TITLES:	RULE NOS.:
Eligibility	60P-10.001
Enrollment	60P-10.002
Changes in Coverage	60P-10.003
Effective Date of Coverage	60P-10.004
Payment of Premiums	60P-10.005
Overpayment of Premiums	60P-10.006
Agency Changes	60P-10.007
Leave Without Pay/Suspension	60P-10.008
Terminations and Conversions	60P-10.009

PURPOSE AND EFFECT: To readopt each rule in this chapter, with minimal changes as noted, 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.

SUMMARY: Group supplemental insurance for state officers and employees under Section 110.123, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 110.123(3)(c),(5), 110.161(5) FS.
 LAW IMPLEMENTED: 110.123, 17.04, 110.161, 110.12315 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., December 28, 2001
 PLACE: Room 260L, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frederick J. Springer, Office of the General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee FL 32399-0950, (850)487-1898

THE FULL TEXT OF THE PROPOSED RULES IS:

60P-10.001 Eligibility.

An employee is eligible to participate in a supplemental insurance plan in accordance with Section 110.123, Florida Statutes.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated.

60P-10.002 Enrollment.

(1) An employee may apply for enrollment in a supplemental insurance plan through his or her personnel office during:

- (a) During the first sixty (60) calendar days of state employment or a new term of office;
- (b) During open enrollment;
- (c) Within thirty-one (31) days of a QSC of losing group health coverage;
- (d) Within thirty-one (31) days of a QSC of an increase in the number of work hours for an employee.

(2) The employing agency shall request an effective date of coverage for enrollment in supplemental insurance plan in accordance with Rule 60P-10.004, F.A.C. and indicate such date on an application along with other required employee and agency information. This information shall include:

- (a) Employee's and eligible dependent's name, social security number, birth date, sex, employee's home mailing address, employment date, SAMAS organizational code, company, product, coverage code, option codes, and action to be taken;
- (b) Contains the signature and date of the employee and authorized signature and date of the employing agency certifying eligibility of the employee.

(3) The employee acknowledges that eligibility and enrollment are governed by the provisions of Chapter 60P-1, F.A.C.; authorizes the State to reduce salary as often and in amount necessary to continue coverage; acknowledges

premiums may change from time to time; agrees to notify the Department at the time any dependent becomes ineligible for coverage; and agrees that all statements made on application are complete and true.

(4) The completed application shall be forwarded to the Department by the employing agency prior to the requested effective date.

(5) Attach the original company application, completed and signed by the employee and certified by the employing agency.

(6) An employee enrolled in a supplemental insurance plan shall automatically be enrolled in the pretax premium plan pursuant to Chapter 60P-6, F.A.C.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated.

60P-10.003 Changes in Coverage.

(1) An employee may elect, change, or cancel coverage within thirty-one (31) days of a Qualified Status Change (QSC) event if the change is consistent with the event pursuant to subsection 60P-2.003(7), F.A.C. or during the open enrollment period.

(2) The employing agency shall request an effective date for a change in coverage in accordance with Rule 60P-10.004, F.A.C.

(3) The Department shall approve a coverage change if the completed application is submitted within thirty-one (31) calendar days of the QSC event and the proper documentation is provided.

(4) If an employee wants to decline coverage after reviewing any underwritten policy by any company, such employee must complete and sign the required application terminating the election prior to the end of the month in which coverage would take effect.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated.

60P-10.004 Effective Date of Coverage.

(1) The effective date of coverage requested by the employing agency for enrollment or changes in coverage in a supplemental insurance plan shall always be the first day of the month for which a full month's premium may be deducted using single deductions based upon the employee's signature date on the application. The requested effective date shall be no earlier than the first day of the month following the employee's signature date; however, in no case shall such effective date be prior to or on the employee's employment date. In the case of supplemental policies which require underwriting approval, the effective date of coverage shall be the first day of the month initially requested, following approval or in which a full month's premium can be deducted.

(2) The effective date of coverage for enrollment or changes will be determined by the Department if an error or omission occurs by the employee's agency personnel office.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated.

60P-10.005 Payment of Premiums.

(1) Premiums are due one month in advance of each month of coverage and shall be paid as follows:

(a) For employees on payroll, premiums shall be payroll deducted;

(b) For employees off payroll, premiums shall be paid monthly by personal check or money order and forwarded to the supplemental company.

(2) Double payroll deductions shall be made for an employee on an academic contract or who is regularly employed for less than twelve (12) months. However, double deductions shall not be made for an employee who is paid monthly or applies for a change in coverage. No deduction shall be taken on a supplemental payroll.

(3) Employee premiums shall not be accepted for coverage beyond the end of the month following the month in which the employee terminates employment.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated.

60P-10.006 Overpayment of Premiums.

When the Department becomes aware of a premium overpayment it shall:

(1) Correct the coverage codes and or deductions;

(2) Initiate a refund request;

(3) Notify the employee, employee’s agency, and the supplemental company.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated.

60P-10.007 Agency Changes.

(1) A change from one state agency to another state agency does not constitute a change in qualifying status ~~new employment~~; therefore, enrollment or coverage eligibility does not change.

(2) When an uninsured employee changes from one state agency to another state agency the new agency shall request a copy of the employee’s insurance file from the former agency and notify the Department in a timely fashion as not to interrupt insurance coverage. If payroll deductions cannot be made by the new agency in time to maintain continuous coverage, the employee must pay the required employee contribution by personal check or money order.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated as Amended.

60P-10.008 Leave Without Pay/Suspension.

(1) An employee who elects to continue coverage while on leave without pay shall do so by paying monthly premiums to the supplemental company in accordance with Rule 60P-10.005, F.A.C.;

(2) An employee choosing to terminate coverage while on approved leave without pay or suspension must cancel coverage through his or her employing agency and may only apply for reenrollment in a supplemental insurance plan by submitting an application in accordance with Rule 60P-10.003, F.A.C., to their personnel office within thirty-one (31) calendar days after returning to work or during the open enrollment period.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated.

60P-10.009 Terminations and Conversions.

(1) Coverage under any supplemental insurance plan shall continue through the last day of the month for which a premium has been paid.

(2) An employee terminated from state employment for any reason or placed in other than a salaried position shall not be eligible to continue in any pretax supplemental insurance plan. Upon termination of coverage, the employee may, if eligible purchase continuation coverage or a conversion plan offered by the supplemental company.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated.

NAME OF PERSON ORIGINATING PROPOSED RULE: Garrett R. Blanton, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers’

RULE TITLE: General Information RULE NO.: 61G3-15.006

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

SUMMARY: The Board has determined that this rule should be amended to delete rule text that is not necessary.

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: 120.53(1)(a), 119.07(1)(a), 476.064(4) FS.

LAW IMPLEMENTED: 120.53(1), 455.205, 119.07(1)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-15.006 General Information ~~and Forms.~~

(1) through (2) No change.

~~(3) The following forms are used by the Department and may be obtained by writing to the Board's office:~~

~~(a) Examination application;~~

~~(b) Reexamination application;~~

~~(c) Barbershop application;~~

~~(d) Barbershop transfer of ownership or location application.~~

Specific Authority 120.53(1), 119.07(1)(a), 476.064(4) FS. Law Implemented 120.53(1), 455.205, 119.07(1)(a) FS. History-New 7-16-80, Formerly 21C-15.06, 21C-15.006, Amended 10-30-95, 2-14-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Barbers'

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 18, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE TITLE: Change of Ownership or Location of Barbershops

RULE NO.:

61G3-19.013

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

SUMMARY: The proposed changes amend the change of ownership of barbershops.

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: 476.064(4) FS.

LAW IMPLEMENTED: 476.184(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-19.013 Change of Ownership or Location of Barbershops.

The change in ownership or location of a barbershop requires issuance of a new license pursuant to Rule 61G3-19.011 and Chapter 476, Florida Statutes.

~~(1) Prior to opening a shop which has new ownership the owner must:~~

~~(a) File a new application on forms prescribed by the Department of Business and Professional Regulation;~~

~~(b) Pay the appropriate fee as outlined in Rule 21C-20.004;~~

~~(c) Surrender the old license with applications;~~

~~(d) Be issued a new barbershop license as outlined in Rule 61G3-19.010, Florida Administrative Code.~~

Specific Authority 476.064(4) FS. Law Implemented 476.184(7) FS. History-New 4-27-86, Formerly 21C-19.013, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Barbers'

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 8, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE TITLE: Aggravating and Mitigating Circumstances

RULE NO.:

61G3-21.002

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

SUMMARY: The Board has determined that this rule should be amended to delete rule text that is not necessary.

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: 455.2273, 476.064(4) FS.
 LAW IMPLEMENTED: 455.2273 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-21.002 Aggravating and Mitigating Circumstances. Circumstances which may be considered for the purposes of mitigation or aggravation of penalty shall include, but are not limited to, the following:

- (1) through (4) No change.
- ~~(5) The severity of the offense.~~
- ~~(5)(6) The danger to the public.~~
- ~~(7) The number of repetitions of offenses.~~
- ~~(6)(8) The number of complaints filed against the licensee.~~
- ~~(7)(9) The length of time the licensee has practiced.~~
- ~~(8)(10) The actual damage, physical or otherwise, to the licensee's customer.~~
- ~~(9)(11) The deterrent effect of the penalty imposed.~~
- ~~(10)(12) The effect of the penalty upon the licensee's livelihood.~~
- ~~(11)(13) Any efforts at rehabilitation.~~
- ~~(12)(14) Any other mitigating or aggravating circumstances.~~

Specific Authority 455.2273, 476.064(4) FS. Law Implemented 455.2273 FS. History--New 11-25-86, Formerly 21C-21.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Barbers'
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Barbers'
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 8, 2001

DEPARTMENT OF HEALTH
Board of Hearing Aid Specialists

RULE TITLES: RULE NOS.:
 Continuing Education Programs 64B6-5.002
 Reporting Continuing Education Attendance 64B6-5.003
 PURPOSE AND EFFECT: The Board proposes to update the existing rules.
 SUMMARY: The Board has decided to update the existing rules with regards to continuing education programs and reporting continuing education attendance.

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: 456.013(6),(8), 484.044, 484.047(4), 484.0501(7) FS.

LAW IMPLEMENTED: 484.047(4), 484.050(7) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Board Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B6-5.002 Continuing Education Programs.

(1) through (6) No change.

(7) Effective for the biennium beginning in 2001, each Hearing Aid Specialist shall attend and certify attending two hours and may take up to four (4) hours per biennium of continuing education which includes the topics of Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome, and other communicable illness to protect both the recipient and dispenser; modes of transmission, infection control procedures, clinical management, and prevention of any communicable illness. Such continuing education shall be accepted by the Board toward the continuing education requirement prescribed in Rule 64B6-5.001, F.A.C. Up to four hours of continuing education relating to these topics shall be accepted for the 1999-2001 biennium. Each Hearing Aid Specialist shall attend and certify attending a Board approved two hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for license renewal.

Specific Authority 456.013(6),(7),(8), 484.044, 484.047(4) FS. Law Implemented 484.047(4) FS. History--New 4-1-85, Formerly 21JJ-15.002, Amended 8-5-87, 2-16-89, 6-21-89, 1-10-90, 8-19-91, 10-21-91, Formerly 21JJ-5.006, Amended 11-20-95, Formerly 61G9-5.006, Amended 9-23-99, 11-9-00, _____.

64B6-5.003 Reporting Continuing Education Attendance.

(1) The licensee shall submit a statement on a form, provided by the Department, in which the licensee affirms that he has completed the continuing education required for license renewal. Failure to submit the completed form by February 28 January 31, of every odd biennial renewal year shall be grounds for denying license renewal. The licensee shall retain for 4 years such receipts or certificates which establish completion of required continuing education during each

biennium. The Department shall randomly audit a sufficient number of licensees' continuing education records to assure compliance with continuing education requirements.

(2) No change.

Specific Authority 484.044, 484.047(4), 484.0501(7) FS. Law Implemented 484.050(7) FS. History--New 4-1-85, Formerly 21JJ-15.003, Amended 8-5-87, 1-10-90, 8-19-91, 10-21-91, Formerly 21JJ-5.007, 61G9-5.007, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2001

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B7-30.002

PURPOSE AND EFFECT: The Board of Massage Therapy determined it necessary to review and update the disciplinary guidelines and further define the penalties for each violation.

SUMMARY: Revisions to existing disciplinary guidelines for the Board of Massage Therapy to set out meaningful penalty ranges and incorporate legislative changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A summary has not been prepared regarding the proposed rule.

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: 456.073(4), 456.079(1),(3),(4), 480.035(7) FS.

LAW IMPLEMENTED: 456.073(4), 456.079(1),(2),(3),(4), 480.041, 480.046, 480.047 FS.

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

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 5 calendar days before the meeting by contacting Karen Eaton, Executive Director, Board of Massage Therapy. If you are hearing or speech impaired, please contact the agency by calling (850)245-4162.

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-30.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant, apprentice, provisional licensee or licensee whom it regulates under Chapter 480, Florida Statutes, has committed any of the acts set forth in Sections 480.0485, 480.046, 480.047, and 456.072, Florida Statutes, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines after consideration of the aggravating and mitigating factors set forth in subsection three (3) of this rule.

(a) 480.046(1)(a)

Licensee First Offense: Suspension and \$250 fine. Subsequent offense \$1000 fine and revocation. If the offense is fraudulent misrepresentation, the first offense is a \$10,000.00 fine, the second offense is a \$10,000.00 fine and suspension of license and subsequent offense is a \$10,000.00 fine and revocation of the license. Denial of licensure. If the offense is fraudulent misrepresentation, denial of licensure and a \$10,000.00 fine. \$1000 fine and revocation; denial of licensure and prohibition on reapplication for 2-5 years

Applicant

456.072(1)(h) Revocation through error of department of board

(b) 480.046(1)(b) Licensee: Impose discipline consistent or & 456.072(1)(f) with penalty or actions imposed in other jurisdiction. Applicant: deny licensure. Deny licensure; or grant licensure with restrictions and \$250 fine; or imposed discipline consistent with these guidelines.

(c) 480.046(1)(c) or & 456.072(1)(c)	Misdemeanors <u>First offense: \$250 fine, second offense: \$500 fine & probation, third offense: \$500 fine and suspension. \$250 fine & probation</u>	(j) 480.046(1)(j) <u>First offense: \$250 fine & probation, or & 456.072(1)(p) second offense: \$500 fine & suspension, third offense: \$1,000 fine & revocation, \$500 fine & probation</u>
Felonies	<u>First offense: \$500 fine & probation, second offense: \$500 fine and suspension, third offense: \$1,000 fine and revocation, \$500 fine & suspension</u>	(k) 480.046(1)(k) <u>Unless an offense specifically set forth below, first offense: \$250 fine, subsequent offense: \$250 fine & probation, \$250 fine to probation</u>
Crimes relating to assault, battery, abuse or which otherwise cause bodily harm, <u>prostitution or solicitation for prostitution</u>	\$1,000 & revocation	1. through 6. No change. 7. 480.047(1)(c) <u>First offense: \$1,000 fine & revocation, subsequent offense: \$1,000 fine & revocation for minimum of 2 years, \$1,000 fine & revocation</u>
(d) 480.046(1)(d)	<u>First offense: \$500 fine & reprimand, second offense: \$750 fine and probation, third offense: \$1,000 fine & suspension.</u>	8. 480.047(1)(d) <u>Licensee</u> <u>First offense: \$1,000 fine, second offense: \$1,000 fine & revocation.</u> <u>Applicant</u> <u>First offense: denial of licensure, subsequent offense: denial licensure and prohibition on reapplication for 2-5 years, \$1,000 fine and/or revocation; denial of licensure and prohibition on reapplication for 2-5 years</u>
(e) 480.046(1)(e) or & 456.072(1)(j)	<u>First offense: \$1,000 fine & suspension, second offense: \$1,000 fine and revocation for a minimum of 2 years, third offense: permanent revocation, \$1,000 fine & revocation</u>	9. No change 10. 480.047(1)(f) <u>Licensee</u> <u>First offense: \$1,000 fine & probation, second offense: \$1,000 fine & suspension, third offense: \$1,000 fine & revocation.</u>
(f) 480.046(1)(f) or & 456.072(1)(a) or & (m)	<u>First offense: \$500 fine & reprimand, second offense: \$500 fine & probation, third offense: \$1,000 fine & suspension. If the offense is fraud, first offense: \$10,000 fine, subsequent offense: \$10,000 fine & revocation, \$500 fine & probation</u>	<u>Applicant</u> <u>First offense: denial or licensure, subsequent offense: denial of licensure and prohibition on reapplication for 2-5 years, \$1,000 fine and/or revocation; denial of licensure and prohibition on reapplication for 2-5 years</u>
(g) 480.046(1)(g)	<u>First offense: probation, second offense: suspension, third offense: revocation. Suspension or revocation.</u>	11. 480.047(1)(g) <u>Licensee</u> <u>First offense: \$1,000 fine & probation, subsequent offense: \$1,000 fine & revocation.</u>
(h) 480.046(1)(h) 1. repeated malpractice	<u>First offense: \$1,000 fine & probation, second offense: \$1,000 fine & suspension, third offense: \$1,000 fine & revocation, \$1,000 fine & suspension</u>	<u>Applicant</u> <u>First offense: denial of licensure, subsequent offense: denial of licensure and prohibition on reapplication for 2-5 years, \$1,000 fine and/or revocation; denial of licensure and prohibition on reapplication for 2-5 years.</u>
2. gross malpractice	Revocation	Failure to respond to continuing education audit <u>First offense: \$500 fine & suspension, subsequent offense: \$500 fine & revocation, \$500 fine</u>
(i) 480.046(1)(i) or & 456.072(1)(o)	<u>First offense: \$1,000 fine & probation, second offense: \$1,000 fine & suspension, third offense: \$1,000 fine & revocation, \$500 fine & probation</u>	

- (l) 480.046(1)(l) First offense: \$500 fine & suspension, second offense: \$1,000 fine & suspension, third offense: \$1,000 fine & revocation, \$500 fine & suspension
- (m) 480.046(1)(m) First offense: \$250 fine & reprimand, second offense: \$500 fine & suspension, third offense: \$1,000 fine & revocation.
- (n) 480.046(1)(n)
 - 1. Establishment license No change
 - 2. Establishment license suspended –site owned by massage therapist First offense: Suspension of owner’s massage therapy license, subsequent offense: revocation by massage therapist of owner’s massage therapy license. Revocation of owner’s massage therapy license
 - 3. Establishment never licensed \$500 fine & reprimand
- (o) 456.072(1)(g) First offense: \$500 fine & suspension, subsequent offense: \$1,000 fine & revocation. \$500 fine & suspension regarding violation
- (p) 456.072(1)(i) First offense: \$500 fine & reprimand, subsequent offense: \$1,000 fine & suspension. \$500 fine & reprimand failure to report violator
- (q) 456.072(1)(l) First offense: \$500 fine & probation, subsequent offense: \$1,000 fine & revocation. filing a false report required by law
- (r) 456.072(1)(n) First offense: \$500 fine & probation, subsequent offense: \$1,000 fine & revocation. influencing client for financial gain
- (s) 456.072(1)(r) First offense: \$500 fine & probation, subsequent offense: \$1,000 fine & revocation. interfering with an investigation or inspection
- (t) 456.072(1)(d) First offense: \$1000 fine & suspension, subsequent offense: \$1,000 fine & revocation. intentionally violating a rule of the board or department
- (u) 456.072(1)(k) First offense: \$250 fine, second offense: \$500 fine, subsequent offense: \$1,000 fine. failure to perform any legal obligation placed on licensee
- (v) 456.072(1)(q) First offense: \$250 fine & probation, violating any provision of Ch. or failure to comply with a lawfully issued subpoena of the department
- (w) 456.072(1)(u) First offense: \$1000 fine & probation, subsequent to offense: \$1000 fine and revocation. attempting to engage a patient or client in verbal or physical sexual activity
- (x) 456.072(1)(w) First offense: \$500 fine if non violent, non sexual and non felony, second offense: \$500 fine & suspension, third offense: \$1,000 fine & revocation. If a crime of violence, sexual crime or felony, first offense: \$1,000 fine & suspension, subsequent offense: \$1,000 fine & revocation. Failing to report to the Board within 30days after the licensee has been found guilty of or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction
- (y) 456.072(1)(w) If the crime is non violent, non sexual, and non felony: \$500 fine. If a crime of violence, sexual crime, or felony: \$1,000 fine & revocation. Failing to report to the Board in writing on or before October 1, 2001, any convictions, findings of guilt or pleas of nolo contendere that occurred prior to July 1, 1999, and not previously reported to the Board
- (z) 456.072(1)(x) First offense: \$500 fine & probation, second offense: \$500 fine & suspension, third offense: \$500 fine & revocation. Using information about people involved in motor vehicle accidents which has been derived

from accident reports made by law enforcement officers or persons involved in accidents, or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purpose of commercial or any other solicitation whatsoever of the people involved in such accidents

(2) No change.

(3) Based upon consideration of aggravating or mitigating factors, present in an individual case, the Board may apply any penalty within the range of penalties for the violations charged in paragraphs (1) and (2) above. The Board shall consider as aggravating or mitigating factors the following:

(a) ~~The severity of the offense;~~ (b) The danger to the public;

(c) ~~The number of repetitions of offenses;~~

(d) ~~(d)~~ The length of time since the violation;

(e) ~~(e)~~ The number of times the licensee has been previously disciplined by the Board;

(f) ~~(f)~~ The length of time licensee has practiced;

(g) ~~(g)~~ The actual damage, physical or otherwise caused by the violation;

(h) ~~(h)~~ The deterrent effect of the penalty imposed;

(i) ~~(i)~~ The effect of the penalty upon the licensee's livelihood;

(j) ~~(j)~~ Any effort of rehabilitation by the licensee;

(k) ~~(k)~~ The actual knowledge of the licensee pertaining to the violation;

(l) ~~(l)~~ Attempts by the licensee to correct or stop violation or refusal by licensee

(m) ~~(m)~~ Related violations against licensee in another state including findings of guilty or innocence, penalty imposed and penalties served;

(n) ~~(n)~~ Actual negligence of the licensee pertaining to any violation;

(o) ~~(o)~~ Penalties imposed for related offenses under subsections (1) and (2) above;

(p) ~~(p)~~ Any other mitigating or aggravating circumstances.

(4)(a) through (c) No change.

(d) Imposition of an administrative fine not to exceed ~~\$10,000.00~~ \$5,000 for each count or separate offense.

(e) through (g) No change.

(5) The provisions of subsection (1) through (4) above are not intended and shall not be construed to limit the ability of the Board to informally dispose of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4)~~(3)~~.

(6) through (8) No change.

Specific Authority ~~456.072(2), 456.073(4), 456.079(1),(3),(4), 480.035(7) FS. Law Implemented 456.072(2), 456.073(4), 456.079(1),(2),(3),(4), 480.041, 480.046, 480.047 FS. History--New 3-26-87, Formerly 21L-30.002, Amended 9-30-93, 12-12-93, 8-16-94, 10-1-95, 2-5-96, 5-12-96, 5-29-97, Formerly 61G11-30.002, Amended 2-18-98, 11-4-98, 1-26-00,~~_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Eaton, Executive Director, Board of Massage Therapy, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2001 and October 26, 2001

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLES:

RULE NOS.:

Fees; Initial License

64B11-3.006

Fees; Renewal of License

64B11-3.007

PURPOSE AND EFFECT: The Board proposes to raise fees for assistants so that they are closer to the actual costs for initial license and renewal of licensure.

SUMMARY: The Board is raising the fees for, initial license and renewal of license to comply with the current cost for obtaining these licenses.

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: 456.013(2), 468.204, 468.221 FS.

LAW IMPLEMENTED: 456.013(2), 468.221 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B11-3.006 Fees; Initial License.

Each applicant for occupational therapy assistant licensure shall submit an initial licensure fee in the amount of \$75 \$50 to the Department. The initial licensure fee shall be submitted with the application fee set forth in Rule 64B11-3.001, F.A.C. A check or money order shall be payable to the order of the Department of Health.

Specific Authority 456.013(2), 468.204, 468.221 FS. Law Implemented 456.013(2), 468.221 FS. History—New 4-28-76, Amended 8-9-76,11-15-78, 9-9-85, Formerly 21M-14.07, Amended 6-29-89, Formerly 21M-14.007, 61F6-14.007, 59R-62.007, Amended 12-20-98,_____.

64B11-3.007 Fees; Renewal of License.

Each licensed occupational therapy assistant shall submit a biennial fee of \$150.00 \$50.00 by check or money order made payable to the order of the Department of Health ~~no later than January 31 of each biennial period.~~

Specific Authority 468.204, 468.221 FS. Law Implemented 468.221 FS. History—New 4-28-76, Amended 8-9-76, 11-15-78, 9-9-85, Formerly 21M-14.08, Amended 6-29-89, 7-23-91, Formerly 21M-14.008, 61F6-14.008, 59R-62.008, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy Practice

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2001

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Requirement for License Renewal of an Active License RULE NO.: 64B11-5.001

PURPOSE AND EFFECT: The Board proposes to update the existing rule text to include prevention of medical error education.

SUMMARY: The Board is fulfilling the requirement that an active license shall be renewed once the licensee has paid the renewal fee set forth and has complied with all the requirements.

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: 456.036, 468.219 FS.

LAW IMPLEMENTED: 456.033, 456.036, 468.219 FS.

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

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:

64B11-5.001 Requirements for License Renewal of an Active License.

An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

(1) As a condition to the renewal of an active license, an occupational therapist must complete twenty-four (24) hours of approved continuing education per biennium.

(2) As a condition to the renewal of an active license, an occupational therapist assistant must complete twenty-four (24) hours of approved continuing education per biennium.

(3) A licensee may perform no more than six (6) hours of continuing education as home study education per biennium.

(4) In addition to the twenty-four (24) hours of continuing education required herein for license renewal, the licensee shall complete two (2) hours of HIV/AIDS education as set forth in Section 456.033, F.S., or a course in end of life care and palliative health care, so long as the licensee has completed an approved two (2) hour HIV/AIDS course in the immediately biennium.

(5) The licensee must retain such receipts, vouchers, certificates or other papers necessary to document completion of the required continuing education for a period of not less than four (4) years from the date the course was taken. The Board will audit licensees at random to assure that the continuing education requirements have been met.

(6) All continuing education programs and courses meeting the requirements of Rule 64B11-6.001, F.A.C., taken after January 31, 1995 and prior to October 30, 1995 shall be deemed approved continuing education for purposes of this rule.

(7) Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium.

(8) Active status licensees may apply to the Board for inactive license status at any time by paying a \$50 fee to change licensure status. Additionally, the licensee shall pay any applicable inactive status renewal fee or delinquent fee.

Specific Authority 456.036, 468.219 FS. Law Implemented 456.033, 456.036, 468.219 FS. History—New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, 10-18-01, _____.

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: November 24, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2001

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Inactive and Delinquent Status Fees
PURPOSE AND EFFECT: The Board proposes to raise inactive and delinquent status fees so that they are closer to the actual costs.

RULE NO.: 64B11-5.006

SUMMARY: The Board is raising the fees for Inactive and Delinquent Status Fees to comply with the current cost for obtaining these licenses.

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

SPECIFIC AUTHORITY: 468.221 FS.

LAW IMPLEMENTED: 468.221 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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:

64B11-5.006 Inactive and Delinquent Status Fees.

The fees for individuals holding a license pursuant to Section 468.221, F.S., shall be as follows:

(1) The fee for an inactive status license shall be \$75.00 ~~\$50.00~~.

~~(2) The fee for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle shall be \$50.00.~~

~~(2)(3) The fee for delinquent status as set forth in subsection 456.036(7), F.S., shall be \$100.00.~~

~~(3)(4) The fee for reactivation of an inactive license shall be \$200.00~~ ~~\$100.00~~.

~~(4)(5) The fee for renewal of an inactive license shall be \$75.00~~ ~~\$50.00~~.

Specific Authority 468.221 FS. Law Implemented 468.221 FS. History—New 4-17-95, Formerly 59R-64.040, 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 9, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2001

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

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

PURPOSE AND EFFECT: The purpose of the amendments to Rule 64B15-6.002 is to change the word "certification" to "licensure" where ever it appears in the rule text. Amendments are being made to Rule 64B15-6.003 which will set forth the requirements for licensure for physician assistants. The purpose of the amendments to Rule 64B15-6.0035 is to update the requirements for renewal for physician assistants. Two new rules are being promulgated which will address notice of noncompliance and citation authority.

SUMMARY: The Board proposes to amend Rule 64B15-6.002 by changing the word "certification" to "licensure" throughout the rule text. The Board is amending Rule 64B15-6.003 to update the requirements for physician assistants applying for licensure. The Board is amending Rule 64B15-6.0035 by updating the requirements necessary for renewal for physician assistants. The Board is promulgating a new rule entitled "Notice of Noncompliance", which will set forth violations for which the Board authorizes the Agency to issue a notice of noncompliance. The Board is also creating a new rule, numbered 64B15-6.01051, to address violations along with the accompanying penalty which may be disposed of by citation.

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

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

SPECIFIC AUTHORITY: 456.073(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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES 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 ~~licensure 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:

<u>VIOLATIONS</u>	<u>PENALTY</u>
(a) CME violations (Sections 459.022(7)(b), 459.015(1)(g), (bb), 456.072(1)(e), (s), F.S.)	<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>
1. Failure to document required HIV/AIDS CME. (456.033, F.S.)	<u>\$250 fine</u>
2. Failure to document required domestic violence CME. (456.031, F.S.)	<u>\$250 fine</u>
3. Failure to document both the required HIV/AIDS and domestic violence CME.	<u>\$500 fine</u>
4. Documentation of some, but not all, 100 hours of required CME for license renewal.	<u>\$25 fine for each hour not documented</u>
(b) Obtaining license renewal by fraud or misrepresentation (Section 459.022(7)(f) and 459.015(1)(a), F.S.)	<u>\$2500 fine</u>

(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. \$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, 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. (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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

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: November 2, 2001

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES:	RULE NOS.:
Application, Certification and License Fees	64B15-10.002
Active Status Fees	64B15-10.003
Inactive Status Fee	64B15-10.0031
Unlicensed Activity Fee	64B15-10.0075
Processing 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 purpose of the amendments to Rule 64B15-10.002, F.A.C., is to rename the rule title, delete unnecessary rule text in an attempt to further clarify the rule text. The purpose of the amendments to Rule 64B15-10.003, F.A.C., is to rename the rule title and to include the word "renewal" to the rule text. The purpose of the amendments to Rule 64B15-10.0031, F.A.C., is to rename the rule title and also add the word "renewal" to the rule text. The Board is promulgating a new rule, numbered 64B15-10.0075, F.A.C., which will address an unlicensed activity fee. Rule 64B15-10.008, F.A.C., is being amended to change the rule title and text to reflect the same. Rule 64B15-10.009, F.A.C., is being amended to increase the delinquency fee. The Board is promulgating a new rule, numbered 64B15-10.010, F.A.C., which will address the fees for board approved continuing education providers.

SUMMARY: The Board is amending Rule 64B15-10.002, F.A.C., by renaming the rule title, deleting unnecessary rule text and to include language for licensure fees. The Board is amending Rule 64B15-10.003, F.A.C., to rename the rule title and to include the word "renewal" to the rule text. The purpose of the amendments to Rule 64B15-10.0031, F.A.C., is to rename the rule title and also add the word "renewal" to the rule text. A new rule is being created by the Board, numbered 64B15-10.0075, F.A.C., which will address an unlicensed activity fee. Rule 64B15-10.008, F.A.C., is being amended to change the rule title and text to reflect the same. Rule 64B15-10.009, F.A.C., is being amended to increase the delinquency fee. The Board is creating a new rule, numbered 64B15-10.010, F.A.C., which will address the fees for board approved continuing education providers.

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: Section 14(8), 94-119, Laws of Florida, 456.013(2), 456.024(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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES 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;~~

~~(-) \$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 _____.

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: November 2, 2001

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 purpose of the rule amendment to Rule 64B15-12.008, F.A.C., is to add the words "renewal" and "change of status" to the rule text. A new rule is being promulgated to address an osteopathic faculty certificate.

SUMMARY: The Board proposes to amend Rule 64B15-12.008, F.A.C., by adding the word "renewal" and to change the processing fee to change of status fee. The Board is creating a new rule which will set forth the requirements necessary for a faculty member to obtain an osteopathic faculty certificate.

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: 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 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 #C03, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES 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 subsection 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 _____.

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: November 2, 2001

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES: Application for Board Approved Provider Status

RULE NOS.: 64B15-13.004

Standards for Board Approved Providers 64B15-13.0045

PURPOSE AND EFFECT: The Board is promulgating Rule 64B15-13.004, F.A.C. to set forth language for entities or individuals who wish to apply for provider status. Rule 64B15-13.0045, F.A.C., is also a new rule being created to address the standards for entities or individuals who wish to apply for provider status.

SUMMARY: The Board has determined that it is necessary to create two new rules which will address the proper procedure for entities or individuals who wish to apply for provider status and the standards required in order to obtain provider status.

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

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

SPECIFIC AUTHORITY: 456.027, 459.005, 459.0055 FS.

LAW IMPLEMENTED: 456.027, 459.0055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES 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 subsection 64B15-10.010(1), F.A.C., 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, F.A.C.; 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 subsection 64B15-15.010(2), F.A.C. 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, F.A.C., 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, F.A.C., 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 _____.

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: November 2, 2001

FIRST OFFENSE: reprimand and denial of \$10,000 ~~\$5,000~~ fine licensure or suspension to be followed by probation and \$10,000 fine

DEPARTMENT OF HEALTH Board of Osteopathic Medicine

RULE TITLE: Violations and Penalties RULE NO.: 64B15-19.002

PURPOSE AND EFFECT: The purpose of the rule amendments is to increase the fine in subsection (14) of this rule and add new offenses for which the Board may impose a penalty.

SUMMARY: The Board is amending this rule to include new offenses for which the Board shall impose penalties and the fine for deceptive, untrue or fraudulent misrepresentations in the practice of medicine is being increased from \$5,000 to \$10,000.

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

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

SPECIFIC AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE 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.)

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,

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: November 2, 2001

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF INSURANCE

<p>RULE NOS.:</p> <p>PART V GROUP HEALTH INSURANCE POLICIES</p> <p>4-154.402</p> <p>4-154.403</p> <p>4-154.404</p> <p>4-154.405</p> <p>4-154.406</p> <p>4-154.407</p> <p>4-154.4071</p> <p>4-154.408</p> <p>4-154.411</p> <p>4-154.412</p> <p>PART VI SMALL GROUP HEALTH INSURANCE POLICIES</p> <p>4-154.502</p> <p>4-154.503</p> <p>4-154.504</p> <p>4-154.506</p> <p>4-154.507</p> <p>4-154.508</p> <p>4-154.511</p> <p>4-154.512</p> <p>4-154.513</p> <p>4-154.514</p> <p>4-154.515</p> <p>4-154.516</p>	<p>RULE TITLES:</p> <p>Applicability and Scope</p> <p>Definition of Terms</p> <p>Certificate of Creditable Coverage</p> <p>Alternative Method of Determining Creditable Coverage</p> <p>Demonstration of Creditable Coverage if Certificate Is Not Provided</p> <p>Notice of Plan's Pre-existing Condition Exclusion Period</p> <p>Pre-Existing Condition</p> <p>Special Enrollment Period Notification</p> <p>Prohibited Discrimination</p> <p>Group Conversion Election and Premium Notice Form</p> <p>Applicability and Scope</p> <p>Definitions</p> <p>Requirement to Insure Entire Groups</p> <p>Certificate of Creditable Coverage</p> <p>Alternative Method of Determining Creditable Coverage</p> <p>Demonstration of Creditable Coverage if Certificate is Not Provided</p> <p>Discontinuance or Modification of Policy Form</p> <p>Prohibited Discrimination</p> <p>Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement</p> <p>Designation of Election to Become a Risk-Assuming or Reinsuring Carrier</p> <p>Change of Status of Small Employer Carrier's Election to Become Risk-Assuming Carrier or Reinsuring Carrier</p> <p>Prohibited Discrimination</p>
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<p>4-154.517</p> <p>4-154.518</p> <p>4-154.5181</p>	<p>Group Conversion Election and Premium Notice Form</p> <p>Notice of Plan's Pre-Existing Condition Exclusion Period</p> <p>Pre-Existing Condition</p>
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NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 26, No. 25, June 23, 2000, of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF INSURANCE

<p>RULE NOS.:</p> <p>4-186.003</p> <p>4-186.008</p>	<p>RULE TITLES:</p> <p>Title Insurance Rates</p> <p>Escrow Requirements</p>
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NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 21, May 25, 2001, of the Florida Administrative Weekly.

Rule 4-186.003 is changed to read:

The following is a substantial rewrite of Rule 4-186.003. See the Florida Administrative Code for the current wording.

4-186.003 Title Insurance Rates.

The following are risk rate premiums to be charged by title insurers in this state for the respective types of title insurance contracts. To compute any insurance premium on a fractional thousand of insurance (except as to minimum premiums), multiply such fractional thousand by the rate per thousand applicable, considering any fraction of \$100.00 as a full \$100.00.

(1) Original Title Insurance Rates.

(a) For owner and leasehold title insurance:

1.a. The Premium for the original owner's or for leasehold insurance shall be:

	<u>Per Thousand</u>	<u>Minimum Insurer Retention</u>
<u>From \$0 to \$100,000 of liability written</u>	<u>\$5.75</u>	<u>30%</u>
<u>From \$100,000 to \$1 million, add</u>	<u>\$5.00</u>	<u>30%</u>
<u>Over \$1 million to and up to \$5 million, add</u>	<u>\$2.50</u>	<u>35%</u>
<u>Over \$5 million and up to \$10 million, add</u>	<u>\$2.25</u>	<u>40%</u>
<u>Over \$10 million, add</u>	<u>\$2.00</u>	<u>40%</u>

b. The minimum premium for all conveyances except multiple conveyances shall be \$100.

c. The minimum premium for multiple conveyances on the same property shall be \$60.

2. In all cases the owner's policy shall be issued for the full insurable value of the premises.

(b) For mortgage title insurance:

1.a. The premium for the original mortgage title insurance shall be:

	<u>Per Thousand</u>	<u>Minimum Insurer Retention</u>
<u>From \$0 to \$100,000 of liability written</u>	<u>\$5.75</u>	<u>30%</u>
<u>From \$100,000 to \$1 million, add</u>	<u>\$5.00</u>	<u>30%</u>
<u>Over \$1 million and up to \$5 million, add</u>	<u>\$2.50</u>	<u>35%</u>
<u>Over \$5 million and up to \$10 million, add</u>	<u>\$2.25</u>	<u>40%</u>
<u>Over \$10 million, add</u>	<u>\$2.00</u>	<u>40%</u>

b. The minimum premium for all conveyances except multiple conveyances shall be \$100.

c. The Minimum premium for multiple conveyances on the same property shall be \$60.

2. A mortgage title insurance policy shall not be issued for an amount less than the full principal debt. A policy may, however, be issued for an amount up to 25 percent in excess of the principal debt to cover interest and foreclosure costs.

(2) Reissue Rates

(a)1. The reissue premium charge for owner's, mortgage, and leasehold title insurance policies shall be:

	<u>Per Thousand</u>
<u>Up to \$100,000 of liability written</u>	<u>\$3.30</u>
<u>Over \$100,000 and up to \$1 million, add</u>	<u>\$3.00</u>
<u>Over \$1 million and up to \$10 million, add</u>	<u>\$2.00</u>
<u>Over \$10 million, add</u>	<u>\$1.50</u>

2. The minimum premium shall be \$100.00.

(b) Provided a previous owner's policy was issued insuring the seller or the mortgagor in the current transaction and that both the reissuing agent and the reissuing underwriter retain for their respective files copies of the prior owner's policy or policies, the reissue premium rates in paragraph (a) shall apply to:

1. Policies on real property which is unimproved except for roads, bridges, drainage facilities, and utilities if the current owner's title has been insured prior to the application for a new policy:

2. Policies issued with an effective date of less than 3 years after the effective date of the policy insuring the seller or mortgagor in the current transaction; or

3. Mortgage policies issued on refinancing of property insured by an original owner's policy which insured the title of the current mortgagor.

(c) Any amount of new insurance, in the aggregate, in excess of the amount under the previous policy shall be computed at the original owner's or leasehold rates, as provided in subsection (1).

(3) New Home Purchase Discount.

(a) Provided the seller has not leased or occupied the premises, the original premium for a policy on the first sale of residential property with a one to four family improvement that is granted a certificate of occupancy shall be discounted by the amount of premium paid for any prior loan policies insuring the lien of a mortgage executed by the seller on the premises.

(b) In the case of prior loan policies insuring the lien of a mortgage on multiple units or parcels, the discount shall be prorated by dividing the amount of the premium paid for the prior loan policies by the total number of units or parcels without regard to varying unit or parcel value.

(c) The minimum new home purchase premium shall be \$200. The new home purchase discount may not be combined with any other reduction from original premium rates provided for in this section.

(d) The insurer shall reserve for unearned premiums only on the excess amount of the policy over the amount of the actual or prorated amount of the prior loan policy.

(4)(5) Substitution Loan Rates. The following risk premium for substitution loans shall apply:

(a) through (b) No change.

(c) In the case of a substitution loan of \$250,000 or more, when the same borrower and any lender make a substitution loan on the same property, the title to which was insured by an insurer in connection with the previous loan, the premium for such substitution loans shall be the rates as set forth in paragraphs (a) and (b).

(5)(6) No change.

(6)(3) Contract Purchaser – Lessee Rates. If a contract purchaser, who has obtained a policy from an insurer insuring his contract, and thereafter obtains a deed given in pursuance of the contract, makes application for an owner's policy, and surrenders the policy, insuring his contract; or a lessee who has obtained a leasehold policy of an insurer, insuring his lease, and thereafter purchases the property, makes application for an owner's policy, and surrenders such policy, the re-issue risk rate shall be:

Up to \$100,000 of liability written 25% of the rates set forth in subsection (1)
 Over \$100,000 add 20% of the rates set forth in subsection (1)
 Minimum premium shall be \$100.00

~~(7) Unmarketability of Title Coverage Required. Every title insurance policy issued after the effective date of this Rule shall include coverage up to the face amount of the policy against loss or damage due to the unmarketability of such title. Unless otherwise prohibited by law, this requirement shall not preclude a title insurer from inserting specific exceptions under schedule B of the policy as to specific matters affecting the title. This subsection shall not affect policies issued pursuant to commitments or binders for policies issued prior to the effective date of this rule unless the additional premium is paid and unmarketability of title coverage is agreed upon by the insured and the insurer.~~

~~(8) Rate Deviation. The legislature has made provision for rate deviation. A title insurer may petition the Department for an order authorizing a specific deviation from the adopted risk premium, and a title insurer or title agent may petition the Department for an order authorizing and permitting a specific deviation above the reasonable charge for other services rendered as specified in section 627.782(1), Florida Statutes.~~

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

~~(9)(11)~~ Minimum Retention of Premium by Insurer.

(a) A title insurer shall receive and retain at least 30 % of the risk premium for policies sold by agents in accordance with Minimum Insurance Retention Schedule, including risk premium for endorsements, and it shall not be decreased, directly or indirectly, by an insurer providing services to any agent for less than actual cost.

(b) through (c) No change.

~~(10)(12)~~ No change.

~~(11)(13)~~ Unlawful Rebates or Abatement of Charges.

(a) through (b) No change.

~~(e) Charges by an insurer for title searches, abstracting, and examination of title shall be billed and collected within 60 days of closing or within 90 days of furnishing such services if there has been no closing.~~

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

(12) Subsections (1) through (4) of this rule shall become effective July 1, 2002. The remainder of the rule shall become effective 20 days after adoption.

Specific Authority 624.308(1), 626.9611, 626.782, 627.7825, FS. Law implemented 624.307(1), 626.9541(1)(h)3.a., 627.777, 627.782, 627.7825, 627.783, 627.7831, 627.7841, 627.7845 FS. History—New 9-17-71, Amended 12-28-73, Repromulgated 12-24-74, Amended 4-12-82, 12-23-82, Formerly 4-21.03, Amended 6-25-86, 2-26-90, 7-26-90, 2-27-91, Formerly 4-21.003, Amended _____.

Rule 4-186.008: Section 627.776(1)(m), F.S. is deleted from law implemented.

The remainder of the rule reads as previously published.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

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

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. 42, October 19, 2001, issue of the Florida Administrative Weekly.

The changes, which are technical and non-substantive, are made in response to a comment from the Joint Administrative Procedures Committee.

Paragraph (5)(b) is changed to read:

(b) Immediate Final Orders. The Department shall issue an Immediate Final Order stating the removal quarantine and control methods to be implemented on the infected or exposed citrus located on the property. It may be delivered in person, by certified mail or similar common carrier, or attached to a conspicuous place on that posted on the property. Immediate final orders are not required for removal control action in commercial citrus groves provided the owner agrees voluntarily to the removal control action and enters into an agreement not to sue with the Department. The Immediate Final Orders to be used by the Department in furtherance of the destruction of citrus trees under this rule, Form No. 01262, and Form No. 01263, both effective August 7, 2001, are hereby incorporated by reference. The incorporated forms are available upon written request to the Department's Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100. Simultaneously with the delivery of an Immediate Final Order pursuant to this Section, the Department shall also provide the following information to the property owner:

1. The physical location of the infected tree which has necessitated destruction of the property owner's tree;
2. The diagnostic report which resulted in the determination that the infected tree is infected with the citrus canker; and
3. The distance between the infected citrus tree and the property owner's citrus trees.

The remainder of the rule reads as previously published in the October 19, 2001, issue of the Florida Administrative Weekly.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER NO.: 5F-8
 RULE CHAPTER TITLE: Permitting and Inspection Requirements for Amusement Rides
 RULE NOS.: 5F-8.001, 5F-8.012
 RULE TITLES: Definitions, Fees

NOTICE OF CHANGE

Notice is hereby Given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 43, on October 26, 2001, of the Florida Administrative weekly.

5F-8.001 Definitions.

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

(1) through (3) No change.

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

Amusement Ride Manufacturer	Amusement Ride Name
<u>Allen Hershell</u>	<u>Flying Bobs</u>
Arrow Dynamics	Flume Ride
<u>Bertazzon</u>	<u>Super Himalaya</u>
Blackmon Engineering	Vertical Accelerator
Bruno Rixen	Cable Water Ski, Knee Ski
Bungee Adventure	Ejection Seat, Ripline
Chance Rides	Century Wheel, Giant Wheel, Chaos, Falling Star, Gentle Giant, Gondola Wheel, Inverter, Slingshot, Sky Wheel, <u>Flying Bobs, Alpine Bobs, Thunderbolt, Rock-n-Roll, Music Fest, Himalaya</u>
<u>Cosmont</u>	<u>Jaguar Express</u>
Euro Rides	Double Shock, Shock Wave
FarFabri/Fabbri	Backlash, Banzi, Bonzai, Crazy Dance, Evolution, Flipper, Footloose, Force 10, Megadrops, Space Loop
Funtime	Ejection Seat
Funtime Handles	Slingshot
Future Amusements	Wild Thang

Gravity Works	Blender, Ejection Seat, Skyscraper
Harper & Parsons	Vertical Accelerator
Heinrich Mack	Runaway Trains, <u>See Sturm Bahn, Raupen Bahn, Polar Express, Cortina Bob</u>
Inta Fair Holland	Giant Wheel
Huss Heiner	1001 Nachts, Enterprise, Pirate, Pirate Ship, Rainbow, Top Spin, Tornado
Intamin Inc.	Island In the Sky, Parachute Ride
K.T. Emmitt	Devastator
K.T. Enterprises	Twister
K.M.G.	Fireball, Wild Claw
Leap of Faith	Wild Claw
<u>Majestic Rides Mfg.</u>	<u>Music Express</u>
MCL Park	Giant Wheel, Gondola Wheel
Modail	Space Roller
Mulligan Enterprises	Giant Wheel, Gondola Wheel
O.D. Hopkins	Sky Lift, Sky Ride, Sky Glider
Philadelphia Toboggan	Roller Coaster
Pinfari	Looping Roller Coaster, Zyclon
Pro Drag LLC	Nitro Alley Dragster
Reverchon	Explorer, Log Flume, White Water, Niagra Flume, Roc-N-Rapids, White Water Flume, Wild River, <u>Himalaya, Bee Bop Express, Polar Express</u>
Rides R Us	Human Slingshot
S & S Power	Double Shot Towers, Snow Shot, Space Shot
Schiff	Roller Coaster
Schwarzkopf	Dopple Loop, Log Flume, Wildcat Coaster, <u>Swiss Bobs</u>
S.P.C.	Moonraker, Mark I, Gondola Wheel, Pirate Ship, Hang 10
Sky Fun I	Sky Coaster
Sky Venture	Sky Venture

Soriani Moser	Crazy Flip, Dream Machine, Drop of Fear, Extacy, Flip N Out, G Force, Star Force, Wild River Raft, Wind Shear
Coaster Works The Joseph Co. Top Fun Tivoli	Dania Beach Hurricane Vertical Accelerator Terminator Force 10, Spinout, Orbitor, Predator, Scorpion, Typhoon
Tower Specialties	Ricky's Rocket, Vertical Accelerator
Universal Zierer	Sky Ride Flitzer, Racing Flitzer, Wave Swinger
Zamperla	Energy Storm, Mixer, Power Surge, Turbo Force, Windstorm Roller Coaster, Wave Swinger

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

5F-8.012 Fees.

(1) The following fees are adopted:

- (a) Annual permit for any amusement ride: \$400.00
~~300.00~~
- (b) Annual permit for any Bungy jump : \$500.00
- (c) Inspection fee for each inspection of a kiddie amusement ride: \$35.00 ~~25.00~~
- (d) Inspection fee for each inspection of a non-kiddie amusement ride: \$70.00 ~~50.00~~
- (e) Inspection fee for each inspection of a super amusement ride: \$140.00
~~100.00~~
- (f) Inspection fee per go cart, in addition to the track inspection fee: \$5.00
- (g) Reinspection fee: \$400.00
~~300.00~~
- ~~(h)~~(g) Fee to replace a lost U.S. Amusement Identification (USAID) plate: \$100.00
- ~~(i)~~(h) Fee per amusement ride for late inspection request: \$100.00
- ~~(j)~~(i) Fee per amusement ride for failure to cancel inspection request: \$100.00
- ~~(k)~~(j) Fee per amusement ride for inspection on weekend or state holiday: \$50.00 ~~25.00~~

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

The remainder of the rules read as previously published.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-4.0021	Florida Teacher Certification Examination
6A-4.00821	Florida Educational Leadership Examination

NOTICE OF CONTINUATION

Notice is hereby given that the above rules, as noticed in Vol. 26, No. 43, October 26, 2001, Florida Administrative Weekly was continued from November 27, 2001 to January 29, 2002.

DEPARTMENT OF REVENUE

**NOTICE OF CABINET AGENDA ON
DECEMBER 18, 2001**

The Governor and Cabinet, on December 18, 2001, sitting as head of the Department of Revenue, will consider approval of proposed Rules 12A-19.010, F.A.C. (Registration), 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), 12A-19.030, F.A.C. (Communications Services Tax Direct Pay Permits, 12A-19.041, F.A.C. (Residential Exemption from the Communications Services Tax), 12A-19.042, F.A.C. (Governmental Exemption from the Communications Services Tax), 12A-19.043, F.A.C. (Religious and Educational Organizations Exemption from the Communications Services Tax), 12A-19.050, F.A.C. (Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections), and 12A-19.060, F.A.C. (Sales for the Purpose of Resale). A Notice of Rule Development Workshop was published in the June 1, 2001 edition of the Florida Administrative Weekly (Vol. 27, No. 22, pp. 2608-2619), and the workshop was held on June 26, 2001. Changes were included in the proposed rules, in response to comments received at the rule development workshop and in writing. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on October 19, 2001 (Vol. 27, No. 42, pp. 4866-4878), and a public hearing was conducted on November 13, 2001. No testimony was received at the public hearing. Written comments were submitted in response to the Notice of Proposed Rulemaking. No changes were made in response to those comments. After the public hearing, additional written comments were received from the Joint Administrative Procedures Committee of the Florida Legislature. The Department incorporated changes to the proposed rules to address these comments. A Notice of Change incorporating these changes is being published in this issue of the Florida Administrative Weekly.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-19.020	Tax Due at Time of Sale; Tax Return and Regulations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed creation of Rule 12A-19.020, F.A.C., published in Vol. 27, No. 42, pp. 4866-4878, October 19, 2001, issue of the Florida Administrative Weekly, and to forms DR-700016, DR-700020, and DR-700021, incorporated by reference in proposed Rules 12A-19.010, 12A-19.020, and 12A-19.050, F.A.C., all of which were published in the same issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee on November 19, 2001 and November 27, 2001.

The change to paragraph (2)(b) of proposed Rule 12A-19.020, F.A.C., addresses concerns that the proposed language imposed a penalty that was not supported by statute for failure to provide required information to the Department of Revenue. Paragraph (2)(b) of Rule 12A-19.020, F.A.C., has been changed, so that, when adopted, that paragraph will read as follows:

(b) Except as provided herein, all communications services tax dealers must notify the Department of the method or methods the dealer will employ to determine local taxing jurisdictions in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (incorporated by reference in Rule 12A-19.010, F.A.C.). If a communications services tax dealer that is required to notify the Department of the method to be used to determine local taxing jurisdictions fails to notify the Department that the dealer will use a method described in subparagraph (a)1., the dealer will be assigned an initial collection allowance of .25 percent. If a dealer is assigned a collection allowance of .25 percent due to failure to notify the Department of use of a method described in subparagraph (a)1., the dealer will be assigned a .75 percent collection allowance upon subsequently providing a completed form DR-700020. The dealer will be entitled to a refund or credit of the difference between the .25 percent collection allowance initially assigned and the .75 percent collection allowance during any period the dealer was using an eligible method and claiming the lower allowance prior to notifying the Department. The following persons are not responsible for collecting and remitting local communications services taxes and are not required to file form DR-700020:

1. Direct-to-home satellite providers;
2. Substitute communications system operators;
3. Resellers of prepaid calling arrangements;
4. Direct pay permit applicants with no obligation to collect and remit local communications services taxes;
5. Pay telephone operators; and

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

To conform to the change in proposed Rule 12A-19.020(2)(b), F.A.C., the instructions to form DR-700020, incorporated by reference in proposed Rule 12A-19.010, F.A.C., have been changed, so that, when adopted, the following language will be deleted from the General Information section on the second page:

What if I do not file my notification?

Dealers who fail to file this Notice will automatically receive the lesser collection allowance of .25 percent (.0025) for taxes paid on time. Also, when audited, the business may not qualify for the hold harmless provisions under the law for any of its databases.

The Joint Administrative Procedures Committee also commented that the use of the word “penalties” in subsection (6) of proposed Rule 12A-19.020, F.A.C., was inappropriate because the statutory provision referenced in that subsection provided only a single penalty. Subsection (6) has been changed, so that, when adopted, that subsection will read as follows:

(6) A return for communications services tax filed with the Department that does not include the required schedules as indicated on the return is considered an “incomplete return” and subject to penalty as provided in s. 202.28(1), F.S.

The Joint Administrative Procedures Committee also objected to an instruction on page 20 of form DR-700016 that stated, “Adjustments or credits on transactions that occurred prior to October 1, 2001, must be submitted on Form DR-26, Application for Refund.”

The language will be replaced with the following: “Adjustments or credits on transactions that occurred prior to October 1, 2001 may be claimed by filing a Form DR-26, Application for Refund, or by completing Schedule IV.”

The Joint Administrative Procedures Committee also noted that the instructions to form DR-700021 provided that the effective date of local government emergency rate changes had to be “no less than 90 days” after adoption of the new rate and referred to expiration of the “90-day period” prior to the effective date of the change. The correct period under the statutes is 60 rather than 90 days. The form instructions have been revised to replace “90” with “60.”

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-40	Highway Beautification and Landscape Management
RULE NO.:	RULE TITLE:
14-40.030	Application and Permit Issuance

CHANGE NOTICE

SUMMARY OF CHANGE: Changes are being made in response to comments from the Joint Administrative Procedures Committee and a public hearing.

1. 14-40.030 (1)(c): The term "or the sign owner" is deleted from the first sentence. The word "properly" is deleted before "qualified individual" is deleted from the second sentence.
2. 14-40.030 (1)(c)1.: The comma is deleted between "E-mail address" and "if available" and "owner's" is changed to "permit holder's."
3. 14-40.030 (1)(c)3.: The end of the second sentence is revised to read: ". . . be removed, cut, or trimmed."
4. 14-40.030 (1)(c)4. and 5.: The term "if applicable" is changed to "if mitigation is required." Also, for consistency, "if mitigation is required" also is added to the end of #5.
5. Figure 3: The date in the top caption is changed from July 1, 1996, to January 19, 1999, which was the effective date of the previous amendment to this rule.
6. 14-40.030 (2)(f) is revised to read as follows:

"(f) Applications shall be approved or denied within 90 days of the receipt of a completed application. The Department will notify the applicant of any apparent errors or omissions and request any additional information within 30 days of receipt of an application. When an application is denied, no application fee will be charged for a revised application submitted within 90 days after the date shown on the notice of denial."

7. 14-40.030(3)(a)1.: The revision date for the "Fertilization" publication is corrected to 1998, instead of 1999, and "(Part 2)" is inserted so that the sentence reads as follows: "American National Standards Institute *Tree Shrub and Other Woody Plant Maintenance-Standard Practices, 1995, and Fertilization, 1998, Publication #A300 (Part 2), and Tree-Pruning Guidelines* authored and published by the International Society of Arboriculture, 1995, which are hereby (ANSI A300) ~~publication~~, incorporated by reference herein."

Notice was published in Florida Administrative Weekly, Vol. 27, No. 41, October 12, 2001, Pages 4716 through 4725.

INSERT MAP

PAGE 1 OF 1

DEPARTMENT OF TRANSPORTATION

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 27, No. 35, Florida Administrative Weekly, dated August 31, 2001, has been withdrawn. A revised notice will be submitted for publication in a future issue of the Florida Administrative Weekly.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Cost Containment Board

RULE NOS.:	RULE TITLES:
59E-5.101	Definitions
59E-5.102	Florida Hospital Uniform Reporting System
59E-5.103	Reporting Requirements
59E-5.201	Prior Year Report Requirements
59E-5.205	Notice of Violation and Response
59E-5.605	Public Medical Assistance Trust Fund Assessments

NOTICE OF WITHDRAWAL

Notice is hereby given that the amendments to the above rules, as noticed in Vol. 27, No. 32, August 10, 2001, Florida Administrative Weekly have been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE NO.:	RULE TITLE:
59G-6.020	Payment Methodology for Inpatient Hospital Services

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 MANAGEMENT SERVICES

Human Resource Management

RULE NO.:	RULE TITLE:
60L-29.002	Definitions

NOTICE OF CHANGE

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly, has been changed as follows:

Paragraph (5) of Rule 60L-29.002, Definitions, was changed to read as follows:

(5) State Personnel System” means the employment system comprised of positions within the career service, selected exempt service, or senior management service, and within all agencies except those in the State University System, the Florida Lottery, the Legislature, the Justice Administrative System Commission, or the State Courts System.

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NO.:	RULE TITLE:
60L-30.003	Technical Assistance

NOTICE OF CHANGE

Notice is hereby given that the above rule, as originally noticed in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly, and amended by notice in Vol. 27, No. 46, November 16, 2001, Florida Administrative Weekly (originally numbered 60L-30.007 and renumbered 60L-33.003 following withdrawal of other rules), has been changed as follows:

60L-30.003 Technical Assistance; Oversight.

(+) The Department shall provide, or arrange for an outside vendor to provide, technical assistance to the employing agencies in carrying out the requirements of these rules of the State Personnel System.

~~(2) The Department shall provide oversight of the employing agencies' actions in carrying out the rules of the State Personnel System.~~

~~(a) Reports of the Department's review shall be designed to assist the employing agencies to improve their operating procedures and to comply with the requirements of these rules.~~

~~(b) A Department representative shall discuss each report with the official whose office was reviewed, and shall submit to that official a list of findings.~~

~~(c) Within thirty days after the receipt of the report and list of findings, the official whose office was reviewed shall submit to the Department a written explanation or rebuttal concerning all adverse findings, including corrective action to be taken.~~

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NO.:	RULE TITLE:
60L-31.004	Exercise of Classification Authority

NOTICE OF CHANGE

Notice is hereby given that the above rule, as originally noticed in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly, and amended by notices in Vol. 27, No. 46, November 16, 2001, Florida Administrative Weekly, and Vol. 27, No. 47, November 21, 2001, Florida

Administrative Weekly (originally numbered 60L-31.005 and renumbered 60L-31.004 following withdrawal of other rules), has been changed as follows:

(1) Each employing agency shall have the authority and responsibility to classify positions authorized by the Legislature or authorized pursuant to Chapter 216, Florida Statutes, to classify positions that are added in lieu of positions deleted pursuant to Chapter 216, Florida Statutes, to reclassify established positions, and to correct errors in classification; provided, that absent an express written delegation of authority by the Department, agencies shall not have authority to ~~(a) classify positions within the selected exempt service or senior management service or~~ (b) reclassify positions between the various services (selected exempt service, ~~or~~ senior management service, and career service).

(2) through (5) No change.

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.:	RULE TITLES:
60L-32.0012	Salary Additives
60L-32.0013	Reduction in Pay

NOTICE OF CHANGE

Notice is hereby given that the above rules, as originally noticed in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly, and amended by notice in Vol. 27, No. 46, November 16, 2001, Florida Administrative Weekly, and Vol. 27, No. 47, November 21, 2001, Florida Administrative Weekly, have been changed as follows.

Paragraph (2) of Rule 60L-32.0012, Salary Additives (originally numbered 60L-32.0032 and renumbered 60L-32.0012 following withdrawal of other rules), was changed as follows.

(a) through (h) No change.

(i) Critical Market Pay Additive – An agency shall not grant this additive without Department approval. This additive is justified when pay for a position is substantially below the prevailing market rate, resulting in hiring and retention difficulties. In considering requests for this additive, the Department shall conduct all relevant analyses to determine the need for a pay adjustment for the position. An agency requesting this additive shall assist the Department in any analyses the Department requests.

Rule 60L-32.0013, Reduction in Pay (originally numbered 60L-32.0033 and renumbered 60L-32.0013 following withdrawal of other rules), was changed as follows.

An agency may reduce an employee's base rate of pay even if reduction is not required by this chapter. The following actions shall not constitute a reduction in pay: removal of salary additives; ~~or~~ actions to correct overpayments resulting from erroneous application of the Florida Statutes, legislative appropriation, Department rules, or agency pay procedures; or salary adjustments agreed to in lieu of a workforce reduction.

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.:	RULE TITLES:
60L-33.002	General Principles
60L-33.003	Status Upon Appointment
60L-33.004	Permanent Status

NOTICE OF CHANGE

Notice is hereby given that the above rules, as originally noticed in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly, and amended by notice in Vol. 27, No. 47, November 21, 2001, Florida Administrative Weekly, have been changed as follows.

Paragraph (2) of Rule 60L-33.002, General Principles, was changed as follows:

(2) Any person appointed to a position must meet any minimum qualifications established for the class (or equivalent qualifications) and any required entry-level knowledge, skills, and abilities for the position, unless the appointment is with trainee or temporary status in accordance with Rule 60L-33.003(2)(b)(~~d~~) or (c)(e).

Rule 60L-33.003, Original Appointments, was changed as follows:

60L-33.003 Status Upon Original Appointments.

~~(1) All appointments to established positions shall be considered original appointments, except for the following within the career service: a promotion, demotion, or reassignment appointment within both (a) the same agency and (b) the same occupational group, as that term is used following approval and implementation of the classification and compensation program required by section 110.2035, Florida Statutes.~~

~~(2) Upon original appointment, as defined above, an employee shall be given status in accordance with the following:~~

~~(a) Probationary Status – An employee appointed to fill a career service position shall be given probationary status, unless all of the following criteria are satisfied: (i) the employee is moving from one career service position to another; (ii) the employee has permanent status before the move; and (iii) the move results from an event wholly beyond the employee's control, for example, where the Legislature reorganizes agencies without intending to affect employees' status. Rule 60L-33.004 governs changes from probationary status to permanent status.~~

~~(b) Exempt Status – An employee appointed to fill a position not in the career service shall be given exempt status.~~

~~(c) Overlap Status – An employee shall be given overlap status when appointed to perform the duties of another employee in a filled position.~~

(d) Temporary Status — An employee shall be given temporary status when temporarily appointed to fill a vacant position. The appointment shall be for no more than 1040 hours during any twelve-month period, absent the Department's approval of a written request for extension.

(e) Trainee Status — An employee appointed to a position as a trainee shall be given trainee status in accordance with the trainee program developed by the agency. The program shall include an outline of the proposed pay schedule for the training period, including justification for the proposed schedule. Upon successful completion of the trainee program, the employee may be appointed to a position in the same class requiring the same entry level knowledge, skills, and abilities. An agency may approve appointments with trainee status in the following programs: cooperative education program; vocational rehabilitation or blind services program; agency trainee program; or return to work program.

(1) An employee appointed to fill a position not in the career service shall be given exempt status. If the employee is appointed to perform the duties of another employee in a filled position, the employee shall also be given overlap status.

(2) An employee appointed to fill a position in the career service shall be given status in accordance with the following:

(a) Overlap Status — An employee shall be given overlap status when appointed to perform the duties of another employee in a filled position. Time spent on overlap status shall count toward completion of a probationary period if, while on overlap status, the employee performed all of the duties of the position.

(b) Temporary Status — An employee shall be given temporary status when temporarily appointed to fill a vacant position. The appointment shall be for no more than 1040 hours during any twelve-month period, absent the Department's approval of a written request for extension. Time spent on temporary status shall not count toward completion of a probationary period.

(c) Trainee Status — An employee appointed to a position as a trainee shall be given trainee status in accordance with the trainee program developed by the agency. The program shall include an outline of the proposed pay schedule for the training period, including justification for the proposed schedule. Upon successful completion of the trainee program, the employee may be appointed to a position in the same class requiring the same entry-level knowledge, skills, and abilities. An agency may approve appointments with trainee status in the following programs: cooperative education program; vocational rehabilitation or blind services program; agency trainee program; or return to work program. Time spent on trainee status shall not count toward completion of a probationary period.

(d) Probationary or Permanent Status — An employee shall be given probationary status or permanent status in accordance with the following.

1. Upon original appointment, promotion or demotion to a different occupational level, or any time an employee moves between agencies, an employee shall be given probationary status unless a demotion is to a position in which the employee has previously held permanent status in the agency or unless the legislature has designated that an employee shall be moved but shall not have status as a new employee.

2. An employee appointed on probationary status shall attain permanent status in the career service upon successful completion of the designated probationary period.

3. Time spent on military leave shall count toward completion of the employee's probationary period, and an employee on military leave can attain permanent status while on such leave.

4. Part-time employees and employees filling shared employment positions shall attain permanent status in the same manner as full-time employees.

Rule 60L-33.004, Permanent Status, was deleted as follows:

60L-33.004 Permanent Status:

(1) An employee appointed on probationary status shall attain permanent status in the career service upon successful completion of the designated probationary period. If the employee later is appointed to a new agency or occupational group, the employee shall complete a new probationary period, subject to Rule 33.003(2)(a), before attaining permanent status.

(2) Time spent on temporary or trainee status shall not count toward completion of a probationary period. Time spent on overlap status shall count toward completion of a probationary period if, while on overlap status, the employee performed all of the duties of the position.

(3) Time spent on military leave shall count toward completion of the employee's probationary period, and an employee on military leave can attain permanent status while on such leave.

(4) Part-time employees and employees filling shared employment positions shall attain permanent status in the same manner as full-time employees.

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.:	RULE TITLES:
60L-34.002	General Agency Responsibilities
60L-34.0031	Regular Time and Overtime
60L-34.0032	Holidays
60L-34.004	General Requirements for Leave Earning, Approval, and Use
60L-34.0041	Annual Leave
60L-34.0042	Sick Leave
60L-34.0051	Family Supportive Work Program
60L-34.0061	Disability Leave

NOTICE OF CHANGE

Notice is hereby given that the above rules, as originally noticed in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly, and amended by notice in Vol. 27, No. 47, November 21, 2001, Florida Administrative Weekly, have been changed as follows.

Paragraph (4) of Rule 60L-34.002, General Agency Responsibilities, was deleted as follows (and subsequent subparagraphs redesignated accordingly):

~~(4) Train managers and supervisors in the administration of this chapter, with particular attention to the provisions of the FLSA as applicable to public employees.~~

Paragraph (3) of Rule 60L-34.0031, Regular Time and Overtime, was changed as follows:

(3) ~~Excluded positions in the selected exempt service and the senior management service are performance-based. Employees filling excluded positions in the selected exempt service and the senior management service these positions~~ are expected to work the necessary hours required, and shall not be paid overtime unless required by law or otherwise approved by the Department.

Paragraph (1) of Rule 60L-34.0032, Holidays, was changed as follows:

(1) All employees are entitled to observe the holidays identified in section 110.117 of the Florida Statutes; provided, that to be eligible for holiday pay, an employee must be in pay status (actual work or paid leave) for at least a portion of the workday before the holiday. If an excluded employee in a senior management service position or a selected exempt service position is unable to observe a holiday, the employee may take an alternate day off during the work period; provided, that if the employee is unable to observe the holiday, the employee is not eligible for special compensatory leave as described below.

Paragraph (8) of Rule 60L-34.004, General Requirements for Leave Earning, Approval, and Use, was changed as follows:

(8) Extra hours may be offset to avoid overtime at the end of the workweek, approved extended work period, or, for excluded employees, regular work period ~~for excluded employees~~; provided, the offset shall be made within these designated work periods.

Paragraph (5) of Rule 60L-34.0041, Annual Leave, was changed as follows:

(a) through (b) No change.

(c) If an employee moves from a position in the State Personnel System to a position outside the State Personnel System, the agency shall either transfer unused annual leave credits to the system into which the employee is transferring, or, if the new system will not accept the credits, pay for the credits subject to Rule 34.0041(6). For either transfer or payment, current year credits shall be prorated.

The history note of Rule 60L-34.0042, Sick Leave, was changed as follows:

Specific Authority 110.1055, 110.201, 110.219(5) FS. Law Implemented 110.121, 110.122, 110.219 FS. History--New _____.

The history note of Rule 60L-34.0051, Family Supportive Work Program, was changed as follows:

Specific Authority 110.1055, ~~110.120(1)~~, 110.1522, 110.219(5)(g),(h) FS. Law Implemented ~~110.121, 110.122, 110.219(5)(g),(h)~~, 110.221 FS. History--New _____.

Paragraph (2) of Rule 60L-34.0061, Disability Leave, was changed to read as follows:

(a) An agency with reason to believe that an employee is unable to perform assigned duties, or is otherwise interfering with the operations of the work unit, due to physical or mental illness or injury, shall request a report from the employee's doctor (including psychologist) concerning the employee's abilities or require the employee to submit to an ~~medical~~ examination by a ~~doctor~~ physician selected and paid for by the agency. The agency may place the employee on compulsory disability leave pending the doctor's ~~physician's~~ report. If the ~~medical~~ examination confirms that the employee is unable to perform assigned duties, the agency shall continue or place the employee on compulsory disability leave or take action to remove the employee from the position, including dismissal. The employee shall be notified in writing of the duration of the disability leave and the conditions under which the employee will be allowed to return to employment.

(b) No change.

(c) If the employee remains unable to perform at the end of an approved leave, the agency, based on a current doctor's ~~medical~~ certification, shall either request the employee's resignation for reasons of inability to perform assigned duties, or dismiss the employee for cause based on inability to perform assigned duties.

(d) If the employee refuses to submit to the doctor's ~~medical~~ examination, the agency shall decide based on the available information whether to request the employee's resignation for reasons of inability to perform assigned duties, or dismiss the employee for cause based on inability to perform assigned duties.

(e) No change.

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.:	RULE TITLES:
60L-36.002	Political Activities
60L-36.003	Sexual Harassment
60L-36.005	Disciplinary Standards

NOTICE OF CHANGE

Notice is hereby given that the above rules, as originally noticed in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly, and amended by notice in Vol. 27, No. 46, November 16, 2001, Florida Administrative Weekly, have been changed as follows.

Paragraph (1) of Rule 60L-36.002, Political Activities, was changed as follows:

Section 110.233(4)(a) of the Florida Statutes prohibits limits a career service employee's from holding, or being a candidate for, public office while in the employment of the state or taking any active part in a political campaign while on duty or within the period of time during which the employee is expected to perform services for which he or she receives compensation from the state political ability to engage in certain political activities without authorization by the employee's agency head and the Department. However, a career service employee may be a candidate for or hold public office when authorized by the agency head and approved by the Department as involving no interest which conflicts or activity which interferes with his or her state employment. The following procedures shall apply to requests for that authorization and approval.

(a) through (d) No change.

Paragraph (3) of Rule 60L-36.002, Political Activities, was changed as follows:

(a) through (b) No change.

(c) The employee solicits or accepts campaign contributions from ~~for~~ persons or entities that are regulated by, or otherwise do business with, the employee's department or agency.

Paragraph (2) of Rule 60L-36.004, Sexual Harassment, was changed as follows:

(2) Agencies shall make known to their employees that sexual harassment will not be tolerated. Each agency shall make available to employees a copy of this Rule 36.004 and a copy of the agency's procedures for investigating and resolving complaints of sexual harassment. Each employee shall acknowledge understanding and acceptance of this ~~prohibition~~ rule and the agency procedure, and documented written evidence of the acknowledgement shall be retained in the employee's personnel file.

Paragraph (3) of Rule 60L-36.004, Sexual Harassment, was changed as follows:

(3) Agencies shall develop and implement procedures to investigate and resolve complaints of sexual harassment. Agencies shall designate a person or persons to receive complaints of sexual harassment. Complaints shall be reduced to ~~in~~ writing, be signed by the complainant, and contain at least the following information:

(a) through (c) No change.

Paragraph (9) of Rule 60L-36.004, Sexual Harassment, was changed as follows:

(9) Any employee who knowingly files a false complaint of sexual harassment against another employee shall be subject to disciplinary action according to agency disciplinary policy.

Subparagraphs in paragraph (3) of Rule 60L-36.005, Disciplinary Standards, were changed as follows.

(a) Poor performance. Employees shall strive to perform at the highest level of efficiency and effectiveness; they Employees shall do more than "just get by." An employee may meet established minimum standards in the performance of job duties, but still be subject to discipline for poor performance.

(b) through (h) No change.

(i) Conviction of any crime, including a plea of nolo contendere and a plea of guilty with adjudication withheld.

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE CHAPTER NO.: 60Y-9
 RULE CHAPTER TITLE: Housing For Older Persons

RULE NO.: 60Y-9.007
 RULE TITLE: Housing for Older Persons

Registration and Documentation

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S. published in Vol. 27, No. 41, October 12, 2001, issue of the Florida Administrative Weekly:

(1) Communities or facilities claiming an exemption under section 760.29(4) shall may register with the commission and submit the required documentation to the commission in the manner prescribed by the commission. ~~See FCHR Housing Form s. 760.29(4), F.S.; FCHR Housing Form s. 760.29(4)(b)2., F.S.; FCHR Housing Form s. 760.29(b)(3), F.S.~~

(2) The registration and documentation letter ~~shall be mailed certified mail, return receipt requested and~~ shall contain in bold letters on the face of the envelope the words "Registration for Housing for Older Persons." And provide the date of mailing.

(5) ~~The Commission's registry is not admissible in an administrative or judicial proceeding with respect to proving whether or not the facility or community complies with the requirements of s. 760.29(4)(b)1., F.S., 760.29(4)(b)2., F.S., or s. 760.29(4)(b)3., F.S.~~

(6) ~~A facility or community may provide compliance with the requirements of s. 760.29(4)(b)1., F.S., 760.29(4)(b)2., F.S. or 760.29(4)(b)3., F.S., without participating in the registry pursuant to s. 760.29(4)(e), F.S. "Failure to comply with the requirements of s. 760.29(e), F.S. shall not disqualify a facility or community that otherwise qualified for the exemption provided in s. 760.29, F.S."~~

(8) ~~Any facility or community that knowingly submits false information in the documentation required by s. 760.29(4)(e), F.S., shall be assessed a \$500.00 fine to be paid into the commission's trust fund. "A community or~~

facility may impose an administrative fine not to exceed \$500 on a facility or community that knowingly submits false information in the documentation required by this paragraph. Such fine shall be deposited in the commission's trust fund."

Proposed wording of FCHR Housing Form s. 760.29(4)(b)1., F.S.

[LETTERHEAD OF FACILITY OR COMMUNITY]
[COMPLIANCE LETTER UNDER s. 760.29(4)(b)1., F.S.]

Date
Re: [name of facility or community]/Registration under s. 760.29(4)(b)1., F.S.

FCHR Executive Director
[FCHR Address]

Dear FCHR Executive Director:
Please acknowledge this registration by making it available to the public as well as placing this information on the Commission's website.

In addition, as President of the above mentioned facility or community, I hereby state that the facility or community complies with the requirements of s. 760.29(4)(b)1. provides that this facility or community is "housing for older persons" in that the housing is "provided under any state or federal programs that the commission has determined is specifically designed and operated to assist elderly persons."

FCHR Executive Director Correspondence, Registration
Thank you for your prompt assistance in this matter.
Sincerely,
Signature

[title of signatory and name of facility or community]
[notary for purpose of verification of identity of president]
Proposed wording of FCHR Housing Form s. 760.29(4)(b)2., F.S.

[LETTERHEAD OF FACILITY OR COMMUNITY]
[COMPLIANCE LETTER UNDER s. 760.29(4)(b)2., F.S.]

Date
Re: [name of facility or community]/Registration under s. 760.29(4)(b)2., F.S.

[FCHR Address]
Dear FCHR Executive Director:

Same as preliminary FCHR Housing Form s. 760.29(4)(b)1. with the following language being substituted for paragraph two of the letter:

In addition, as President of the above mentioned facility or community, I hereby state that the facility or community complies with the requirements of s. 760.29(4)(b)2., Florida Statutes, as amended. Sub subsection 760.29(4)(b)2. provides that this facility or community is "housing for older persons" in that the housing is "[I]ntended for, and solely occupied by, person, 62 years of age or older."

Proposed wording of FCHR Housing Form s. 760.29(4)(b)3., F.S.

[LETTERHEAD OF FACILITY OR COMMUNITY]
[COMPLIANCE LETTER UNDER s. 760.29(4)(b)3., F.S.]

Date
Re: [name of facility or community]/Registration under s. 760.29(4)(b)1., F.S.

FCHR Executive Director:
[FCHR Address]

Dear FCHR Executive Director:
Same as preliminary FCHR Housing Form s. 760.29(4)(b)1. with the following language being substituted for paragraph two of the letter:

In addition, as President of the above mentioned facility or community, I hereby state that the facility or community complies with the requirements of s. 760.29(4)(b)3., Florida Statutes, as amended. Sub subsection 760.29(4)(b)3. provides in pertinent part that this facility or community is "housing for older persons" in that the housing is "intended and operated for occupancy by persons 55 years of age or older" and meets all requirements for such statutory exemption to Florida's Fair Housing Act, Section 760.20, et seq., FS. Such requirements include in summary: (a) The facility or community must have 80% occupancy by at least one person 55 years or more; (b) The facility or community must publish and adhere to policies and procedures that demonstrate the intent to be "housing for older person;" and (c) The facility or community must comply with the rules made by the Secretary of the United States Department of Housing and Urban Development pursuant to 24 C.F.R. part 100 for verification of occupancy.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cecil Howard, General Counsel, Florida Commission on Human Relations, 325 John Knox Road, Building F, Suite 240, Tallahassee, FL 32303

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-15.006
RULE TITLE: General Information and Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 4, of the Florida Administrative Weekly on January 26, 2001, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-17.006
RULE TITLE: General Information and Form

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment, published in the Florida Administrative Weekly, Vol. 27, No. 11, March 16, 2001, has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 62B-26 Setback Line
 RULE NO.: RULE TITLE:
 62B-26.011 Description of the Pinellas County Coastal Construction Control Line

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 26, No. 51, December 22, 2000, of the Florida Administrative Weekly:

62B-26.011 Description of the Pinellas County Coastal Construction Control Line.

(1) through (3) No change.

METES AND BOUNDS DESCRIPTION FOR THE COASTAL CONSTRUCTION CONTROL LINE PINELLAS COUNTY, FLORIDA

DESCRIPTION OF THE COASTAL CONSTRUCTION CONTROL LINE (CCCL) IS ESTABLISHED IN COMPLIANCE WITH SECTION 161.053 OF THE FLORIDA STATUTES. SAID CONTROL LINE LYING ALONG THE COAST OF THE GULF OF MEXICO FROM MEAN HIGH WATER LINE AT THE NORTHERN END OF HONEYMOON ISLAND SOUTHERLY TO THE MEAN HIGH WATER LINE AT THE SOUTHERN END OF HONEYMOON ISLAND. THENCE RECOMMENCING AT THE MEAN HIGH WATER LINE AT THE NORTHERN END OF CALADESI ISLAND SOUTHERLY TO THE NORTH MEAN HIGH WATER LINE OF DUNEDIN PASS. THENCE RECOMMENCING AT THE SOUTH MEAN HIGH WATER LINE OF DUNEDIN PASS SOUTHERLY TO THE NORTH MEAN HIGH WATER LINE OF LITTLE PASS. THENCE RECOMMENCING AT THE SOUTH MEAN HIGH WATER LINE OF LITTLE PASS SOUTHERLY TO THE NORTH MEAN HIGH WATER LINE OF JOHNS PASS. THENCE RECOMMENCING AT THE SOUTH MEAN HIGH WATER LINE OF JOHNS PASS SOUTHERLY TO THE NORTH MEAN HIGH WATER LINE OF BLIND PASS. THENCE RECOMMENCING AT THE SOUTH MEAN HIGH WATER LINE OF BLIND PASS SOUTHERLY TO THE NORTH MEAN HIGH WATER LINE OF PASS-A-GRILLE CHANNEL. THENCE RECOMMENCING AT THE SOUTH MEAN HIGH WATER LINE OF BUNCES PASS ON MULLET KEY SOUTHERLY AND EASTERLY TO ITS TERMINUS AT THE MEAN HIGH WATER LINE OF TAMPA BAY.

SAID COASTAL CONSTRUCTION CONTROL LINE IS RELATED TO A SERIES OF "PERMANENT REFERENCE MONUMENTS" (P.R.M.) DESIGNATED AND HEREINAFTER REFERRED TO AS "15-90-DA01 THRU

15-90-DA03", "R001 PNLs 1990", "R022 PNLs 1974", "R032 PNLs 1974", "15-99-DA08A", "15-90-DA08", "R036 PNLs 1974", "15-99-DA07", "15-90-DA09", "15-99-DA10A", "15-99-DA11A", "NOS 6724 N", "15-77-B09A", "15-77-B09", "15-90-DA12", "15-90-DA12A", "R050 PNLs 1974", "15-99-DA13A", "15-99-DA13B", "15-90-DA14", "15-99-DA15A THRU 15-99-DA15D", "15-90-DA16", "15-90-DA17", "15-90-DA17A", "NARROW-D", "15-90-DA17B", "NARROW 1973", "NARROW-F", "15-99-DA17D", "15-99-DA17E", "15-90-DA18", "15-90-DA19", "15-90-DA19A", "REDINGTON-B THRU REDINGTON-D", "15-90-DA20", "15-99-DA21B", "15-77-B08", "15-90-DA22 THRU 15-90-DA25", "RAINEY 1973", "MADERIA", "15-90-DA25A THRU 15-90-DA25C", "15-90-DA26", "15-90-DA27", "15-90-DA27A", "RAINEY-J", "RAINEY-K", "PBE 144 68", "BLIND-D", "15-90-DA27B", "15-90-DA27D", "15-90-DA28", "15-90-DA29", "COE BLIND PASS", "PBE 133", "BLIND-P", "15-77-B04", "NOAA-D", "15-99-DA31", "NOAA 1973", "15-99-DA31A", "15-99-DA32", "NOAA-A", "NOS 6430 J 1988", "R170 PNLs 1974", "R172 PNLs 1990", "T174 PNLs 1977", "T177 PNLs 1977", "15-90-DA30", "DESOTO 1973", "15-90-B01-2", "DESOTO-B".

FOR MONUMENTS ESTABLISHED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, STATE OF FLORIDA, OR REFERRED TO BY STATION NAME FOR MONUMENTS ESTABLISHED BY NATIONAL GEODETIC SURVEY (N.G.S.). SAID PERMANENT REFERENCE MONUMENTS ARE ESTABLISHED ON THE WEST ZONE OF THE STATE OF FLORIDA PLANE COORDINATE SYSTEM. ALL STATIONS IN THIS DESCRIPTION ARE BASED ON NORTH AMERICAN 1983 DATUM ADJUSTMENT OF 1990.

THE BEARING BASE FOR THIS DESCRIPTION IS GRID NORTH, DETERMINED BY GLOBAL POSITIONING SYSTEM (G.P.S.) OBSERVATIONS MADE AT ALL PERMANENT REFERENCE MONUMENTS (P.R.M.).

COMMENCE AT P.R.M. R001 PNLs 1990; THENCE S 34 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 595.00 FEET TO THE POINT OF BEGINNING; THENCE N 16 DEG. 55 MIN. 07 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF SAINT JOSEPH SOUND, SAID POINT BEING THE NORTHERN TERMINUS OF THE COASTAL CONSTRUCTION CONTROL LINE FOR PINELLAS COUNTY; THENCE RETURN ALONG THE

SAME COURSE TO THE POINT OF BEGINNING; SAID POINT BEING S 34 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 595.00 FEET FROM (P.R.M.) R001 PNL5 1990.

THENCE S 16 DEG. 55 MIN. 07 SEC. W A DISTANCE OF 370.11 FEET TO A POINT;

THENCE S 05 DEG. 40 MIN. 31 SEC. W A DISTANCE OF 661.90 FEET TO A POINT;

THENCE S 06 DEG. 12 MIN. 57 SEC. W A DISTANCE OF 945.06 FEET TO A POINT;

THENCE S 01 DEG. 31 MIN. 21 SEC. W A DISTANCE OF 1146.15 FEET TO A POINT;

THENCE S 03 DEG. 42 MIN. 56 SEC. E A DISTANCE OF 763.91 FEET TO A POINT;

THENCE S 00 DEG. 03 MIN. 53 SEC. E A DISTANCE OF 207.31 FEET TO A POINT;

THENCE S 00 DEG. 37 MIN. 05 SEC. E A DISTANCE OF 1003.95 FEET TO A POINT;

SAID POINT BEING N 44 DEG. 45 MIN. 09 SEC. E A DISTANCE OF 1512.10 FEET FROM P.R.M. 15-90-DA-01.

THENCE S 27 DEG. 58 MIN. 45 SEC. E A DISTANCE OF 862.90 FEET TO A POINT;

THENCE S 42 DEG. 09 MIN. 25 SEC. E A DISTANCE OF 1075.26 FEET TO A POINT;

SAID POINT BEING N 73 DEG. 07 MIN. 36 SEC. E A DISTANCE OF 1429.70 FEET FROM P.R.M. 15-90-DA-02.

THENCE S 45 DEG. 42 MIN. 01 SEC. E A DISTANCE OF 1024.55 FEET TO A POINT;

THENCE S 56 DEG. 30 MIN. 30 SEC. E A DISTANCE OF 1107.39 FEET TO A POINT;

THENCE S 65 DEG. 18 MIN. 05 SEC. E A DISTANCE OF 663.85 FEET TO A POINT;

SAID POINT BEING N 57 DEG. 18 MIN. 26 SEC. E A DISTANCE OF 1537.30 FEET FROM P.R.M. 15-90-DA-03.

THENCE S 65 DEG. 18 MIN. 09 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF HURRICANE PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 57 DEG. 18 MIN. 26 SEC. E A DISTANCE OF 1537.30 FEET FROM P.R.M. 15-90-DA03.

RECOMMENCE AT P.R.M. R022 PNL5 1974, THENCE N 37 DEG. 56 MIN. 38 SEC. E A DISTANCE OF 1031.43 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 09 DEG. 14 MIN. 01 SEC. E TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE WESTERN SHORE OF SAINT JOSEPH SOUND; THENCE RETURN ALONG THE SAME

COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 37 DEG. 56 MIN. 38 SEC. E A DISTANCE OF 1031.43 FEET FROM P.R.M. R022 PNL5 1974.

THENCE S 09 DEG. 06 MIN. 51 SEC. W A DISTANCE OF 954.86 FEET TO A POINT;

THENCE S 33 DEG. 22 MIN. 48 SEC. W A DISTANCE OF 1092.11 FEET TO A POINT;

THENCE S 19 DEG. 22 MIN. 56 SEC. W A DISTANCE OF 1021.21 FEET TO A POINT;

THENCE S 27 DEG. 16 MIN. 23 SEC. E A DISTANCE OF 1588.30 FEET TO A POINT;

THENCE S 13 DEG. 39 MIN. 47 SEC. W A DISTANCE OF 1009.83 FEET TO A POINT;

THENCE S 22 DEG. 29 MIN. 50 SEC. W A DISTANCE OF 1005.17 FEET TO A POINT;

THENCE S 22 DEG. 34 MIN. 25 SEC. W A DISTANCE OF 930.69 FEET TO A POINT;

THENCE S 05 DEG. 06 MIN. 23 SEC. W A DISTANCE OF 940.49 FEET TO A POINT;

THENCE S 03 DEG. 58 MIN. 35 SEC. W A DISTANCE OF 1017.58 FEET TO A POINT;

SAID POINT BEING N 52 DEG. 31 MIN. 51 SEC. E A DISTANCE OF 1676.16 FEET FROM P.R.M. R032 PNL5 1974.

THENCE S 02 DEG. 38 MIN. 40 SEC. W TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF DUNEDIN PASS. THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 52 DEG. 31 MIN. 51 SEC. E A DISTANCE OF 1676.16 FEET FROM P.R.M. R032 PNL5 1974.

RECOMMENCE AT P.R.M. 15-99-DA-08A, THENCE S 40 DEG. 09 MIN. 26 SEC. W A DISTANCE OF 230.05 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 08 DEG. 36 MIN. 11 SEC. E A DISTANCE OF 548.17 FEET TO A POINT; THENCE N 48 DEG. 00 MIN. 00 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORE OF DUNEDIN PASS; THENCE RETURN ALONG THE SAME COURSES TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING S 40 DEG. 09 MIN. 26 SEC. W A DISTANCE OF 230.05 FEET FROM P.R.M. 15-99-DA-08A.

THENCE S 04 DEG. 45 MIN. 02 SEC. E A DISTANCE OF 362.24 FEET TO A POINT; THENCE S 07 DEG. 12 MIN. 57 SEC. E A DISTANCE OF 1019.07 FEET TO A POINT; SAID POINT BEING N 70 DEG. 39 MIN. 14 SEC. W A DISTANCE OF 557.46 FROM P.R.M. 15-90-DA-08.

THENCE S 01 DEG. 08 MIN. 11 SEC. E A DISTANCE OF 1122.52 FEET TO A POINT;

THENCE S 22 DEG. 35 MIN. 11 SEC. W A DISTANCE OF 445.90 FEET TO A POINT;

THENCE S 14 DEG. 05 MIN. 54 SEC. W A DISTANCE OF 527.08 FEET TO A POINT; SAID POINT BEING N 82 DEG. 13 MIN. 07 SEC. W A DISTANCE OF 1390.65 FEET FROM P.R.M. 15-99-DA-07.

THENCE S 04 DEG. 27 MIN. 42 SEC. W A DISTANCE OF 1000.33 FEET TO A POINT;

THENCE S 03 DEG. 17 MIN. 22 SEC. W A DISTANCE OF 658.59 FEET TO A POINT;

THENCE S 00 DEG. 30 MIN. 04 SEC. E A DISTANCE OF 343.01 FEET TO A POINT;

THENCE S 03 DEG. 09 MIN. 02 SEC. E A DISTANCE OF 994.20 FEET TO A POINT; SAID POINT BEING S 04 DEG. 55 MIN. 53 SEC. E A DISTANCE OF 151.73 FEET FROM P.R.M. 15-90-DA-09.

THENCE S 02 DEG. 52 MIN. 59 SEC. E A DISTANCE OF 543.99 FEET TO A POINT;

THENCE S 01 DEG. 01 MIN. 04 SEC. E A DISTANCE OF 497.18 FEET TO A POINT;

THENCE S 01 DEG. 36 MIN. 06 SEC. E A DISTANCE OF 1115.34 FEET TO A POINT;

THENCE S 03 DEG. 00 MIN. 13 SEC. W A DISTANCE OF 667.92 FEET TO A POINT; SAID POINT BEING S 39 DEG. 12 MIN. 37 SEC. E A DISTANCE OF 336.65 FEET FROM P.R.M. 15-99-DA-10A.

THENCE S 09 DEG. 54 MIN. 34 SEC. W A DISTANCE OF 505.54 FEET TO A POINT;

THENCE S 07 DEG. 20 MIN. 11 SEC. W A DISTANCE OF 856.01 FEET TO A POINT;

THENCE S 11 DEG. 31 MIN. 51 SEC. W A DISTANCE OF 988.96 FEET TO A POINT; SAID POINT BEING S 82 DEG. 03 MIN. 33 SEC. E A DISTANCE OF 169.16 FEET FROM P.R.M. 15-99-DA-11A.

THENCE S 06 DEG. 46 MIN. 49 SEC. W A DISTANCE OF 2016.58 FEET TO A POINT; SAID POINT BEING S 04 DEG. 59 MIN. 09 SEC. W A DISTANCE OF 1217.58 FEET FROM P.R.M. 15-77-B09A.

THENCE S 06 DEG. 53 MIN. 19 SEC. W A DISTANCE OF 607.91 FEET TO A POINT;

THENCE S 76 DEG. 36 MIN. 25 SEC. W A DISTANCE OF 302.22 FEET TO A POINT; SAID POINT BEING N 67 DEG. 46 MIN. 49 SEC. W A DISTANCE OF 441.92 FEET FROM P.R.M. 15-77-B-09.

THENCE S 22 DEG. 39 MIN. 10 SEC. E A DISTANCE OF 381.57 FEET TO A POINT;

THENCE S 42 DEG. 45 MIN. 00 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF CLEARWATER PASS; THENCE RETURN ALONG THE SAME COURSES TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE. SAID POINT BEING N 67 DEG. 46 MIN. 49 SEC. W A DISTANCE OF 441.92 FEET FROM P.R.M. 15-77-B-09.

RECOMMENCE AT P.R.M. 15-99-DA-13A. THENCE N 16 DEG. 34 MIN. 08 SEC. E A DISTANCE OF 868.55 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 13 DEG. 00 MIN. 00 SEC. E TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORE OF CLEARWATER PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE. SAID POINT BEING N 16 DEG. 34 MIN. 08 SEC. E A DISTANCE OF 868.55 FEET FROM P.R.M. 15-99-DA-13A.

THENCE S 49 DEG. 14 MIN. 18 SEC. W A DISTANCE OF 1040.11 FEET TO A POINT;

THENCE S 60 DEG. 49 MIN. 54 SEC. W A DISTANCE OF 1351.12 FEET TO A POINT;

THENCE S 20 DEG. 49 MIN. 30 SEC. W A DISTANCE OF 523.18 FEET TO A POINT; SAID POINT BEING N 79 DEG. 14 MIN. 27 SEC. W A DISTANCE OF 949.37 FEET FROM P.R.M. 15-99-DA-13B.

THENCE S 21 DEG. 26 MIN. 17 SEC. W A DISTANCE OF 1201.10 FEET TO A POINT;

THENCE S 36 DEG. 56 MIN. 07 SEC. W A DISTANCE OF 1224.80 FEET TO A POINT;

THENCE S 28 DEG. 04 MIN. 21 SEC. W A DISTANCE OF 731.00 FEET TO A POINT;

THENCE S 31 DEG. 07 MIN. 36 SEC. W A DISTANCE OF 421.72 FEET TO A POINT;

THENCE S 24 DEG. 38 MIN. 10 SEC. W A DISTANCE OF 869.40 FEET TO A POINT;

THENCE S 24 DEG. 25 MIN. 05 SEC. W A DISTANCE OF 993.65 FEET TO A POINT;

THENCE S 24 DEG. 59 MIN. 05 SEC. W A DISTANCE OF 1027.08 FEET TO A POINT;

THENCE S 21 DEG. 48 MIN. 35 SEC. W A DISTANCE OF 1273.13 FEET TO A POINT;

THENCE S 16 DEG. 03 MIN. 34 SEC. W A DISTANCE OF 2524.52 FEET TO A POINT;

THENCE S 13 DEG. 21 MIN. 39 SEC. W A DISTANCE OF 1022.68 FEET TO A POINT; SAID POINT BEING N 78 DEG. 08 MIN. 52 SEC. W A DISTANCE OF 249.36 FEET FROM P.R.M. 15-99-DA-15A.

THENCE S 13 DEG. 19 MIN. 36 SEC. W A DISTANCE OF 1056.96 FEET TO A POINT;

THENCE S 10 DEG. 47 MIN. 56 SEC. W A DISTANCE OF 999.90 FEET TO A POINT;

THENCE S 10 DEG. 55 MIN. 31 SEC. W A DISTANCE OF 921.53 FEET TO A POINT; SAID POINT BEING S 88 DEG. 16 MIN. 34 SEC. W A DISTANCE OF 246.90 FEET FROM P.R.M. 15-99-DA-15B.

THENCE S 12 DEG. 03 MIN. 17 SEC. W A DISTANCE OF 960.46 FEET TO A POINT; SAID POINT BEING N 05 DEG. 35 MIN. 22 SEC. W A DISTANCE OF 825.49 FEET FROM P.R.M. 15-99-DA-15C.

THENCE S 12 DEG. 11 MIN. 35 SEC. W A DISTANCE OF 2023.54 FEET TO A POINT;

THENCE S 11 DEG. 40 MIN. 36 SEC. W A DISTANCE OF 1411.53 FEET TO A POINT; SAID POINT BEING N 69 DEG. 55 MIN. 36 SEC. W A DISTANCE OF 286.89 FEET FROM P.R.M. 15-99-DA-15D.

THENCE S 09 DEG. 14 MIN. 12 SEC. W A DISTANCE OF 710.21 FEET TO A POINT;

THENCE S 08 DEG. 27 MIN. 38 SEC. W A DISTANCE OF 1061.91 FEET TO A POINT;

THENCE S 08 DEG. 15 MIN. 27 SEC. W A DISTANCE OF 931.30 FEET TO A POINT; SAID POINT BEING S 57 DEG. 46 MIN. 50 SEC. W A DISTANCE OF 423.67 FEET FROM P.R.M. 15-90-DA-16.

THENCE S 08 DEG. 42 MIN. 06 SEC. W A DISTANCE OF 931.94 FEET TO A POINT;

THENCE S 08 DEG. 21 MIN. 39 SEC. W A DISTANCE OF 842.24 FEET TO A POINT; SAID POINT BEING S 84 DEG. 38 MIN. 44 SEC. W A DISTANCE OF 333.75 FEET FROM P.R.M. 15-90-DA-17.

THENCE S 08 DEG. 04 MIN. 38 SEC. W A DISTANCE OF 1014.67 FEET TO A POINT;

THENCE S 09 DEG. 32 MIN. 27 SEC. W A DISTANCE OF 992.17 FEET TO A POINT;

THENCE S 08 DEG. 27 MIN. 57 SEC. W A DISTANCE OF 1015.52 FEET TO A POINT;

SAID POINT BEING S 63 DEG. 08 MIN. 59 SEC. W A DISTANCE OF 324.33 FEET FROM P.R.M. 15-90-DA-17A.

THENCE S 02 DEG. 36 MIN. 09 SEC. W A DISTANCE OF 946.98 FEET TO A POINT; SAID POINT BEING N 82 DEG. 56 MIN. 15 SEC. W A DISTANCE OF 220.24 FEET FROM P.R.M. NARROW-D.

THENCE S 03 DEG. 19 MIN. 45 SEC. E A DISTANCE OF 1009.61 FEET TO A POINT; SAID POINT BEING S 68 DEG. 06 MIN. 54 SEC. W A DISTANCE OF 251.94 FEET FROM P.R.M. 15-90-DA-17B.

THENCE S 00 DEG. 49 MIN. 38 SEC. E A DISTANCE OF 995.20 FEET TO A POINT;

THENCE S 01 DEG. 44 MIN. 50 SEC. E A DISTANCE OF 1049.49 FEET TO A POINT; SAID POINT BEING N 62 DEG. 40 MIN. 18 SEC. W A DISTANCE OF 266.59 FEET FROM P.R.M. NARROW.

THENCE S 04 DEG. 20 MIN. 51 SEC. E A DISTANCE OF 1028.96 FEET TO A POINT;

THENCE S 07 DEG. 16 MIN. 26 SEC. E A DISTANCE OF 1003.07 FEET TO A POINT;

THENCE S 08 DEG. 09 MIN. 30 SEC. E A DISTANCE OF 1003.51 FEET TO A POINT;

THENCE S 08 DEG. 33 MIN. 38 SEC. E A DISTANCE OF 1045.29 FEET TO A POINT;

THENCE S 11 DEG. 01 MIN. 32 SEC. E A DISTANCE OF 1856.26 FEET TO A POINT; SAID POINT BEING S 52 DEG. 27 MIN. 37 SEC. W A DISTANCE OF 252.42 FEET FROM P.R.M. NARROW-F.

THENCE S 14 DEG. 34 MIN. 49 SEC. E A DISTANCE OF 945.45 FEET TO A POINT;

THENCE S 15 DEG. 02 MIN. 11 SEC. E A DISTANCE OF 1056.16 FEET TO A POINT;

THENCE S 16 DEG. 55 MIN. 48 SEC. E A DISTANCE OF 999.31 FEET TO A POINT;

THENCE S 20 DEG. 48 MIN. 33 SEC. E A DISTANCE OF 954.25 FEET TO A POINT;

THENCE S 22 DEG. 18 MIN. 56 SEC. E A DISTANCE OF 579.39 FEET TO A POINT;

THENCE S 23 DEG. 21 MIN. 07 SEC. E A DISTANCE OF 638.28 FEET TO A POINT; SAID POINT BEING N 54 DEG. 37 MIN. 31 SEC. W A DISTANCE OF 276.05 FEET FROM P.R.M. 15-99-DA-17D.

THENCE S 25 DEG. 58 MIN. 36 SEC. E A DISTANCE OF 2917.78 FEET TO A POINT; SAID POINT BEING S 57 DEG. 21 MIN. 08 SEC. W A DISTANCE OF 320.15 FEET FROM P.R.M. 15-90-DA-18.

THENCE S 30 DEG. 43 MIN. 26 SEC. E A DISTANCE OF 2293.99 FEET TO A POINT; SAID POINT BEING S 59 DEG. 06 MIN. 15 SEC. W A DISTANCE OF 371.50 FEET FROM P.R.M. 15-90-DA-19A.

THENCE S 32 DEG. 04 MIN. 54 SEC. E A DISTANCE OF 1195.57 FEET TO A POINT; SAID POINT BEING N 62 DEG. 59 MIN. 52 SEC. W A DISTANCE OF 921.02 FEET FROM P.R.M. REDINGTON-C.

THENCE S 26 DEG. 52 MIN. 58 SEC. E A DISTANCE OF 1371.18 FEET TO A POINT;

THENCE S 23 DEG. 30 MIN. 54 SEC. E A DISTANCE OF 1117.83 FEET TO A POINT; SAID POINT BEING S 69 DEG. 17 MIN. 58 SEC. W A DISTANCE OF 380.98 FEET FROM P.R.M. REDINGTON-B.

THENCE S 31 DEG. 08 MIN. 12 SEC. E A DISTANCE OF 796.79 FEET TO A POINT;

THENCE S 34 DEG. 49 MIN. 29 SEC. E A DISTANCE OF 896.57 FEET TO A POINT; SAID POINT BEING N 89 DEG. 03 MIN. 45 SEC. W A DISTANCE OF 323.16 FEET FROM P.R.M. REDINGTON-D.

THENCE S 37 DEG. 39 MIN. 57 SEC. E A DISTANCE OF 792.08 FEET TO A POINT;

THENCE S 42 DEG. 36 MIN. 45 SEC. E A DISTANCE OF 1035.40 FEET TO A POINT; SAID POINT BEING N 55 DEG. 59 MIN. 59 SEC. W A DISTANCE OF 1174.56 FEET FROM P.R.M. 15-90-DA-19B.

THENCE S 43 DEG. 45 MIN. 25 SEC. E A DISTANCE OF 2118.28 FEET TO A POINT; SAID POINT BEING N 74 DEG. 46 MIN. 20 SEC. W A DISTANCE OF 661.37 FEET FROM P.R.M. 15-90-DA-20.

THENCE S 51 DEG. 54 MIN. 09 SEC. E A DISTANCE OF 2053.47 FEET TO A POINT;

THENCE S 52 DEG. 27 MIN. 24 SEC. E A DISTANCE OF 1939.73 FEET TO A POINT;

THENCE S 49 DEG. 10 MIN. 09 SEC. E A DISTANCE OF 1001.79 FEET TO A POINT; SAID POINT BEING S 26 DEG. 49 MIN. 28 SEC. W A DISTANCE OF 297.81 FEET FROM P.R.M. 15-99-DA-21B.

THENCE S 47 DEG. 56 MIN. 17 SEC. E A DISTANCE OF 910.54 FEET TO A POINT;

THENCE S 49 DEG. 24 MIN. 18 SEC. E A DISTANCE OF 1003.52 FEET TO A POINT; SAID POINT BEING S 37 DEG. 58 MIN. 47 SEC. W A DISTANCE OF 259.77 FEET FROM P.R.M. 15-77-B-08.

THENCE S 48 DEG. 48 MIN. 00 SEC. E A DISTANCE OF 1141.66 FEET TO A POINT;

THENCE S 48 DEG. 43 MIN. 25 SEC. E A DISTANCE OF 1012.59 FEET TO A POINT; SAID POINT BEING S 04 DEG. 10 MIN. 26 SEC. E A DISTANCE OF 207.01 FEET FROM P.R.M. 15-90-DA-22.

THENCE S 48 DEG. 38 MIN. 43 SEC. E A DISTANCE OF 989.83 FEET TO A POINT; SAID POINT BEING N 83 DEG. 14 MIN. 02 SEC. W A DISTANCE OF 343.50 FEET FROM P.R.M. 15-90-DA-23.

THENCE S 48 DEG. 40 MIN. 58 SEC. E A DISTANCE OF 1354.08 FEET TO A POINT; SAID POINT BEING N 67 DEG. 49 MIN. 25 SEC. W A DISTANCE OF 588.04 FEET FROM P.R.M. 15-90-DA-23A.

THENCE S 44 DEG. 07 MIN. 13 SEC. E A DISTANCE OF 736.89 FEET TO A POINT;

THENCE S 43 DEG. 41 MIN. 19 SEC. E A DISTANCE OF 648.59 FEET TO A POINT;

THENCE S 38 DEG. 39 MIN. 36 SEC. E A DISTANCE OF 448.22 FEET TO A POINT; SAID POINT BEING S 71 DEG. 50 MIN. 18 SEC. W A DISTANCE OF 309.87 FEET FROM P.R.M. 15-90-DA-24.

THENCE S 36 DEG. 40 MIN. 40 SEC. E A DISTANCE OF 894.00 FEET TO A POINT;

THENCE S 32 DEG. 15 MIN. 06 SEC. E A DISTANCE OF 1060.64 FEET TO A POINT; SAID POINT BEING S 34 DEG. 42 MIN. 03 SEC. W A DISTANCE OF 468.76 FEET FROM P.R.M. 15-90-DA-25.

THENCE S 36 DEG. 31 MIN. 19 SEC. E A DISTANCE OF 494.01 FEET TO A POINT; SAID POINT BEING N 26 DEG. 19 MIN. 05 SEC. W A DISTANCE OF 1037.37 FEET FROM P.R.M. MADERIA.

THENCE S 37 DEG. 00 MIN. 00 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF JOHNS PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 26 DEG. 19 MIN. 05 SEC. W A DISTANCE OF 1037.37 FEET FROM P.R.M. MADERIA.

RECOMMENCE AT P.R.M. MADERIA, THENCE N 78 DEG. 18 MIN. 44 SEC. W A DISTANCE OF 191.89 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 14 DEG. 38 MIN. 00 SEC. W TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORE OF JOHNS

PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 78 DEG. 18 MIN. 44 SEC. W A DISTANCE OF 191.88 FEET FROM P.R.M. MADERIA.

THENCE S 00 DEG. 40 MIN. 55 SEC. W A DISTANCE OF 168.01 FEET TO A POINT;

THENCE S 24 DEG. 08 MIN. 44 SEC. E A DISTANCE OF 1080.54 FEET TO A POINT; SAID POINT BEING S 89 DEG. 42 MIN. 47 SEC. W A DISTANCE OF 613.23 FEET FROM P.R.M. 15-90-DA-25A.

THENCE S 24 DEG. 08 MIN. 18 SEC. E A DISTANCE OF 496.41 FEET TO A POINT; SAID POINT BEING N 85 DEG. 42 MIN. 57 SEC. W A DISTANCE OF 646.15 FEET FROM P.R.M. 15-90-DA-25B.

THENCE S 32 DEG. 39 MIN. 19 SEC. E A DISTANCE OF 214.98 FEET TO A POINT;

THENCE S 41 DEG. 16 MIN. 40 SEC. E A DISTANCE OF 294.07 FEET TO A POINT;

THENCE S 51 DEG. 34 MIN. 19 SEC. E A DISTANCE OF 308.91 FEET TO A POINT;

THENCE S 63 DEG. 55 MIN. 44 SEC. E A DISTANCE OF 259.39 FEET TO A POINT;

THENCE S 73 DEG. 28 MIN. 56 SEC. E A DISTANCE OF 151.24 FEET TO A POINT;

THENCE N 22 DEG. 16 MIN. 33 SEC. E A DISTANCE OF 179.39 FEET TO A POINT; SAID POINT BEING S 39 DEG. 25 MIN. 06 SEC. W A DISTANCE OF 391.53 FEET FROM P.R.M. 15-90-DA-25C.

THENCE S 65 DEG. 14 MIN. 26 SEC. E A DISTANCE OF 255.49 FEET TO A POINT;

THENCE S 55 DEG. 12 MIN. 21 SEC. E A DISTANCE OF 474.91 FEET TO A POINT; SAID POINT BEING S 76 DEG. 20 MIN. 38 SEC. W A DISTANCE OF 330.99 FEET FROM P.R.M. 15-90-DA-26.

THENCE S 48 DEG. 18 MIN. 10 SEC. E A DISTANCE OF 1116.96 FEET TO A POINT; SAID POINT BEING N 89 DEG. 26 MIN. 46 SEC. W A DISTANCE OF 313.15 FEET FROM P.R.M. 15-90-DA-27.

THENCE S 39 DEG. 44 MIN. 50 SEC. E A DISTANCE OF 502.03 FEET TO A POINT;

THENCE S 40 DEG. 07 MIN. 33 SEC. E A DISTANCE OF 194.72 FEET TO A POINT;

THENCE S 37 DEG. 33 MIN. 35 SEC. E A DISTANCE OF 194.39 FEET TO A POINT;

THENCE S 32 DEG. 10 MIN. 43 SEC. E A DISTANCE OF 975.38 FEET TO A POINT; SAID POINT BEING S 07 DEG. 52 MIN. 49 SEC. W A DISTANCE OF 492.94 FEET FROM P.R.M. 15-90-DA-27A.

THENCE S 25 DEG. 20 MIN. 21 SEC. E A DISTANCE OF 947.61 FEET TO A POINT;

THENCE N 87 DEG. 20 MIN. 14 SEC. W A DISTANCE OF 43.05 FEET TO A POINT; SAID POINT BEING N 77 DEG. 55 MIN. 14 SEC. W A DISTANCE OF 173.46 FEET FROM P.R.M. RAINEY-J.

THENCE S 23 DEG. 23 MIN. 38 SEC. E A DISTANCE OF 501.20 FEET TO A POINT;

THENCE S 19 DEG. 41 MIN. 05 SEC. E A DISTANCE OF 623.43 FEET TO A POINT; SAID POINT BEING S 59 DEG. 59 MIN. 29 SEC. W A DISTANCE OF 195.50 FEET FROM P.R.M. RAINEY-K.

THENCE S 14 DEG. 07 MIN. 33 SEC. E A DISTANCE OF 133.54 FEET TO A POINT;

THENCE S 16 DEG. 23 MIN. 10 SEC. E A DISTANCE OF 497.72 FEET TO A POINT; SAID POINT BEING S 64 DEG. 43 MIN. 26 SEC. W A DISTANCE OF 133.42 FEET FROM P.R.M. PBE 144 68.

THENCE S 12 DEG. 14 MIN. 33 SEC. E A DISTANCE OF 542.33 FEET TO A POINT; SAID POINT BEING N 28 DEG. 53 MIN. 02 SEC. W A DISTANCE OF 570.04 FEET FROM P.R.M. BLIND-D.

THENCE S 17 DEG. 16 MIN. 36 SEC. E A DISTANCE OF 1075.16 FEET TO A POINT;

THENCE S 14 DEG. 56 MIN. 53 SEC. E A DISTANCE OF 1134.75 FEET TO A POINT; SAID POINT BEING S 09 DEG. 04 MIN. 32 SEC. W A DISTANCE OF 403.63 FEET FROM P.R.M. 15-90-DA-27B.

THENCE S 19 DEG. 50 MIN. 03 SEC. E A DISTANCE OF 1839.10 FEET TO A POINT; SAID POINT BEING S 03 DEG. 24 MIN. 54 SEC. W A DISTANCE OF 339.84 FEET FROM P.R.M. 15-90-DA-28.

THENCE S 24 DEG. 43 MIN. 36 SEC. E A DISTANCE OF 1728.47 FEET TO A POINT; SAID POINT BEING S 20 DEG. 17 MIN. 24 SEC. W A DISTANCE OF 170.76 FEET FROM P.R.M. 15-90-DA-29.

THENCE S 36 DEG. 14 MIN. 56 SEC. E A DISTANCE OF 948.64 FEET TO A POINT;

THENCE S 42 DEG. 49 MIN. 13 SEC. E A DISTANCE OF 685.69 FEET TO A POINT; SAID POINT BEING N 30 DEG. 09 MIN. 42 SEC. W A DISTANCE OF 865.19 FEET FROM P.R.M. COE BLIND PASS.

THENCE S 34 DEG. 46 MIN. 42 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF BLIND PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 30 DEG. 09 MIN. 42 SEC. W A DISTANCE OF 865.19 FEET FROM P.R.M. COE BLIND PASS.

RECOMMENCE AT P.R.M. COE BLIND PASS, THENCE S 51 DEG. 23 MIN. 35.0 SEC. E A DISTANCE OF 605.70 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 43 DEG. 10 MIN. 23 SEC. W TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORE OF BLIND PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING S 51 DEG. 23 MIN. 35 SEC. E A DISTANCE OF 605.70 FEET FROM P.R.M. COE BLIND PASS.

THENCE S 43 DEG. 10 MIN. 23 SEC. E A DISTANCE OF 887.16 FEET TO A POINT;

THENCE S 45 DEG. 23 MIN. 22 SEC. E A DISTANCE OF 1040.89 FEET TO A POINT;

THENCE S 45 DEG. 48 MIN. 25 SEC. E A DISTANCE OF 803.35 FEET TO A POINT; SAID POINT BEING S 56 DEG. 26 MIN. 59 SEC. W A DISTANCE OF 754.49 FEET FROM P.R.M. PBE 133.

THENCE S 35 DEG. 16 MIN. 08 SEC. E A DISTANCE OF 966.38 FEET TO A POINT; SAID POINT BEING S 75 DEG. 19 MIN. 20 SEC. W A DISTANCE OF 762.85 FEET FROM P.R.M. BLIND-P.

THENCE S 30 DEG. 41 MIN. 09 SEC. E A DISTANCE OF 1095.36 FEET TO A POINT; SAID POINT BEING N 59 DEG. 33 MIN. 03 SEC. W A DISTANCE OF 1028.50 FEET FROM P.R.M. 15-77-B-04.

THENCE S 24 DEG. 45 MIN. 42 SEC. E A DISTANCE OF 2046.11 FEET TO A POINT; SAID POINT BEING S 66 DEG. 53 MIN. 50 SEC. W A DISTANCE OF 445.94 FEET FROM P.R.M. NOAA D.

THENCE S 18 DEG. 36 MIN. 57 SEC. E A DISTANCE OF 1076.66 FEET TO A POINT;

THENCE S 15 DEG. 58 MIN. 55 SEC. E A DISTANCE OF 1039.87 FEET TO A POINT;

THENCE S 13 DEG. 38 MIN. 48 SEC. E A DISTANCE OF 1034.20 FEET TO A POINT; SAID POINT BEING N 41 DEG. 47 MIN. 33 SEC. W A DISTANCE OF 581.09 FEET FROM P.R.M. 15-99 DA-31.

THENCE S 11 DEG. 55 MIN. 49 SEC. E A DISTANCE OF 996.52 FEET TO A POINT;

THENCE S 07 DEG. 59 MIN. 08 SEC. E A DISTANCE OF 1007.77 FEET TO A POINT; SAID POINT BEING N 24 DEG. 55 MIN. 59 SEC. W A DISTANCE OF 370.64 FEET FROM P.R.M. NOAA.

THENCE S 06 DEG. 01 MIN. 04 SEC. E A DISTANCE OF 1039.73 FEET TO A POINT; SAID POINT BEING S 86 DEG. 56 MIN. 24 SEC. W A DISTANCE OF 440.54 FEET FROM P.R.M. 15-99-DA-31A.

THENCE S 03 DEG. 19 MIN. 04 SEC. E A DISTANCE OF 1036.74 FEET TO A POINT;

THENCE S 01 DEG. 01 MIN. 42 SEC. E A DISTANCE OF 1003.16 FEET TO A POINT; SAID POINT BEING N 53 DEG. 50 MIN. 07 SEC. W A DISTANCE OF 503.73 FEET FROM P.R.M. 15-90-DA-32.

THENCE S 00 DEG. 15 MIN. 20 SEC. E A DISTANCE OF 1020.52 FEET TO A POINT;

THENCE S 03 DEG. 41 MIN. 06 SEC. W A DISTANCE OF 3789.33 FEET TO A POINT; SAID POINT BEING S 06 DEG. 42 MIN. 31 SEC. E A DISTANCE OF 578.47 FEET FROM P.R.M. NOAA-A.

THENCE S 02 DEG. 00 MIN. 59 SEC. E A DISTANCE OF 1615.50 FEET TO A POINT; SAID POINT BEING S 03 DEG. 45 MIN. 06 SEC. E A DISTANCE OF 5.06 FEET FROM P.R.M. NOS 6430 J 1988.

THENCE S 02 DEG. 00 MIN. 59 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF PASS-A-GRILLE CHANNEL; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING S 03 DEG. 45 MIN. 06 SEC. E A DISTANCE OF 5.06 FEET FROM P.R.M. NOS 6430 J 1988.

RECOMMENCE AT P.R.M. 15-99-DA08A, THENCE S 40 DEG. 09 MIN. 26 SEC. W A DISTANCE OF 230.05 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 08 DEG. 36 MIN. 10 SEC. E

A DISTANCE OF 548.17 FEET TO A POINT; THENCE N 47 DEG. 59 MIN. 58 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORE OF DUNEDIN PASS; THENCE RETURN ALONG THE SAME COURSES TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING S 40 DEG. 09 MIN. 26 SEC. W A DISTANCE OF 230.05 FEET FROM P.R.M. 15-99-DA08A.

THENCE S 04 DEG. 45 MIN. 03 SEC. E A DISTANCE OF 362.24 FEET TO A POINT;
THENCE S 07 DEG. 12 MIN. 57 SEC. E A DISTANCE OF 1019.07 FEET TO A POINT; SAID POINT BEING N 70 DEG. 39 MIN. 14 SEC. W A DISTANCE OF 557.46 FEET FROM P.R.M. 15-90-DA-08

THENCE S 01 DEG. 08 MIN. 12 SEC. E A DISTANCE OF 1122.52 FEET TO A POINT;
THENCE S 15 DEG. 19 MIN. 17 SEC. W A DISTANCE OF 960.89 FEET TO A POINT; SAID POINT BEING N 82 DEG. 07 MIN. 00 SEC. W A DISTANCE OF 1344.80 FEET FROM P.R.M. 15-99-DA-07

THENCE S 01 DEG. 08 MIN. 17 SEC. W A DISTANCE OF 994.66 FEET TO A POINT;
THENCE S 00 DEG. 00 MIN. 32 SEC. E A DISTANCE OF 976.10 FEET TO A POINT;
THENCE S 00 DEG. 14 MIN. 03 SEC. W A DISTANCE OF 1009.25 FEET TO A POINT; SAID POINT BEING S 32 DEG. 48 MIN. 40 SEC. E A DISTANCE OF 171.68 FEET FROM P.R.M. 15-90-DA-09

THENCE S 00 DEG. 24 MIN. 35 SEC. W A DISTANCE OF 1044.61 FEET TO A POINT;
THENCE S 04 DEG. 29 MIN. 19 SEC. E A DISTANCE OF 1061.44 FEET TO A POINT; SAID POINT BEING N 35 DEG. 49 MIN. 11 SEC. E A DISTANCE OF 574.18 FEET FROM P.R.M. 15-99-DA-10A

THENCE S 08 DEG. 45 MIN. 37 SEC. W A DISTANCE OF 974.92 FEET TO A POINT;
THENCE S 08 DEG. 12 MIN. 29 SEC. W A DISTANCE OF 1121.67 FEET TO A POINT; SAID POINT BEING N 21 DEG. 41 MIN. 45 SEC. E A DISTANCE OF 1017.42 FEET FROM P.R.M. 15-99-DA-11A
THENCE S 08 DEG. 52 MIN. 07 SEC. W A DISTANCE OF 1034.34 FEET TO A POINT; SAID POINT BEING N 10 DEG. 21 MIN. 07 SEC. E A DISTANCE OF 196.23 FEET FROM P.R.M. NOS 6724 N

THENCE S 00 DEG. 03 MIN. 59 SEC. E A DISTANCE OF 975.89 FEET TO A POINT; SAID POINT BEING S 37 DEG. 17 MIN. 36 SEC. E A DISTANCE OF 301.23 FEET FROM P.R.M. 15-77-B-09A

THENCE S 07 DEG. 22 MIN. 33 SEC. W A DISTANCE OF 1038.28 FEET TO A POINT;
THENCE S 07 DEG. 22 MIN. 35 SEC. W A DISTANCE OF 417.55 FEET TO A POINT;
THENCE S 21 DEG. 47 MIN. 15 SEC. W A DISTANCE OF 461.78 FEET TO A POINT; SAID POINT BEING S 62 DEG. 24 MIN. 42 SEC. W A DISTANCE OF 126.53 FEET FROM P.R.M. 15-77-B-09
THENCE S 42 DEG. 14 MIN. 02 SEC. E A DISTANCE OF 996.91 FEET TO A POINT; SAID POINT BEING S 80 DEG. 24 MIN. 23 SEC. W A DISTANCE OF 333.91 FEET FROM P.R.M. 15-90-DA-12

THENCE S 57 DEG. 38 MIN. 09 SEC. E A DISTANCE OF 1038.26 FEET TO A POINT; SAID POINT BEING S 37 DEG. 20 MIN. 25 SEC. W A DISTANCE OF 314.52 FEET FROM P.R.M. 15-99-DA-12A

THENCE S 66 DEG. 53 MIN. 59 SEC. E A DISTANCE OF 876.82 FEET TO A POINT; SAID POINT BEING N 30 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 39.00 FEET FROM P.R.M. R050 PNLS 1974

THENCE S 66 DEG. 53 MIN. 58 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF LITTLE PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 30 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 39.00 FEET FROM P.R.M. R050 PNLS 1974

RECOMMENCE AT P.R.M. 15-99-DA13A, THENCE N 74 DEG. 08 MIN. 53 SEC. W A DISTANCE OF 561.49 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 49 DEG. 14 MIN. 18 SEC. E TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORE OF LITTLE PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 74 DEG. 08 MIN. 53 SEC. W A DISTANCE OF 561.49 FEET FROM P.R.M. 15-99-DA13A.

THENCE S 60 DEG. 49 MIN. 53 SEC. W A DISTANCE OF 1351.13 FEET TO A POINT;

THENCE S 20 DEG. 49 MIN. 30 SEC. W A DISTANCE OF 523.18 FEET TO A POINT; SAID POINT BEING N 79 DEG. 14 MIN. 27 SEC. W A DISTANCE OF 949.37 FEET FROM P.R.M. 15-99-DA-13B.

THENCE S 21 DEG. 26 MIN. 17 SEC. W A DISTANCE OF 1201.11 FEET TO A POINT;
THENCE S 33 DEG. 14 MIN. 07 SEC. W A DISTANCE OF 87.63 FEET TO A POINT;
THENCE S 32 DEG. 38 MIN. 56 SEC. W A DISTANCE OF 1109.83 FEET TO A POINT;
SAID POINT BEING N 89 DEG. 12 MIN. 19 SEC. W A DISTANCE OF 188.67 FEET FROM P.R.M. 15-90-DA-14

THENCE S 21 DEG. 19 MIN. 46 SEC. W A DISTANCE OF 1035.41 FEET TO A POINT;
THENCE S 25 DEG. 20 MIN. 58 SEC. W A DISTANCE OF 996.90 FEET TO A POINT;
THENCE S 28 DEG. 29 MIN. 36 SEC. W A DISTANCE OF 2014.70 FEET TO A POINT;
THENCE S 18 DEG. 58 MIN. 04 SEC. W A DISTANCE OF 1044.56 FEET TO A POINT;
THENCE S 14 DEG. 31 MIN. 51 SEC. W A DISTANCE OF 955.26 FEET TO A POINT;
THENCE S 17 DEG. 55 MIN. 52 SEC. W A DISTANCE OF 889.75 FEET TO A POINT;
THENCE S 15 DEG. 08 MIN. 30 SEC. W A DISTANCE OF 894.64 FEET TO A POINT;
THENCE S 15 DEG. 21 MIN. 58 SEC. W A DISTANCE OF 1009.26 FEET TO A POINT; SAID POINT BEING N 75 DEG. 11 MIN. 13 SEC. W A DISTANCE OF 100.26 FEET FROM P.R.M. 15-99-DA-15A

THENCE S 15 DEG. 35 MIN. 07 SEC. W A DISTANCE OF 1111.93 FEET TO A POINT;
THENCE S 11 DEG. 10 MIN. 40 SEC. W A DISTANCE OF 948.55 FEET TO A POINT;
THENCE S 12 DEG. 37 MIN. 53 SEC. W A DISTANCE OF 922.91 FEET TO A POINT; SAID POINT BEING S 83 DEG. 43 MIN. 06 SEC. W A DISTANCE OF 179.55 FEET FROM P.R.M. 15-99-DA-15B

THENCE S 12 DEG. 21 MIN. 06 SEC. W A DISTANCE OF 960.23 FEET TO A POINT;
THENCE S 12 DEG. 50 MIN. 56 SEC. W A DISTANCE OF 1005.99 FEET TO A POINT; SAID POINT BEING S 54 DEG. 43 MIN. 47 SEC. W A DISTANCE OF 294.71 FEET FROM P.R.M. 15-99-DA-15C

THENCE S 14 DEG. 34 MIN. 58 SEC. W A DISTANCE OF 1021.79 FEET TO A POINT;

THENCE S 08 DEG. 58 MIN. 38 SEC. W A DISTANCE OF 1068.46 FEET TO A POINT; SAID POINT BEING N 18 DEG. 23 MIN. 53 SEC. W A DISTANCE OF 445.48 FEET FROM P.R.M. 15-99-DA-15D

THENCE S 07 DEG. 32 MIN. 47 SEC. W A DISTANCE OF 1042.35 FEET TO A POINT;
THENCE S 11 DEG. 21 MIN. 09 SEC. W A DISTANCE OF 1068.35 FEET TO A POINT;
THENCE S 08 DEG. 34 MIN. 07 SEC. W A DISTANCE OF 937.18 FEET TO A POINT; SAID POINT BEING S 52 DEG. 55 MIN. 00 SEC. W A DISTANCE OF 391.59 FEET FROM P.R.M. 15-90-DA-16

THENCE S 09 DEG. 02 MIN. 22 SEC. W A DISTANCE OF 925.87 FEET TO A POINT;
THENCE S 08 DEG. 26 MIN. 56 SEC. W A DISTANCE OF 842.15 FEET TO A POINT; SAID POINT BEING S 83 DEG. 18 MIN. 33 SEC. W A DISTANCE OF 294.00 FEET FROM P.R.M. 15-90-DA-17

THENCE S 08 DEG. 58 MIN. 42 SEC. W A DISTANCE OF 1003.31 FEET TO A POINT;
THENCE S 09 DEG. 44 MIN. 12 SEC. W A DISTANCE OF 999.70 FEET TO A POINT;
THENCE S 07 DEG. 06 MIN. 36 SEC. W A DISTANCE OF 1018.74 FEET TO A POINT; SAID POINT BEING S 58 DEG. 34 MIN. 03 SEC. W A DISTANCE OF 286.29 FEET FROM P.R.M. 15-90-DA-17A

THENCE S 03 DEG. 13 MIN. 41 SEC. W A DISTANCE OF 945.73 FEET TO A POINT; SAID POINT BEING N 81 DEG. 56 MIN. 00 SEC. W A DISTANCE OF 185.57 FEET FROM P.R.M. NARROW D

THENCE S 03 DEG. 04 MIN. 13 SEC. E A DISTANCE OF 1007.95 FEET TO A POINT; SAID POINT BEING S 65 DEG. 19 MIN. 29 SEC. W A DISTANCE OF 224.06 FEET FROM P.R.M. 15-90-DA-17B

THENCE S 07 DEG. 10 MIN. 52 SEC. E A DISTANCE OF 992.16 FEET TO A POINT;
THENCE S 01 DEG. 26 MIN. 06 SEC. E A DISTANCE OF 1052.88 FEET TO A POINT; SAID POINT BEING N 38 DEG. 18 MIN. 22 SEC. W A DISTANCE OF 165.58 FEET FROM P.R.M. NARROW 1973

THENCE S 06 DEG. 16 MIN. 25 SEC. E A DISTANCE OF 1026.24 FEET TO A POINT;
THENCE S 05 DEG. 09 MIN. 02 SEC. E A DISTANCE OF 987.26 FEET TO A POINT;

THENCE S 05 DEG. 44 MIN. 05 SEC. E A DISTANCE OF 1008.15 FEET TO A POINT;
THENCE S 09 DEG. 31 MIN. 40 SEC. E A DISTANCE OF 1026.84 FEET TO A POINT;
THENCE S 10 DEG. 15 MIN. 12 SEC. E A DISTANCE OF 1055.82 FEET TO A POINT;
THENCE S 08 DEG. 21 MIN. 08 SEC. E A DISTANCE OF 807.89 FEET TO A POINT; SAID POINT BEING S 47 DEG. 45 MIN. 21 SEC. W A DISTANCE OF 198.85 FEET FROM P.R.M. NARROW F

THENCE S 16 DEG. 22 MIN. 08 SEC. E A DISTANCE OF 945.97 FEET TO A POINT;
THENCE S 14 DEG. 05 MIN. 54 SEC. E A DISTANCE OF 1055.33 FEET TO A POINT;
THENCE S 18 DEG. 31 MIN. 36 SEC. E A DISTANCE OF 1000.74 FEET TO A POINT;
THENCE S 20 DEG. 00 MIN. 49 SEC. E A DISTANCE OF 955.41 FEET TO A POINT;
THENCE S 23 DEG. 14 MIN. 21 SEC. E A DISTANCE OF 1143.32 FEET TO A POINT; SAID POINT BEING N 33 DEG. 07 MIN. 28 SEC. W A DISTANCE OF 306.41 FEET FROM P.R.M. 15-99-DA-17D

THENCE S 26 DEG. 26 MIN. 13 SEC. E A DISTANCE OF 1042.97 FEET TO A POINT;
THENCE S 27 DEG. 40 MIN. 08 SEC. E A DISTANCE OF 909.61 FEET TO A POINT; SAID POINT BEING S 21 DEG. 34 MIN. 34 SEC. E A DISTANCE OF 413.73 FEET FROM P.R.M. 15-99-DA-17E

THENCE S 23 DEG. 13 MIN. 08 SEC. E A DISTANCE OF 1041.21 FEET TO A POINT; SAID POINT BEING S 52 DEG. 14 MIN. 08 SEC. W A DISTANCE OF 243.78 FEET FROM P.R.M. 15-90-DA-18

THENCE S 32 DEG. 43 MIN. 28 SEC. E A DISTANCE OF 986.47 FEET TO A POINT; SAID POINT BEING S 81 DEG. 06 MIN. 22 SEC. W A DISTANCE OF 372.27 FEET FROM P.R.M. 15-90-DA-19

THENCE S 30 DEG. 01 MIN. 06 SEC. E A DISTANCE OF 1141.23 FEET TO A POINT; SAID POINT BEING S 87 DEG. 31 MIN. 26 SEC. W A DISTANCE OF 310.01 FEET FROM P.R.M. 15-90-DA-19A

THENCE S 28 DEG. 33 MIN. 11 SEC. E A DISTANCE OF 1019.19 FEET TO A POINT;
THENCE S 29 DEG. 48 MIN. 05 SEC. E A DISTANCE OF 1055.71 FEET TO A POINT; SAID POINT BEING S 64 DEG. 59 MIN. 28 SEC. W A DISTANCE OF 479.72 FEET FROM P.R.M. REDINGTON C

THENCE S 32 DEG. 33 MIN. 47 SEC. E A DISTANCE OF 897.43 FEET TO A POINT;
THENCE S 28 DEG. 13 MIN. 59 SEC. E A DISTANCE OF 1251.16 FEET TO A POINT; SAID POINT BEING S 05 DEG. 58 MIN. 41 SEC. E A DISTANCE OF 368.31 FEET FROM P.R.M. REDINGTON B

THENCE S 30 DEG. 16 MIN. 33 SEC. E A DISTANCE OF 1049.54 FEET TO A POINT; SAID POINT BEING N 48 DEG. 34 MIN. 19 SEC. W A DISTANCE OF 431.12 FEET FROM P.R.M. REDINGTON D

THENCE S 41 DEG. 35 MIN. 40 SEC. E A DISTANCE OF 994.66 FEET TO A POINT;
THENCE S 41 DEG. 22 MIN. 31 SEC. E A DISTANCE OF 1026.81 FEET TO A POINT;
THENCE S 42 DEG. 16 MIN. 24 SEC. E A DISTANCE OF 1014.78 FEET TO A POINT;
THENCE S 44 DEG. 17 MIN. 33 SEC. E A DISTANCE OF 1093.62 FEET TO A POINT;
THENCE S 51 DEG. 16 MIN. 25 SEC. E A DISTANCE OF 1007.73 FEET TO A POINT; SAID POINT BEING S 42 DEG. 47 MIN. 55 SEC. E A DISTANCE OF 416.81 FEET FROM P.R.M. 15-90-DA-20

THENCE S 53 DEG. 28 MIN. 17 SEC. E A DISTANCE OF 1021.65 FEET TO A POINT;
THENCE S 53 DEG. 16 MIN. 45 SEC. E A DISTANCE OF 1013.94 FEET TO A POINT;
THENCE S 49 DEG. 58 MIN. 44 SEC. E A DISTANCE OF 946.38 FEET TO A POINT; SAID POINT BEING N 55 DEG. 03 MIN. 21 SEC. W A DISTANCE OF 935.27 FEET FROM P.R.M. 15-99-DA-21B

THENCE S 48 DEG. 27 MIN. 21 SEC. E A DISTANCE OF 1246.53 FEET TO A POINT;
THENCE S 47 DEG. 56 MIN. 03 SEC. E A DISTANCE OF 664.00 FEET TO A POINT;
THENCE S 49 DEG. 28 MIN. 22 SEC. E A DISTANCE OF 1004.20 FEET TO A POINT; SAID POINT BEING S 32 DEG. 26 MIN. 37 SEC. W A DISTANCE OF 76.33 FEET FROM P.R.M. 15-77-B-08

THENCE S 48 DEG. 37 MIN. 59 SEC. E A DISTANCE OF 1138.52 FEET TO A POINT;
THENCE S 46 DEG. 15 MIN. 52 SEC. E A DISTANCE OF 1018.71 FEET TO A POINT; SAID POINT BEING S 45 DEG. 27 MIN. 31 SEC. E A DISTANCE OF 146.57 FEET FROM P.R.M. 15-90-DA-22

~~THENCE S 48 DEG. 24 MIN. 15 SEC. E A DISTANCE OF 999.23 FEET TO A POINT; SAID POINT BEING N 61 DEG. 25 MIN. 44 SEC. W A DISTANCE OF 281.75 FEET FROM P.R.M. 15-90-DA-23~~

~~THENCE S 45 DEG. 40 MIN. 42 SEC. E A DISTANCE OF 1048.59 FEET TO A POINT;
THENCE S 46 DEG. 48 MIN. 16 SEC. E A DISTANCE OF 1032.67 FEET TO A POINT; SAID POINT BEING S 08 DEG. 42 MIN. 56 SEC. E A DISTANCE OF 231.93 FEET FROM P.R.M. 15-90-DA-23A~~

~~THENCE S 38 DEG. 53 MIN. 00 SEC. E A DISTANCE OF 1111.85 FEET TO A POINT; SAID POINT BEING S 75 DEG. 47 MIN. 09 SEC. W A DISTANCE OF 265.95 FEET FROM P.R.M. 15-90-DA-24~~

~~THENCE S 33 DEG. 36 MIN. 42 SEC. E A DISTANCE OF 898.50 FEET TO A POINT;
THENCE S 40 DEG. 23 MIN. 00 SEC. E A DISTANCE OF 1023.41 FEET TO A POINT; SAID POINT BEING S 32 DEG. 21 MIN. 48 SEC. W A DISTANCE OF 317.22 FEET FROM P.R.M. 15-90-DA-25~~

~~THENCE S 40 DEG. 20 MIN. 19 SEC. E A DISTANCE OF 518.63 FEET TO A POINT; SAID POINT BEING N 17 DEG. 38 MIN. 08 SEC. W A DISTANCE OF 477.58 FEET FROM P.R.M. RAINEY 1973~~

~~THENCE S 30 DEG. 22 MIN. 57 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF JOHNS PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 17 DEG. 38 MIN. 08 SEC. W A DISTANCE OF 477.58 FEET FROM P.R.M. RAINEY 1973.~~

~~RECOMMENCE AT P.R.M. MADERIA 1934, THENCE N 09 DEG. 49 MIN. 49 SEC. E A DISTANCE OF 392.71 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE;~~

~~THENCE N 30 DEG. 23 MIN. 13 SEC. W TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORE OF JOHNS PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 09 DEG. 49 MIN. 49 SEC. E A DISTANCE OF 392.71 FEET FROM P.R.M. MADERIA 1934.~~

~~THENCE S 07 DEG. 28 MIN. 16 SEC. E A DISTANCE OF 1210.21 FEET TO A POINT; SAID POINT BEING N 64 DEG. 59 MIN. 06 SEC. W A DISTANCE OF 707.25 FEET FROM P.R.M. 15-90-DA-25A~~

~~THENCE S 27 DEG. 10 MIN. 23 SEC. E A DISTANCE OF 1091.59 FEET TO A POINT; SAID POINT BEING S 65 DEG. 59 MIN. 32 SEC. W A DISTANCE OF 412.19 FEET FROM P.R.M. 15-90-DA-25B~~

~~THENCE S 60 DEG. 18 MIN. 50 SEC. E A DISTANCE OF 809.87 FEET TO A POINT;
THENCE N 22 DEG. 51 MIN. 04 SEC. E A DISTANCE OF 184.68 FEET TO A POINT;
THENCE S 64 DEG. 27 MIN. 27 SEC. E A DISTANCE OF 302.05 FEET TO A POINT; SAID POINT BEING S 13 DEG. 11 MIN. 12 SEC. E A DISTANCE OF 302.57 FEET FROM P.R.M. 15-90-DA-25C~~

~~THENCE S 48 DEG. 21 MIN. 53 SEC. E A DISTANCE OF 1071.55 FEET TO A POINT; SAID POINT BEING S 23 DEG. 23 MIN. 36 SEC. E A DISTANCE OF 440.40 FEET FROM P.R.M. 15-90-DA-26~~

~~THENCE S 48 DEG. 24 MIN. 04 SEC. E A DISTANCE OF 542.26 FEET TO A POINT;
THENCE S 40 DEG. 54 MIN. 58 SEC. E A DISTANCE OF 706.14 FEET TO A POINT; SAID POINT BEING S 24 DEG. 39 MIN. 00 SEC. E A DISTANCE OF 521.14 FEET FROM P.R.M. 15-90-DA-27~~

~~THENCE S 30 DEG. 07 MIN. 48 SEC. E A DISTANCE OF 1172.16 FEET TO A POINT; SAID POINT BEING S 04 DEG. 05 MIN. 13 SEC. W A DISTANCE OF 465.39 FEET FROM P.R.M. 15-90-DA-27A~~

~~THENCE S 24 DEG. 33 MIN. 20 SEC. E A DISTANCE OF 1142.70 FEET TO A POINT; SAID POINT BEING S 10 DEG. 24 MIN. 32 SEC. W A DISTANCE OF 126.62 FEET FROM P.R.M. RAINEY J~~

~~THENCE S 21 DEG. 11 MIN. 28 SEC. E A DISTANCE OF 1047.43 FEET TO A POINT; SAID POINT BEING S 15 DEG. 42 MIN. 34 SEC. W A DISTANCE OF 195.52 FEET FROM P.R.M. RAINEY K~~

~~THENCE S 15 DEG. 15 MIN. 18 SEC. E A DISTANCE OF 1211.04 FEET TO A POINT; SAID POINT BEING S 11 DEG. 16 MIN. 44 SEC. E A DISTANCE OF 722.72 FEET FROM P.R.M. PBE 144-68~~

~~THENCE S 21 DEG. 41 MIN. 59 SEC. E A DISTANCE OF 893.40 FEET TO A POINT; SAID POINT BEING S 24 DEG. 02 MIN. 29 SEC. E A DISTANCE OF 495.77 FEET FROM P.R.M. BLIND-D~~

THENCE S 16 DEG. 18 MIN. 40 SEC. E A DISTANCE OF 1119.54 FEET TO A POINT; SAID POINT BEING S 21 DEG. 01 MIN. 38 SEC. E A DISTANCE OF 323.48 FEET FROM P.R.M. 15-90-DA-27B

THENCE S 18 DEG. 49 MIN. 11 SEC. E A DISTANCE OF 1041.18 FEET TO A POINT; SAID POINT BEING S 20 DEG. 51 MIN. 53 SEC. E A DISTANCE OF 108.74 FEET FROM P.R.M. 15-90-DA-27D

THENCE S 22 DEG. 13 MIN. 09 SEC. E A DISTANCE OF 1009.65 FEET TO A POINT; SAID POINT BEING S 30 DEG. 19 MIN. 29 SEC. E A DISTANCE OF 501.40 FEET FROM P.R.M. 15-90-DA-28

THENCE S 23 DEG. 02 MIN. 00 SEC. E A DISTANCE OF 1021.67 FEET TO A POINT;

THENCE S 26 DEG. 50 MIN. 32 SEC. E A DISTANCE OF 987.89 FEET TO A POINT; SAID POINT BEING S 33 DEG. 41 MIN. 42 SEC. E A DISTANCE OF 607.43 FEET FROM P.R.M. 15-90-DA-29

THENCE S 34 DEG. 21 MIN. 25 SEC. E A DISTANCE OF 1117.77 FEET TO A POINT;

THENCE S 34 DEG. 46 MIN. 44 SEC. E A DISTANCE OF 748.16 FEET TO A POINT; SAID POINT BEING N 03 DEG. 24 MIN. 18 SEC. W A DISTANCE OF 133.78 FEET FROM P.R.M. COE BLIND PASS

THENCE S 49 DEG. 54 MIN. 18 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF BLIND PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 03 DEG. 24 MIN. 18 SEC. W A DISTANCE OF 133.78 FEET FROM P.R.M. COE BLIND PASS.

RECOMMENCE AT P.R.M. COE BLIND PASS, THENCE S 58 DEG. 33 MIN. 41 SEC. E A DISTANCE OF 645.07 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 49 DEG. 56 MIN. 13 SEC. W TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORE OF BLIND PASS;

THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING S 58 DEG. 33 MIN. 41 SEC. E A DISTANCE OF 645.07 FEET FROM P.R.M. COE BLIND PASS.

THENCE S 42 DEG. 42 MIN. 17 SEC. E A DISTANCE OF 855.96 FEET TO A POINT;

THENCE S 43 DEG. 56 MIN. 11 SEC. E A DISTANCE OF 1032.75 FEET TO A POINT; SAID POINT BEING N 80 DEG. 51 MIN. 12 SEC. W A DISTANCE OF 1193.82 FEET FROM P.R.M. PBE 133

THENCE S 42 DEG. 11 MIN. 00 SEC. E A DISTANCE OF 818.84 FEET TO A POINT;

THENCE S 38 DEG. 19 MIN. 30 SEC. E A DISTANCE OF 978.15 FEET TO A POINT; SAID POINT BEING S 76 DEG. 01 MIN. 02 SEC. W A DISTANCE OF 710.43 FEET FROM P.R.M. BLIND-P

THENCE S 31 DEG. 31 MIN. 26 SEC. E A DISTANCE OF 1091.23 FEET TO A POINT; SAID POINT BEING N 56 DEG. 08 MIN. 09 SEC. W A DISTANCE OF 995.38 FEET FROM P.R.M. 15-77-B-04

THENCE S 24 DEG. 27 MIN. 48 SEC. E A DISTANCE OF 1060.89 FEET TO A POINT;

THENCE S 23 DEG. 59 MIN. 02 SEC. E A DISTANCE OF 1073.57 FEET TO A POINT; SAID POINT BEING S 55 DEG. 13 MIN. 27 SEC. W A DISTANCE OF 403.40 FEET FROM P.R.M. NOAA-D

THENCE S 22 DEG. 31 MIN. 21 SEC. E A DISTANCE OF 1032.35 FEET TO A POINT;

THENCE S 14 DEG. 48 MIN. 07 SEC. E A DISTANCE OF 1018.07 FEET TO A POINT;

THENCE S 12 DEG. 10 MIN. 52 SEC. E A DISTANCE OF 1020.19 FEET TO A POINT; SAID POINT BEING N 33 DEG. 39 MIN. 35 SEC. W A DISTANCE OF 562.29 FEET FROM P.R.M. 15-99-DA-31

THENCE S 08 DEG. 27 MIN. 55 SEC. E A DISTANCE OF 1012.46 FEET TO A POINT;

THENCE S 09 DEG. 10 MIN. 34 SEC. E A DISTANCE OF 989.34 FEET TO A POINT; SAID POINT BEING N 18 DEG. 08 MIN. 28 SEC. W A DISTANCE OF 384.88 FEET FROM P.R.M. NOAA-1973

THENCE S 08 DEG. 15 MIN. 54 SEC. E A DISTANCE OF 1060.18 FEET TO A POINT; SAID POINT BEING S 88 DEG. 33 MIN. 46 SEC. W A DISTANCE OF 360.21 FEET FROM P.R.M. 15-99-DA-31A

THENCE S 05 DEG. 32 MIN. 47 SEC. E A DISTANCE OF 1034.32 FEET TO A POINT;

THENCE S 01 DEG. 22 MIN. 16 SEC. E A DISTANCE OF 1011.97 FEET TO A POINT;

THENCE S 01 DEG. 22 MIN. 34 SEC. E A DISTANCE OF 1033.06 FEET TO A POINT; SAID POINT BEING S 19 DEG. 27 MIN. 36 SEC. W A DISTANCE OF 768.07 FEET FROM P.R.M. 15-99-DA-32

~~THENCE S 00 DEG. 14 MIN. 44 SEC. E A DISTANCE OF 982.27 FEET TO A POINT;
THENCE S 00 DEG. 52 MIN. 40 SEC. W A DISTANCE OF 927.60 FEET TO A POINT;
THENCE S 05 DEG. 44 MIN. 48 SEC. W A DISTANCE OF 997.35 FEET TO A POINT; SAID POINT BEING N 48 DEG. 49 MIN. 24 SEC. E A DISTANCE OF 461.65 FEET FROM P.R.M. NOAA-A~~

~~THENCE S 07 DEG. 12 MIN. 21 SEC. W A DISTANCE OF 990.24 FEET TO A POINT;
THENCE S 00 DEG. 53 MIN. 52 SEC. E A DISTANCE OF 949.29 FEET TO A POINT;
THENCE S 00 DEG. 36 MIN. 47 SEC. E A DISTANCE OF 556.34 FEET TO A POINT; SAID POINT BEING S 90 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 120.00 FEET FROM P.R.M. NOS 6430 J 1988~~

~~THENCE S 02 DEG. 09 MIN. 26 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF PASS-A-GRILLE CHANNEL; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING S 90 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 120.00 FEET FROM P.R.M. NOS 6430 J 1988.~~

RECOMMENCE AT P.R.M. R170 PNLS 1974, THENCE N 68 DEG. 46 MIN. 13 SEC. E A DISTANCE OF 2327.41 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 11 DEG. 17 MIN. 25 SEC. E TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORES OF BUNCES PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 68 DEG. 46 MIN. 13 SEC. E A DISTANCE OF 2327.41 FEET FROM P.R.M. R170 PNLS 1974.

THENCE S 16 DEG. 08 MIN. 36 SEC. W A DISTANCE OF 1036.48 FEET TO A POINT;
THENCE S 14 DEG. 26 MIN. 12 SEC. W A DISTANCE OF 619.62 FEET TO A POINT;
THENCE S 70 DEG. 44 MIN. 02 SEC. W A DISTANCE OF 566.74 FEET TO A POINT;
THENCE S 23 DEG. 22 MIN. 06 SEC. E A DISTANCE OF 739.95 FEET TO A POINT; SAID POINT BEING N 65 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 410.00 FEET FROM P.R.M. R172 PNLS 1990.

THENCE S 16 DEG. 33 MIN. 13 SEC. E A DISTANCE OF 608.99 FEET TO A POINT;

THENCE S 03 DEG. 23 MIN. 06 SEC. E A DISTANCE OF 831.97 FEET TO A POINT;
THENCE S 05 DEG. 51 MIN. 59 SEC. W A DISTANCE OF 1007.45 FEET TO A POINT; SAID POINT BEING N 85 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 130.00 FEET FROM P.R.M. T174 PNLS 1977.

THENCE S 06 DEG. 22 MIN. 44 SEC. W A DISTANCE OF 1068.28 FEET TO A POINT;
THENCE S 01 DEG. 44 MIN. 54 SEC. W A DISTANCE OF 1013.78 FEET TO A POINT;
THENCE S 01 DEG. 16 MIN. 36 SEC. E A DISTANCE OF 1027.75 FEET TO A POINT; SAID POINT BEING N 77 DEG. 13 MIN. 35 SEC. W A DISTANCE OF 23.74 FEET FROM P.R.M. T177 PNLS 1977.

THENCE S 07 DEG. 24 MIN. 14 SEC. W A DISTANCE OF 993.28 FEET TO A POINT;
THENCE S 42 DEG. 09 MIN. 08 SEC. E A DISTANCE OF 1037.55 FEET TO A POINT;
THENCE S 78 DEG. 06 MIN. 46 SEC. E A DISTANCE OF 423.20 FEET TO A POINT;
THENCE N 55 DEG. 36 MIN. 33 SEC. E A DISTANCE OF 811.86 FEET TO A POINT;
THENCE N 60 DEG. 27 MIN. 43 SEC. E A DISTANCE OF 1077.90 FEET TO A POINT;
THENCE N 61 DEG. 06 MIN. 45 SEC. E A DISTANCE OF 943.54 FEET TO A POINT;
THENCE N 69 DEG. 34 MIN. 48 SEC. E A DISTANCE OF 1106.49 FEET TO A POINT;
THENCE N 62 DEG. 48 MIN. 13 SEC. E A DISTANCE OF 942.77 FEET TO A POINT;
THENCE N 62 DEG. 38 MIN. 22 SEC. E A DISTANCE OF 985.06 FEET TO A POINT; SAID POINT BEING S 80 DEG. 51 MIN. 05 SEC. W A DISTANCE OF 520.44 FEET FROM P.R.M. 15-90-DA-30.

THENCE N 62 DEG. 07 MIN. 42 SEC. E A DISTANCE OF 1206.85 FEET TO A POINT; SAID POINT BEING N 34 DEG. 11 MIN. 57 SEC. E A DISTANCE OF 589.49 FEET FROM P.R.M. DESOTO 1973.

THENCE N 62 DEG. 25 MIN. 10 SEC. E A DISTANCE OF 996.75 FEET TO A POINT;
THENCE N 66 DEG. 29 MIN. 17 SEC. E A DISTANCE OF 992.41 FEET TO A POINT;
THENCE N 60 DEG. 09 MIN. 37 SEC. E A DISTANCE OF 855.64 FEET TO A POINT; SAID POINT BEING N 71 DEG. 52 MIN. 35 SEC. W A DISTANCE OF 165.70 FEET FROM P.R.M. 15-90-B01-2.

THENCE N 53 DEG. 04 MIN. 23 SEC. E A DISTANCE OF 686.16 FEET TO A POINT;
 THENCE N 29 DEG. 43 MIN. 08 SEC. E A DISTANCE OF 800.27 FEET TO A POINT;
 THENCE N 23 DEG. 47 MIN. 42 SEC. E A DISTANCE OF 2362.79 FEET TO A POINT; SAID POINT BEING N 47 DEG. 13 MIN. 03 SEC. W A DISTANCE OF 198.20 FEET FROM P.R.M. DESOTO-B.
 THENCE N 23 DEG. 47 MIN. 41 SEC. E; TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF TAMPA BAY, SAID POINT BEING THE SOUTHERN TERMINUS OF THE COASTAL CONSTRUCTION CONTROL LINE FOR PINELLAS COUNTY.

Specific Authority 370.021(1) FS. Law Implemented 161.053 FS. History—New 1-16-79, Amended _____.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-6.005 RULE TITLE:
 Standards for Approval of
 Continuing Education Credit
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above referenced rule, noticed in the Florida Administrative Weekly on December 15, 2000, in issue Vol. 26, No. 50, has been withdrawn.

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE NO.: 64B11-2.003 RULE TITLE:
 Fees; Application
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 39, September 28, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE WITHDRAWAL IS: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE NO.: 64B11-4.005 RULE TITLE:
 Citations
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule. In accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 27, No. 44, November 2, 2001, issue of the Florida Administrative Weekly. The changes are in response to the Board meeting held on November 5, 2001.

The rule shall now read as follows:

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) 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.

(e) Failure to respond to a continuing education audit/pre-audit request in a timely manner for which the Board shall impose a penalty of \$50.

(5) 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.

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.114 RULE TITLE:
 Prescription Refills
 NOTICE OF CHANGE

Pursuant to Section 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. 43, October 26, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

64B16-28.114 Prescription Refills.

No prescription may be refilled in excess of one (1) year from the date the original prescription was written. No prescription for a controlled substance listed in Schedule II may be refilled. No prescription for a controlled substance listed in Schedules III, IV, or V may be filled or refilled more than five times within a period of six (6) months after the date on which the prescription was written.

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

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs has issued an Order Denying Waiver in response to the Petition for Waiver received from PAMECO CORPORATION on October 9, 2001. The Petitioner sought a waiver of reporting requirements and late fees imposed pursuant to Sections 252.81-252.90, Florida Statutes, as implemented by Chapter 14, Florida Administrative Code. Notice of this Petition for Waiver, which was assigned the number DCA01-WAI-155, appeared in the October 26, 2001, edition of the Florida Administrative Weekly.

A copy of the Order may be obtained by writing: Paula P. Ford, Agency Clerk, Florida Building Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation (hereafter the "Department") has received a Petition for Waiver of Rule 14-97.003, Florida Administrative Code, from First Coast Energy, L.L.P. (hereafter "First Coast"), on November 26, 2001, seeking a waiver of the provisions of Rule 14-97.003, Florida Administrative Code. Rule 14-97.003, Florida Administrative Code, provides a classification access management system and connection spacing standards to be used for all roads on the State Highway System. By this Petition for Waiver of Rule 14-97.003, First Coast seeks to have access directly to Gate Parkway and is

requesting that the Department waive Rule 14-97.003, Florida Administrative Code, to the extent such regulations apply to First Coast's property.

Comments on this proposed waiver should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice.

A copy of the "Petition for Waiver of Rule 14-97.003" may be obtained from the Clerk of Agency Proceedings.

For additional information, contact: Robert C. Downie, II, Assistant General Counsel, (850)414-5265.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-665 DAO-ROW), dated November 15, 2001 to Florida Department of Transportation. The petition for waiver was received by the SFWMD on June 26, 2001. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 28 on July 13, 2001. No public comment was received. This Order provides a waiver to allow existing two (2) mast arm signalization poles, three (3) pedestrian crossing poles, associated electrical service with pull boxes (7), guardrail, signal conduit, sidewalk extension, and proposed guardrail opening, culvert and filling of swale for access improvements located within the north and south rights of way of C-11 associated with S.W. 61st Avenue Bridge and the Griffin Road widening improvements, Section 26, Township 50 South, Range 41 East, Broward County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground facilities within 40 feet of the top of canal bank and within the District's designated 100' long equipment staging areas located within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Florida Department of Transportation from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-666 DAO-ROW), dated November 15, 2001 to Florida Department of Transportation. The petition for waiver was received by the SFWMD on July 11, 2001. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 31 on August 3, 2001. No public comment was received. This Order provides a waiver for the proposed installation of two (2) guardrail openings, concrete curb and gutter and existing signage and a street lighting pole with buried electrical service located within the north and south rights of way of C-11 associated with existing Bridge "E" and the Griffin Road widening improvements, Section 26, Township 50 South, Range 41 East, Broward County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground facilities within 40' of the top of the canal bank and within the District's designated 100' long equipment staging areas located within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Florida Department of Transportation from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, Telephone (561)682-6299 or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-667 DAO-ROW), dated November 15, 2001 to Frank and Karen Scala. The petition for waiver was received by the SFWMD on September 6, 2001. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 39 on September 28, 2001. No public comment was received. This Order provides a waiver to allow existing trees, shrubs, buried electrical service with lights, walkway, patio, benches, concrete fountain, boat dock with a pier, davits and hoists and a boat ramp to remain within the west right of way of C-51, Section 8, Township 44 South, Range 43 East, Palm Beach County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the

Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the minimum low member elevation of pile-supported docking facilities within Works and Lands of the District. The Governing Board previously approved relaxation of the District's Rule requiring no above ground encroachments within 40 feet of the top of the canal bank within this reach at its August 2000 Governing Board meeting. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Frank and Karen Scala from suffering a violation of the "principles of fairness".

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, Telephone (561)682-6299 or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-668 DAO-ROW), dated November 15, 2001 to Ramgoh Sales Company, Inc. The petition for waiver was received by the SFWMD on September 13, 2001. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 40 on October 5, 2001. No public comment was received. This Order provides a waiver to allow existing fencing, boat ramp, 2 sign posts, light pole, buried water and electrical service with electric meter box to remain within the south right of way of C-11 at the rear of 4500 S. State Road 7, Section 25, Township 50 South, Range 42 East, Broward County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of canal bank within Works and Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Ramgoh Sales Company, Inc. from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, Telephone (561)682-6299 or e-mail jsluth@sfwmd.gov.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

On August 18, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from J.A. Jones Environmental Services Company requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1105. A Notice of Receipt of Petition for Variance/Waiver was published in the September 22, 2000, F.A.W. On November 14, 2001, the petition was granted for certain records from American Environetics, Incorporated and Environmental Technologies and Assessments, Incorporated.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn: Rebecca Grace.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on November 9, 2001, a petition from Halliburton Nus for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 01-1326 and is for the Remedial Action-Year One, Second Half and Year Two-First Half program task for the Jet Convenience Store #09001 facility, located at 421 Havendale Blvd., Auburndale, FDEP Facility #538624091.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn: Rebecca Grace. Comments must be received no later than 14 days from the date of publication of this notice.

On August 13, 2001, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from Robert C. Kratz (Teleford Oil), requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #01-1408. A Notice of Receipt of Petition for Variance/Waiver was published in the September 14, 2001, F.A.W. On November 13, 2001, the petition was granted for certain records from Robert Krantz, Incorporated (RKI) to Allied Soil Remediation (ASR); however the Department denied the request for a variance for the 15% funder markup claimed by RKI on certain ASR costs.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn: Rebecca Grace.

On August 13, 2001, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from Robert C. Kratz (Sea Squires, Inc.), requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #01-1409. A Notice of Receipt of Petition for Variance/Waiver was published in the September 14, 2001, F.A.W. On November 13, 2001, the petition was granted for certain records from Allied Soil Remediation, Environmental Technologies & Assessment, and American Environetics.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn: Rebecca Grace.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on November 14, 2001, a petition from Amerada Hess Corporation for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 01-1410 and is for the Remedial Action-Year One through Four, First Half program task for the Amerada Hess #09210 facility, located at 4960 Palm Beach Blvd., Tice, FDEP Facility #368519491.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn: Rebecca Grace. Comments must be received no later than 14 days from the date of publication of this notice.

On October 17, 2001, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from Ware Klump Oil Company (Wareco #555) requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #01-1613. A Notice of Receipt of Petition for Variance/Waiver was published in the November 9, 2001, F.A.W. On October 30, 2001, the petition was granted and repayment of the costs associated with the Pieco records is no longer necessary.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn: Rebecca Grace.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on October 23, 2001, a petition from Micro-Bac International, Inc., seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under Rule 62-522.300(3), Florida Administrative Code, for the use of a microorganisms and nutrients (M-1000H[®]™, OSNF#1, and TriPhasic 12) to clean up sites that are contaminated with chlorinated and non-chlorinated hydrocarbons.

The petition has been assigned OGC File No.: 01-1711.

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 IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on November 9, 2001, a petition from Christa Bergman requesting a waiver pursuant to Chapter 120.542, F.S., of the \$500 ATRP deductible required under Rule 62-769.800(4)(c), F.A.C. The petition has been assigned OGC case number 01-1839.

Copies may be received from, and written comments submitted to: Ms. Rebecca Grace, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

The Department of Environmental Protection gives notice of its intent to grant a variance (File No. 0173059-002-EV) to Lee County's Natural Resources Division, from Rule 62-4.242(2)(a)2.b., Florida Administrative Code (F.A.C.) to allow a temporary elevation of turbidity, not to exceed 29 nephelometric turbidity units (NTUs) above background conditions at the beach nourishment site extending 300 meters offshore and up to 4,500 meters along shore from the point of sand discharge onto a beach disposal area. The variance is associated with the proposed Estero Island and Lovers Key Beach Restoration Project (File No. 0173059-001-JC). The activity is located in Sections 3, 10, 11, 14, 19, 24, 28, 29, 30, 33 and 34, Township 46 South, Range 23 East; in Lee County, within the Gulf of Mexico, Class III waters of the State of Florida.

A person whose substantial interests are affected by the Department's proposed action may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the

clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the variance or even a denial of the application. Under Rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rules 28-106.111(2) and 62-110.106(3)(a)(1), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

In accordance with Rule 28-106.201, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and

telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of Section 373.114(1)(a), F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1), F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the final order is filed with the Clerk of the Department.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Office of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201. The application can also be viewed at the Department's Internet Web site at: <http://www.dep.state.fl.us/beach/pendapps.htm>

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on October 23, 2001, the Board of Massage Therapy received the final information requested for a Petition for Variance from Rule 64B7-29.003, FAC., from Dorothy Froemming. The Petitioner requests a permanent variance from the rule that specifies the requirements obtaining licensure as a massage therapist through the apprenticeship training program. By request of the Petitioner, this matter will be heard by the Board of Massage Therapy at its general meeting April 25-26, 2002, in Tampa, Florida.

Comments on this Petition should be filed with: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, FL 32399-3256.

A copy of the petition may be obtained from: Karen Eaton, Executive Director, Board of Massage Therapy, Department of Health, 4052 Bald Cypress Way, BIN #C06, Tallahassee, FL 32399-3256.

The Board of Psychology hereby gives notice that it has received a petition, filed on November 19, 2001 from Jonas Kaye, Ph.D., seeking an emergency variance or waiver of Rule 64B19-13.003, which specifies the types of activities for which continuing psychological education credit will be granted.

Written comments on this petition should be filed with Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces the following public meetings to which all persons are invited:

DATES AND TIME: January 15, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Literature Organizations; January 17, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Folk Arts Organizations; January 22, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Dance Organizations; January 24, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Sponsor/Presenter Organizations; January 29, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Media Arts Organizations; January 31, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Interdisciplinary/Multidisciplinary/Discipline Service

Organizations; February 5, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Theatre-Community Organizations; February 7, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Theatre-Professional Organizations; February 12, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Music/Instrumental Organizations; February 13, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Music/Vocal Organizations; February 18, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Visual Arts Organizations; February 19, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Museums/Art; February 21, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Museums Non/Art; February 28, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Challenge Grant; March 13-15, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Arts in Education
PLACE: Twin Towers, Room 609, 2600 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications to the 2002-2003 Florida Guide to Cultural Programs for Organizations.

DATE AND TIME: March 6, 2002, 9:00 a.m. – 5:00 p.m. or until conclusion of business, Local Arts Agencies

PLACE: R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications to the 2002-2003 Florida Guide to Cultural Programs for Organizations.

DATES AND TIME: May 8, 2002, 9:00 a.m. – 5:00 p.m., or until conclusion of business, Folk Arts Fellows; May 14, 2002, 9:00 a.m. – 5:00 p.m., or until conclusion of business, Dance Fellows; May 21, 2002, 9:00 a.m. – 5:00 p.m., or until conclusion of business, Interdisciplinary Fellows; May 30, 2002, 9:00 a.m. – 5:00 p.m., or until conclusion of business, Theatre Fellows; June 6, 2002, 9:00 a.m. – 5:00 p.m., or until conclusion of business, Music Fellows; June 13, 2002, 9:00 a.m. – 5:00 p.m., or until conclusion of business, Media Arts Fellows; June 20, 2002, 9:00 a.m. – 5:00 p.m., or until conclusion of business, Literature Fellows; June 26-27, 2002, 9:00 a.m. – 5:00 p.m., or until conclusion of business, Visual Arts Fellows/2D; June 28, 2002, 9:00 a.m. – 5:00 p.m., or until conclusion of business, Visual Arts Fellows/3D

PLACE: Twin Towers, Room 609, 2600 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications to the 2002-2003 Florida Guide to Programs for Individual Artists.

Please note that all programs' meeting locations are subject to change. Confirm each meeting location with Division staff.

Telephone Participation Procedures - As stated on page 8 of the 2002-2003 Florida Guide to Cultural Programs for Organizations, organization grant applicants may participate in the panel meetings by telephone. Applicants must submit a written request for telephone participation, which must be

received by the Division no later than 4:00 p.m. (Eastern Standard Time), on the last business day immediately preceding the scheduled panel meeting. The request must contain the organization name and application number; the name and date of the panel meeting; the name of the person or persons designated to speak to the panel; and the complete telephone number, including the area code and extension. The request must be signed by an authorized official of the organization, with the name and title typed below the signature.

A copy of each meeting agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250 or by calling Dennis Hutchison, (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meetings, he/she may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review. 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 Dennis Hutchison, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling TT (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Legislative Advocacy Committee of the **Florida Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: January 11, 2002, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Honeybee Technical Council** announces a public meeting to which all persons are invited:

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items:

1. Section 18 Update
2. Replacement Extension Agent
3. Resistant American Foulbrood – Plan of Action
4. Small Hive Beetle

- 5. Varroa mite update
- 6. African bee update and issues
- 7. Apiary Fees
- 8. Other issues

If you need a special accommodation in order to attend this meeting because of a disability, please let us know by December 7, 2001.

A copy of the agenda may be obtained by writing: Mr. Laurence Cutts, Secretary, Honeybee Technical Council, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100, (352)372-3505.

The Florida **Department of Agriculture and Consumer Services** announces the following public meetings of the Pesticide Registration Evaluation Committee to which all persons are invited:

DATES AND TIME: January 10, 2002; February 7, 2002; March 7, 2002; April 4, 2002; May 2, 2002; June 6, 2002; July 11, 2002; August 1, 2002; September 5, 2002; October 3, 2002; November 7, 2002; December 5, 2002, 9:00 a.m.

PLACE: Bureau of Pesticides, Conference Room, Room 606, Bldg. 6, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meetings of the Committee during which there will be discussions and recommendations on pesticide registration issues impacting on human health and safety and the environment.

A copy of the agenda may be obtained by contacting: Pesticide Registration Section, Room 606, Bldg. 6, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)487-2130 or may be found at: http://doacs.state.fl.us/~aes/pesticides/REG_PREC.htm#AGENDA.

DEPARTMENT OF EDUCATION

The **Interagency Advisory Committee** for the School Emergency Plans Project announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 12, 2001, 8:30 a.m. – 2:00 p.m.

PLACE: Florida Department of Education, Room 1704, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Interagency Advisory Committee for the School Emergency Plans Project. The Interagency Advisory Committee welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise Felicia Elliott, Office of Safe Schools, Emergency Management Program, (850)414-7777, at least five calendar days before the meeting.

The Florida **Department of Education** (DOE) announces a meeting of the Partnership for School Safety and Security, to which all persons are invited.

DATES AND TIMES: December 13, 2001, 10:00 a.m. – 5:00 p.m.; December 14, 2001, 9:00 a.m. – 2:00 p.m.

PLACE: Hyatt Regency Coral Gables at The Alhambra, 50 Alhambra Plaza, Coral Gables, Florida 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Partnership for School Safety and Security Members appointed by Governor Jeb Bush in October 2000. The Partnership for School Safety and Security welcomes participation from any interested members of the public.

Any persons requiring special accommodation at this meeting because of a disability or physical impairment should contact Lorraine H. Allen, Office of Safe Schools, (850)414-1830, at least five calendar days prior to the meeting.

Additional information may be obtained by writing: Department of Education, Office of Safe Schools, Room 301, 325 West Gaines Street, Tallahassee, Florida 32399 or by telephoning Lorraine H. Allen, (850)414-1830.

The **Commission for Independent Education** announces a special public meeting to which all persons are invited.

DATE AND TIME: December 20, 2001, 9:00 a.m.

PLACE: To Be Announced (Tampa Area)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and action on statutory revision, staff reorganization, budget needs, licensure standards, staffing patterns, processes used to implement the licensure standards, public comments relating to statute rewrite, and any other Commission business.

A copy of the agenda may be obtained by contacting: Commission for Independent Education, Department of Education, Florida Education Center, Tallahassee, Florida 32399.

The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission's RFP Review/Evaluation Workgroup and to which all persons are invited and to which all interested individuals are encouraged to attend.

RFP Review / Evaluation Workgroup

DATE AND TIME: January 3, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: DVRS Headquarters, DVRS Room 214, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the RFP Review/Evaluation Workgroup and to review proposals received for ITN #2002-10.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, at least seven days before the meeting.

The **Council for Education Policy, Research and Improvement** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, December 11, 2001, 9:30 a.m. – 5:00 p.m.

PLACE: Mid Florida Tech, 2900 West Oakridge Road, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will take action on workforce development grants and studies related to branch campus degree programs, matching gift programs, and workforce development funding and will discuss other ongoing assignments and responsibilities.

For further information contact: Dr. William B. Proctor, Executive Director, Council for Education Policy, Research and Improvement, Tallahassee, Florida 32399-1400, (850)488-7894.

DEPARTMENT OF TRANSPORTATION

The **Florida High Speed Rail Authority** announces a public meeting to be conducted utilizing communications media technology in accordance with Chapter 28-109, Florida Administrative Code, by using telephones for a public teleconference to which all persons are invited.

DATE AND TIME: Thursday, December 20, 2001, 9:00 a.m. – Conclusion

PLACE: Teleconference Only – The access point for any interested person who wishes to attend the meeting is the Department of Transportation Suwannee Room, Room 250, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

An agenda and other information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

General information concerning the teleconference can be obtained from Betty Sizemore, (850)414-5244, E-Mail: betty.sizemore@dot.state.fl.us. Written or other physical evidence to be offered into the record of the meeting shall be submitted prior to the meeting to Mr. Haddad at the above address.

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. If you are hearing or speech impaired, please contact the Department by calling 1(800)367-8331.

The **Florida High Speed Rail Authority** announces a public meeting to be conducted utilizing communications media technology in accordance with Chapter 28-109, Florida Administrative Code, by using telephones for a public teleconference to which all persons are invited.

DATE AND TIME: Thursday, December 27, 2001, 9:00 a.m. – Conclusion

PLACE: Teleconference Only – The access point for any interested person who wishes to attend the meeting is the Department of Transportation Suwannee Room, Room 250, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

An agenda and other information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

General information concerning the teleconference can be obtained from Betty Sizemore, (850)414-5244, E-Mail: betty.sizemore@dot.state.fl.us. Written or other physical evidence to be offered into the record of the meeting shall be submitted prior to the meeting to Mr. Haddad at the above address.

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. If you are hearing or speech impaired, please contact the Department by calling 1(800)367-8331.

DEPARTMENT OF CITRUS

AMENDED NOTICE OF MEETING – The **Department of Citrus** announces a special and emergency meeting via telephone conference of the Florida Citrus Commission to which all persons are invited and an emergency hearing to consider reducing the acid level of oranges.

DATE AND TIME: Monday, November 19, 2001, 1:00 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to consider the citrus dealer's application of Nevins Fruit Company, Inc. Please note in addition to the citrus fruit dealer's license of Nevins Fruit Co., Inc., the Florida Citrus Commission will consider an emergency rule to reduce the acid content in oranges. The acid

issue is an emergency situation that occurred since the meeting notice was published in the Florida Administrative Weekly on November 9, 2001. Florida citrus promotes the general welfare, social and political economy of the State. (Section 601.02(7), F.S.) The Legislature recognizes that unusual climatic conditions produce unusual growing conditions and granted the Florida Department of Citrus the power to lower maturity/acid standards of citrus fruits. (Section 601.111, F.S.) The Florida industry has advised this season's acts of nature have caused the oranges to mature faster. As a result, the acid level in oranges has decreased, therefore the ratio of said fruit is increasing. The Florida Citrus Commission has been requested to take action to reduce the acid level in oranges as a direct result of the emergency situation caused by unusual climatic conditions.

Please note members of the Florida Citrus Commission will attend by telephone. To assure the public has access to this meeting, the Florida Department of Citrus will have a speaker phone available at the Department of Citrus. Additionally, if there is a member of the public that cannot attend the meeting at the Florida Department of Citrus, but wishes to appear by telephone, they may make arrangements to do so by contacting the Office of the General Counsel, (863)499-2530.

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.

cc: Florida Citrus Commission

Industry Organizations

Florida Citrus Press

Individuals on Attached Exhibit 1

Shannon Shepp, Florida Department of Agriculture, Division of Fruit and Vegetables

Cindy Douglas, OIC – USDA

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meeting to which all persons are invited.

MEETING: Regional Hazardous Materials Response Team

DATE AND TIME: December 18, 2001, 1:30 p.m.

PLACE: Gainesville Fire Rescue Training Building, 1026 Northeast 14th Street, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Hazardous Materials Response Team.

Any persons deciding to appeal any decision of the Team with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, Suite A, 2009 N. W. 67th Place, Gainesville, FL 32653.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

NOTICE OF CANCELATION – The **Southwest Florida Regional Planning Council** announces that its regular meeting has been canceled:

DATE AND TIME: December 20, 2001, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, Conference Room, 4th Floor, 4980 Bayline Drive, North Fort Myers, Florida 33917

The next regular meeting is scheduled for January 17, 2002, 9:30 a.m.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

NOTICE OF CORRECTION – The Florida **Department of Labor and Employment Security, Division of Workers' Compensation** announces an incorrect purpose was given for the informal rule revision workshop regarding 38F-3 which was published in Vol. 27, No. 46, November 16, 2001, issue of the Florida Administrative Weekly. The correct purpose reads as follows:

The purpose of this meeting is to conduct an informal review of the proposed changes to Division Rule 38F-3, F.A.C., and the Claims EDI Mandate and Filing Rules.

The remainder of the notice will read as published.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following public meetings and hearings, which may be conducted by means of or in conjunction with communications technology, to which all persons are invited:

GOVERNING BOARD

DATE AND TIME: Tuesday, December 11, 2001, 9:30 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of other District business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

FINANCE/ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, December 11, 2001, 10:00 a.m. or immediately following Governing Board meeting

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff will recommend approval of external budget amendments. Discussion of Finance, Facilities/Planning/Construction, Information Technology, and Personnel agenda items followed by committee recommendations to be approved by the full Governing Board.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, December 11, 2001, 10:00 a.m. or immediately following Governing Board meeting

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory Meeting and Policy agenda items concerning regulatory matters followed by committee recommendations to be approved by the full Governing Board.

PROJECTS/LAND COMMITTEE

DATE AND TIME: Tuesday, December 11, 2001, 11:00 a.m. or following Regulatory Committee meeting

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Projects and Land Acquisition and Management agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD AND PUBLIC HEARING

DATE AND TIME: Wednesday, December 12, 2001, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff will recommend approval of external budget amendments. Discussion and consideration of District business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

DATE AND TIME: Wednesday, December 12, 2001, 11:30 a.m.

PLACE: Tri-County Agricultural Area in St. Johns County, Florida (Hastings, Florida located between Palatka and St. Augustine on Hwy. 207)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Briefing on Tri-County Agricultural Best Management Practices associated with water quality cost-share program. Briefing will begin at Bulls Hit Ranch, 9165 Hastings-Palatka Road, Hastings, FL 32145 and continue with tour of Wayne Smith Farm, 9700 Hastings Boulevard, Hastings, FL 32145.

NOTE: In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference.

A copy of the agenda for these meetings may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Executive Office.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (386)329-4101. If you are hearing or speech impaired, please contact the District by calling (386)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** announces a Public Hearing to which all persons are invited:

DATE AND TIME: Wednesday, December 12, 2001, 9:00 a.m.

PLACE: District Headquarters, 4049 Reid Street, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public testimony concerning proposed amendments to the District Florida Forever Work Plan for use of funding from the Florida Forever Trust Fund pursuant to Section 259.105, Florida Statutes, The Florida Forever Act.

If any person decides to appeal any decision with respect to any matter considered at the above listed hearing such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

If, due to disability, you require a special accommodation to participate in this public hearing, contact Linda Lorenzen, (386)329-4262 or (386)329-4450, at least five working days before the date of the meeting.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s):

MANASOTA BASIN BOARD MEETING

DATE AND TIME: Wednesday, December 12, 2001, 9:00 a.m.

PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

ALAFIA RIVER BASIN BOARD MEETING

DATE AND TIME: Thursday, December 13, 2001, 9:00 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Consideration of Basin business.

GOVERNING BOARD EXECUTIVE COMMITTEE

DATE AND TIME: Tuesday, December 18, 2001, 8:30 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Consideration of personnel business.

GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS

DATE AND TIME: Tuesday, December 18, 2001, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Conduct of meeting, public hearing and committee meetings.

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

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

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Conduct of meeting and public hearing.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting 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: December 4, 11, 18, 2001, 1:00 p.m. – 1:30 p.m.

PLACE: South Florida Water Management, District Headquarters, Egret Conference Room, 3rd Floor, Building B-1, 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 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: December 12, 2001, 9:00 a.m.

PLACE: District Headquarters, Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A. Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.

B. Conduct meeting of the Human Resources Committee.

C. Conduct meeting of the Audit Committee.

All of part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, December 13, 2001, meeting agenda, including regulatory and non-regulatory items.

NOTE: Due to extensive demolition and construction at the main complex for the next 12 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.

DATE AND TIME: December 12, 2001, time to be determined

PLACE: To be determined

GENERAL SUBJECT MATTER TO BE CONSIDERED: Possible off-site dinner with Governing Board members after workshop/meeting. No discussion of Governing Board's business or activities shall occur between or among board members at this dinner site.

DATE AND TIME: December 13, 2001, 8:30 a.m.

PLACE: District Headquarters, Auditorium, Building B-1, 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.

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.

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: January 10, 2002, Governing Board Meeting, 8:50 a.m.

PLACE: District Headquarters, Auditorium, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida

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:

Part of the Kissimmee Chain of Lakes project comprised of 1 parcel referred to as SFWMD Tract No. 402-020 consisting of approximately 0.40 acres and lying in Section 5, Township 30 South, Range 30 East within Polk County, Florida.

FAW Reference No. 2627

Part of the Kissimmee Chain of Lakes project comprised of three parcels referred to as SFWMD Tract No. 18-121-001 consisting of approximately 2,000 acres lying in Sections 33, 34, and 35, Township 28 South, Range 29 East and Sections 2,3,4,9, and 10, Township 29 South, Range 29 East in Polk County, Florida, SFWMD Tract No. 18-021-002 consisting of approximately 10.1 acres, lying in Sections 2 and 11, Township 29 South, Range 29 East in Polk County, Florida, and SFWMD Tract No. 18-021-003 consisting of approximately 5.5 acres, lying in Section 11, Township 29 South, Range 29 East in Polk County, Florida.

FAW Reference No. 2628

Part of the Kissimmee River project comprised of one parcel referred to as SFWMD Tract No. 19-103-452 consisting of approximately 0.11 acres and lying in Section 17, Township 36 South, Range 33 East in Highlands County, Florida.

FAW Reference No. 2629

Part of the Kissimmee River project comprised of one parcel referred to as SFWMD Tract No. 19-103-492 consisting of approximately 0.40 acres and lying in Section 8, Township 36 South, Range 33 East in Highlands County, Florida.

FAW Reference No. 2630

Part of the CRITICAL CREW (Southern Corkscrew Regional Ecosystem Watershed) project comprised of 28 parcel(s) referred to as SFWMD Tract No.(s) 005-001, 005-002, 005-003, 005-005, 005-006, 005-007, 005-008, 005-009, 005-011, 005-012, 005-014, 005-017, 005-018, 005-020, 005-023, 005-024, 005-028, 005-029, 005-030, 005-035, 005-040, 005-046, 005-047, 005-049, 005-051, 005-053, 005-054 and 005-061, consisting of approximately 164.25 acres and lying in Section 32, Township 47 South, Range 26 East within Lee County, Florida.

FAW Reference No. 2631

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. 2632

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. 2633

Part of the East Coast Buffer Project comprised of thirty one parcels referred to as SFWMD Tract Nos. W9-100-049, W9-200-917, W9-200-921, W9-200-931, W9-102-012, W9-103-013, W9-312-001, W9-312-011, W9-101-032, W9-101-036, W9-101-037, W9-101-091, W9-101-092, W9-101-067, W9-102-036, W9-103-019, W9-101-003, W9-101-004, W9-101-010, W9-101-011, W9-311-942, W9-311-943, W9-311-944, W9-311-945, W9-311-953, W9-312-021, W9-312-002, W9-312-003, W9-312-005, W9-312-006 and W9-312-009 consisting of approximately 209 acres and lying in Sections 03, 09, 10, 15, 22, 24, 27 and 34, Townships 48, 50, 51, 52 and 53 South, Ranges 39 and 40 East in Broward and Miami-Dade Counties, Florida.

FAW Reference No. 2634

Part of the Biscayne Coastal Wetlands project comprised of ten parcels referred to as SFWMD Tract Nos. GZ-100-001, GZ-100-002, GZ-100-003, GZ-100-004, GZ-100-005, GZ-200-001, GZ-200-002, GZ-200-003, GZ-200-004 and GZ-200-005 and consisting of approximately 549.77 acres and lying in the South 1/2 of Section 28, Township 56 South, Range 40 East, and in Sections 4 and 9, Township 57 South, Range 40 East, lying East of the L-31 East Levee, Miami-Dade County, Florida.

FAW Reference No. 2635

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.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

For additional information, please contact: Mr. Blair R. LittleJohn, III, Interim Department Director, Land Acquisition Department, (561)686-8800.

DEPARTMENT OF VETERANS' AFFAIRS

The Florida **Commission on Veterans' Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 7, 2001, 2:00 p.m.

PLACE: Room 117, The Knott Building, 404 South Monroe Street, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting and planning session.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jan Stearns, Florida Department of Veterans' Affairs, Koger Center, Suite 100, Douglas Building, 2540 Executive Center Circle, West, Tallahassee, Florida 32301. Please telephone (850)487-1533, at least 48 hours prior to the workshop.

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: Monday, December 17, 2001, 2:30 p.m. – 4:30 p.m.

PLACE: Conference Call (Number available upon request)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Study the feasibility of using a restricted drug formulary for nursing home and other institutionalized adults.

Anyone who wishes to listen to the meeting may call the Bureau of Pharmacy Services, (850)487-4441, to receive the telephone number.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 18, 2001, 10:00 a.m. – 2:00 p.m.

PLACE: Orlando Airport Hyatt, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organ Transplant Task Force as authorized by Senate Bill 684.

Additional information may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone, (850)487-2717 or by e-mailing Mary Loepp, Unit Manager, Hospital and Outpatient Services Unit at loeppm@fdhc.state.fl.us.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, (850)487-2717.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services, State Technology Office** announces a workshop on the progress of the Joint Task Force Radio Communications System to which all persons are invited.

DATE AND TIME: December 19, 2001, 1:30 p.m.

PLACE: Department of Management Services, State Technology Office, Room 225A, 4030 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Linda Fuchs, Department of Management Services, State Technology Office, Suite 180, 4030 Esplanade Way, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)488-8036, at least five calendar days prior to the meeting. If you are hearing- or speech-impaired,

please contact the State Technology Office by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The **Department of Management Services, State Technology Office** announces a public meeting of the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited. DATE AND TIME: December 19, 2001, immediately following the workshop

PLACE: Room 225A, 4030 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Linda Fuchs, Department of Management Services, State Technology Office, Suite 180, 4030 Esplanade Way, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)488-8036, at least five calendar days prior to the meeting. If you are hearing- or speech-impaired, please contact the State Technology Office by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meetings to which all parties are invited to attend.

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

PLACE: Department of Professional Regulation, 1940 North Monroe Street, Tallahassee, FL, (850)488-5776 or Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for

such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)488-6685, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public hearing to which all interested persons are invited.

DATE AND TIME: January 9, 2002, 2:00 p.m.

PLACE: Room 611, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony and public comment and to take final action on the management of the FY 2002 State Revolving Fund loan priority list for water pollution control projects under Rule Chapters 62-503 and 62-504, Florida Administrative Code, and incipient agency policy. The City of Sanibel has prepared planning documents for a wastewater construction project and has requested that the Department hold a hearing for the purpose of adding the project to the fundable portion of the priority list. Approximately \$237 million is projected to be available for assignment to qualifying wastewater, stormwater, or nonpoint source projects. The Department may adopt, modify, or deny the proposed actions at the hearing. Projects may be added to the priority list to be adopted pursuant to incipient agency policy, if requests and required documentation are approved by the Department by December 26, 2001.

Under the incipient agency policy, preconstruction loans for stormwater project planning and design may be authorized; certain parts of the Rule having to do with document submittal and priority list adoption schedules have been abrogated or revised; the limit on funds available for stormwater loans has been lifted; project eligibility has been expanded to include publicly and privately owned non-point source pollution control activities as defined in Sections 319 and 320 of the amended Clean Water Act; the limit on the cost of construction on which preconstruction allowances are determined has been lifted; and the estimate of funds expected to be available will include appropriations, loan repayments, interest income and proceeds from the sale of bonds for a two year period. Pursuant to Rule 62-503.680(7) and 62-504.680(5), FAC, the Department's funding commitment to projects currently assigned to a priority list may be withdrawn at the hearing if a local government is delinquent in submitting documents as

scheduled. Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding the list and any proposed actions.

After the hearing, the Department will file the Final Order for actions taken at the hearing. A copy of the Final Order will be made available to persons sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or must be filed with the Department's Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, no later than 5:00 p.m. on the first working day after the public hearing.

A copy of the draft priority list may be obtained by contacting Gary Powell at the same address, (850)488-8163 or Suncom 278-8163 or e-mail gary.powell@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection** announces a public workshop to which all persons are invited.

DATE AND TIME: January 9, 2002, 10:00 a.m.

PLACE: Room 611, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the Department's recommendations and receive public comment on the intended use of the Fiscal Year (FY) 2002 and 2003 Federal Clean Water Act appropriations and State matching funds. Funds may be used to finance wastewater, stormwater or non-point source preconstruction and construction projects through direct loans under State Revolving Fund Rules, Chapters 62-503 and 62-504, Florida Administrative Code (FAC), and incipient agency policy. Approximately \$442 million is projected to be available for assignment to projects. Funds are also being used to finance the planning, design and construction of wastewater infrastructure through grants in aid to disadvantaged small communities under Rule 62-505, FAC. Workshop topics will include rule revision, incipient agency policy, project eligibility, project prioritization, types of assistance available, source and use of funds, and the proposed priority lists of projects.

A copy of the proposed FY 2002 Intended Use Plan may be obtained by contacting: Gary Powell, Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, (850)488-8163 or Suncom 278-8163 or e-mail gary.powell@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

The Florida **Board of Dentistry** will hold a general business meeting to which all persons are invited:

DATES AND TIMES: Friday, January 18, 2002, 9:00 a.m.; Saturday, January 19, 2002, 8:00 a.m.

PLACE: Hilton Tampa Airport Westshore Hotel, 2225 North Lois Avenue, Tampa, FL 33607, (813)877-6688

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258 or you may call (850)245-4474. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Massage Therapy** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: January 23, 2002, 6:00 p.m. or soon thereafter

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Blvd., Jacksonville, Florida 32201, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting of the Probable Cause Panel for reconsiderations. Agenda available upon request.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Massage Therapy, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Massage Therapy** announces a meeting to which all interested persons are invited to attend.

DATES AND TIMES: Thursday, January 24, 2002, 9:00 a.m. or soon thereafter; Friday, January 25, 2002, 9:00 a.m., if necessary

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Blvd., Jacksonville, Florida 32201, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business and Disciplinary Matters.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Massage Therapy, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIME: December 17-18, 2001, 8:00 a.m., (EST)

PLACE: The Embassy Suites Hotel, 3974 N. W. South River Drive, Miami, FL 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will conduct disciplinary proceedings, general board business and rules review.

The probable cause panel will meet December 16, 2001, 3:00 p.m. This meeting is closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered.

A copy of the board agenda and any probable cause materials which are open to the public may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Page Merkison, (850)245-4292, Ext. 3600, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, February 1, 2002, 9:00 a.m. or soon thereafter

PLACE: The Sofitel Miami, 5800 Blue Lagoon Drive, Miami, Florida 33126, (305)264-4888

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business and Disciplinary Matters.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE OF RESCHEDULING – The **Department of Health** announces that the conference call meeting of the Technical Review and Advisory Panel for Onsite Sewage Treatment and Disposal Systems scheduled for December 6, 2001, has been rescheduled. The Department of Health announces a meeting of the Technical Review and Advisory Panel to which all persons are invited.

DATE AND TIME: December 13, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Call: (850)922-2903 or Suncom 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Water and Onsite Sewage Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1713.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services**, District 4 announces public meetings to which all persons are invited:

WHAT: Nassau County Community Alliance
 DATE AND TIME: December 17, 2001, 2:00 p.m. – 4:00 p.m.
 PLACE: Children and Families Education Center, 479 Felmore Road, Yulee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community Plan for Human Services System of Care.

WHAT: Nassau County Community Alliance Outcome Committee: Provider Subcommittee

DATE AND TIME: December 10, 2001, 9:30 a.m.
 PLACE: Peck Center, Suite 205, 516 S. 10th Street, Fernandina Beach, FL

DATE AND TIME: December 17, 2001, 1:00 p.m.
 PLACE: 479 Felmore Road, Yulee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Provider Survey.

WHAT: Nassau County Community Alliance Outcome Committee: Community Subcommittee

DATE AND TIME: December 17, 2001, 1:00 p.m.
 PLACE: 479 Felmore Road, Yulee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community town forums for determining priorities.

WHAT: Nassau County Community Alliance Outcome Committee: Existing Data Subcommittee

DATE AND TIME: December 5, 2001, 9:00 a.m.
 PLACE: Council on Aging, 1364 S. 18th Street, Fernandina Beach, FL

DATE AND TIME: December 17, 2001, 1:00 p.m.
 PLACE: 479 Felmore Road, Yulee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: data on existing service array.

The **Department of Children and Family Services**, Refugee Services Office announces the following public meetings to which all interested persons are invited.

MEETING: District 9/Palm Beach Area Refugee Task Force
 DATE AND TIME: December 19, 2001, 1:30 p.m. – 3:30 p.m.
 PLACE: Naval and Marine Reserve Center, 1227 Marine Drive, West Palm Beach, FL, contact person is Taddese Fessehaye, (407)245-0450 or (850)488-3791

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Palm Beach Area/Children and Family Services, District 9 area.

A copy of the agenda may be obtained by writing: Taddese Fessehaye, Refugee Services Office, Suite 1009, 400 West Robinson Street, Orlando, Florida 32801.

*MEETING: District 11/Miami Area Refugee Task Force
 DATE AND TIME: December 14, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Miami-Dade Community College, Building 2, 300 Northeast Second Avenue, Miami, Florida, (305)237-7069, contact person is Vinayak Sharma, (850)413-9225

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Miami Dade Area County/Children and Family Services, District 11 area.

A copy of the agenda may be obtained by writing: Vinayak Sharma, Refugee Services Office, Room 303, Building 1, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700.

*MEETING: District 7/Orlando
 DATE AND TIME: December 12, 2001, 9:30 a.m. – 11:30 a.m.

PLACE: Catholic Charities of Orlando, 1771 North Semoran Blvd., Orlando, Florida 32897, contact person is Taddese Fessehaye, (407)245-0450 or (850)488-3791

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Duval Area County/Children and Family Services, District 7 area.

A copy of the agenda may be obtained by writing: Taddese Fessehaye, Refugee Services Office, Suite 1009, 400 West Robinson Street, Orlando, Florida 32801.

Pursuant to the Provisions of the American’s with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Refugee Services Office, (850)488-3791 or Fax (850)487-4272. If you are hearing or speech impaired, please contact the agency by calling TDD Number (850)922-4449 and reference the specific Refugee Task Force Meeting by location and date.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Friday, December 14, 2001, 10:00 a.m.
 PLACE: Rick Seltzer Conference Room, 6th Floor, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluation of responses submitted for Florida Housing Finance Corporation's Request for Qualifications #2001/05 for Special Counsel Services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Laurie Camp, Human Resources Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings:

- MEETING: Finance Committee Meeting
DATE AND TIME: Wednesday, December 5, 2001, 2:00 p.m. (EST)
- MEETING: Planning Committee Meeting
DATE AND TIME: Wednesday, December 5, 2001, 3:00 p.m. (EST)
- MEETING: Development Committee Meeting
DATE AND TIME: Wednesday, December 12, 2001, 3:00 p.m. (EST)
- MEETING: Executive Committee Meeting
DATE AND TIME: Thursday, December 13, 2001, 10:00 a.m. (EST)
- MEETING: Steering Committee Meeting
DATE AND TIME: Wednesday, December 19, 2001, 10:00 a.m. (EST)
- MEETING: Advocacy Committee Meeting
DATE AND TIME: Thursday, December 20, 2001, 3:00 p.m. (EST)
- MEETING: Finance Committee Meeting
DATE AND TIME: Wednesday, January 2, 2002, 2:00 p.m. (EST)
- MEETING: Planning Committee Meeting
DATE AND TIME: Wednesday, January 2, 2002, 3:00 p.m. (EST)
- MEETING: Development Committee Meeting
DATE AND TIME: Wednesday, January 9, 2002, 3:00 p.m. (EST)

- MEETING: Executive Committee Meeting
DATE AND TIME: Thursday, January 10, 2002, 10:00 a.m. (EST)
- MEETING: Steering Committee Meeting
DATE AND TIME: Thursday, January 17, 2002, 10:00 a.m. (EST)
- MEETING: Advocacy Committee Meeting
DATE AND TIME: Thursday, January 17, 2002, 3:00 p.m. (EST)
- PLACE: FILC, Inc., Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271
- MEETING: Full Council Meeting
DATES AND TIME: Monday, January 28, 2002 through Thursday, January 31, 2002, 9:00 a.m. – 5:00 p.m. (EST)
- PLACE: Holiday Inn, Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

For additional information and updates, please see our website at www.flailc.org.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

FLORIDA CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT

The **Florida Center for Solid and Hazardous Waste Management**, Advisory Board Meeting and Tour:

DATE AND TIME: December 7, 2001, 9:00 a.m. – 1:00 p.m. (Please note: a tour of the Bioreactor Landfill Demonstration Project will take place immediately following the Board meeting.)

PLACE: Florida Department of Transportation, State Materials Office, Gainesville, FL

For Further Information: Please call (352)392-6264 or visit our website: www.floridacenter.org.

THE FLORIDA LEGISLATURE

The **Miami-Dade Land Acquisition and Facilities Advisory Board** announces its initial meeting.

DATE AND TIME: December 7, 2001, 9:30 a.m. – 12:00 Noon

PLACE: Miami-Dade School Board, Administration Building, 1450 N. E. 2nd Ave., Miami, FL

GENERAL SUBJECT MATTERS TO BE CONSIDERED: Election of a Chairman and discussion of the Advisory Board's responsibilities. Presentation by OPPAGA on the Special Review: Land Acquisition Practices of the Miami-Dade School District. Presentation by the Miami-Dade school district on the facilities program and changes made to address OPPAGA's recommendations.

A copy of the agenda can be obtained by contacting: Melissa Crawford, Office of Program Policy Analysis and Government Accountability, Suite 312, 111 West Madison Street, Tallahassee, FL 32399-1475, (850)487-9256.

If special accommodations are needed to attend this meeting because of a disability, please contact the above-mentioned individual at least 5 days in advance of the meeting.

FLORIDA PORTS COUNCIL

The **Florida Seaport Transportation and Economic Development Council** announces a teleconference meeting in which all interested persons are invited to participate.

DATE AND TIME: December 12, 2001, 10:30 a.m. – 12:00 Noon

PLACE: Florida Department of Transportation, Burns Building, Suwannee Room, 605 Suwannee Street, Tallahassee, Florida 32399-0450, Call-in Number: (850)921-2548

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, Suite 712, 315 South Calhoun Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces the following meeting to which all persons are invited:

Servicing Carrier Processing Review Committee Meeting

DATE AND TIME: January 8, 2002, 1:30 p.m.

PLACE: Apex Managers, 375 Commerce Parkway, Rockledge, FL 32955

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the processing procedure of the FAJUA Servicing Carrier.

Additional information may be obtained from: Lisa Blackwell Stoutamire, FAJUA, Suite 401, 1113 East Tennessee Street, Tallahassee, FL 32308.

LEON COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The Development Review Committee of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited:

DATES AND TIME: Every second Tuesday of each month through June 2002, 8:30 a.m.

PLACE: Innovation Park Administrative Centre, 1673 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact Ms. Hoko Glenn, (850)575 0031.

The Board of Governors of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited:

DATES AND TIME: Every third Tuesday of each month through June 2002, 8:30 a.m.

PLACE: Innovation Park Administrative Centre, 1673 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact Ms. Hoko Glenn, (850)575-0031.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed November 6, 2001, by Gene Troutman, Northeast Florida Fire Prevention Association. The Petition is seeking the Department's interpretation of proposed NFPA 72, 2002 edition, as it applies to the Petitioner's circumstances. Petitioner specifically requests a declaratory statement on the following question: Is there a need for 60 hours backup for a fire protection system in a protected premises?

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney for the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Lawrence R. Crosby, Vice President, Paradise Shores Apartment, Inc., Petitioner, on November 16, 2001.

The Petitioner requests an interpretation as to whether alleged error in 1972 plot plans discovered in 1996, which would change the percentage share of ownership of the common elements, may be amended under Chapter 718.110(4) or (5), Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number CD2001-053, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Psychology, State of Florida, has received a Petition for Declaratory Statement from Robert M. Owen, Ph.D., in which the Petitioner requests a declaratory statement as to the following:

The petitioner seeks the Department's opinion as to the applicability of Section 490.014(2)(e), Florida Statutes. The petitioner is licensed to practice psychology in the State of California. Petitioner seeks the Board's opinion as to whether the law under which he was licensed in California is equivalent to or higher than the standards for licensure pursuant to Chapter 490, Florida Statutes.

A copy of the petition for Declaratory Statement may be obtained by writing: Kaye Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT the Board of Psychology, State of Florida, has received a Petition for Declaratory Statement from Joanne M. McGee, Ph.D., in which the Petitioner requests a declaratory statement as to the following:

The petitioner seeks the Department's opinion as to the applicability of the exemption from licensure of Section 490.014(2)(e), Florida Statutes. The petitioner is licensed to practice psychology in the State of Texas, and permanently resides in Austin, Texas. The petitioner is employed as a neuropsychologist by Tangram Premier, a subsidiary of ResCare, Inc., and provides services at Tangram's rehabilitation facility in San Marcos, Texas.

Additional clinical services have been requested of the Petitioner at ResCare's long-term rehabilitation facility in Florida. Petitioner states that she will not be providing clinical services in Florida for more than five days in any month, and no more than fifteen days in any calendar year. Petitioner seeks the Board's opinion as to whether the law under which she was licensed in Texas is equivalent to or higher than the standards for licensure pursuant to Chapter 490, Florida Statutes.

A copy of the petition for Declaratory Statement may be obtained by writing: Kaye Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257.

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:

Aneshia Hamp vs. Department of Banking and Finance; Case No.: 01-4394RP; Rule No.: 3C-560.906

Florida Windstorm Underwriting Association vs. Department of Insurance; Case No.: 01-4357RX; Rule Nos.: 4-170.135(5), 4J-1.001

Hernando-Pasco Hospice, Inc. vs. Agency for Health Care Administration; Case No.: 01-4460RX; Rule No.: 59C-1.0355(4)(d)

Zafar Shah, M.D. vs. Department of Health, Board of Medicine; Case No.: 01-4323RX; Rule No.: 64B8-9.008

Fred Goodman, d/b/a Eyes and Ears Investigative Services vs. Department of Banking and Finance, Division of Finance; Case No.: 01-4356RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Bethesda Healthcare System, Inc. vs. Agency for Health Care Administration and Tenet Healthsystem Hospitals, Inc. d/b/a Delray Medical Center, Florida Health Sciences, Inc. d/b/a Tampa General Hospital, Indian River Memorial Hospital, Inc., d/b/a Indian River Memorial Hospital, Martin Memorial Medical Center, Lawnwood Medical Center, Inc. d/b/a Lawnwood Regional Medical Center, and Columbia/JFK Medical Center Limited Partnership d/b/a JFK Medical Center; Case No.: 01-2665RP; Rule No.: 59C-1.033(7); Dismissed

South Broward Hospital District d/b/a Joe DiMaggio Children's Hospital vs. Department of Health; Case No.: 01-2196RU; Closed

Section IX

Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

A meeting to review and evaluate proposals received in response to the Request for Proposals (RFP) #2002-11, Selection of School Readiness Screening Instruments for Use in Florida Schools, will be held December 10-13, 2001, 9:00 a.m. – 4:30 p.m., in Turlington Building, Room 1721/25. To obtain additional information and request an agenda for this meeting, please contact Dr. Judith Keck, by calling (850)488-8198.

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 02L-90, Housing Project BR127-135-1013, Murphree Hall H-M Electrical Upgrade, estimated budget: \$450,000-\$500,000, to be opened January 3, 2002, 11:00 a.m. (Local Time). Scope of work: New electrical service for Murphree Hall Section H-M. This includes new meter at existing transformer, new switchboard and new distribution and branch circuit panels. Work also includes the removal of dorm room receptacles and new receptacles and circuiting throughout. Contractor shall be responsible for reconnection of all existing electricals not otherwise removed. Specifications and Plans are available in Central Purchasing, Elmore Hall, Radio Road, Gainesville, FL 32611, (352)392-1331. A Mandatory Pre-Bid Meeting will be held December 13, 2001, 11:00 a.m., in the Murphree Commons Conference Room, S. W. corner of West University Avenue and Fletcher Drive, Gainesville, FL. All questions should be directed to A. J. Sontag, Assistant Director, UF, Purchasing (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No.: BR-254

Project and Location: Shaw Building Renovation and Expansion
Florida State University
Tallahassee, Florida

The project involves minor renovations to the existing facility and an expansion of approximately 9,000 GSF. It will also involve architectural enhancements to the exterior of the building as well as the relocation of existing chilled water lines to make way for the expansion.

The estimated construction cost is \$1,557,500.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructibility analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained on line at www.vpfa.fsu.edu/fpc or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, (850)644-8351 Facsimile.

For further information on the project, contact: James M. Reynolds, Project Manager, at the address and phone listed above.

Five (5) bound copies of the required proposal data shall be submitted. Submittals must be received in the FSU Facilities Planning and Construction Office by 2:00 p.m. (Local Time), January 10, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University, State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-217

Project and Location: Alumni Center
Florida State University
Tallahassee, Florida

The project consists of renovation of the historic Macintosh House (the President's House) to provide a welcome center for the Alumni Association. It also includes the demolition of the existing swimming pool and tennis courts, replacing them with an Alumni Hall of approximately 22,800 gsf of administrative space for the operations of the Alumni Association. Also

included are a series of site improvements, including parking, landscaping, storm water improvements, and site utilities. The construction of a new residence for the University President will be considered in the site planning and design of the Alumni Center, and may be included in this project based on phasing and funding.

The selected firm will provide design, construction documents and administration for the referenced project which is budgeted at \$6,146,000.00 for construction, of which \$1,015,000.00 is for the construction of the new President's residence, and is pending funding. The project delivery system will be construction management. Blanket professional liability insurance will be required for this project in the amount of \$500,000.00, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated either 2/99 or 9/99. Applications on any other form, or on versions dated prior to 2/99, will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$25,000.00 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, descriptive project information, and selection criteria may be obtained through our website www.fpc.fsu.edu or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 MMA, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, (850)644-8351 facsimile.

For further information on the project, contact: Lisa Durham, Sr. Project Manager, at the address and phone listed above.

Submittals must be received in the above office, by 2:00 p.m. (Local Time), Wednesday, January 16, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

Florida Atlantic University, on behalf of the Florida Atlantic University Board of Trustees, State of Florida, announces that Construction Management services will be required for the project listed below:

Project No.: BR-673, College of Nursing/Education and Research (Louis and Anne Green Alzheimer's Research Center and Care Facility) located at Florida Atlantic University – Boca Raton Campus.

The project consists of site development and construction of approximately 17,000 gross square feet building to provide care for individuals with Alzheimer's disease within a research and educational facility. The proposed facility will consist of a day center for 70 patients, clinical support areas (including examining rooms, clinical labs, and physical therapy space) and administrative/support areas. The proposed development and construction will be located on Florida Atlantic University's Boca Raton Campus. The estimated construction cost is \$2,300,000.

The contract for Construction Management services will consist of two phases. Phase one is pre-construction services, for which the Construction Manager will be paid a fixed fee. Phase one services include value engineering, constructability analysis, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phase.

If the GMP is accepted, Phase two, the construction phase, will be implemented. In phase two of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the Construction Manager's contract.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping, administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's Construction Management Agreement. The Selection Committee may reject all proposals and stop the selection

process at any time. The Construction Manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide Construction Management services for the project shall submit a letter of application and a completed Board of Trustees "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Trustees "Construction Manager Qualifications Supplement" forms and the Project Fact Sheet may be obtained by contacting: Carla Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Building T-10, Room 16, Boca Raton, Florida 33431, (561)297-2663, (561)297-0224 Fax, e-mail ccapelet@fau.edu. Five (5) bound copies of the required proposal data shall be submitted to: Mr. Tom Donaudy, Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Building T-10, Room 16, Boca Raton, Florida 33431. Submittals must be received and addressed to Mr. Tom Donaudy, Associate Vice President at the above address, by 5:00 p.m. (Local Time), on Thursday, January 10, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

The University of South Florida announces that continuing professional services are required for the following discipline: CONSTRUCTION MANAGEMENT (Minimum of 2).

Projects included in the scope of this agreement will be specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Individual projects that exceed \$100,000 will require performance and payment bonds. Campus Service contracts for these projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year,

July 1, 2002 to June 30, 2003. Award of contract is for an initial period of one (1) year with an Owner's option to renew for one (1) additional year. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional campus service professionals under contract during the same time period.

Firms desiring to provide construction management services shall submit a letter of application and a completed "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. The most recent version of the "Construction Manager Qualifications Supplement" completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Construction Manager Qualifications Supplements, descriptive information, and selection criteria may be obtained by contacting: Vanessa Poole, Contracts Administrator, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, (813)974-0891, (813)974-2625 or Fax: (813)974-3542.

Interested firms are invited to attend a Pre-submittal Meeting at the University of South Florida, Tampa Campus, to be held at 8:30 a.m. (Eastern Standard Time), Thursday, December 27, 2001, Conference Room Number FPC109, 4202 East Fowler

Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the shortlisted applicants and the State University System. Requests for any project information must be in writing to the above address.

Six (6) bound copies of the above required proposal data shall be submitted to: Jerry McNair, R.A., Project Manager, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550.

Submittals must be received at the above campus address (FPC110) by 2:00 p.m. (Eastern Standard Time), Thursday, January 10, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee may reject all proposals and stop the selection process at any time.

Polk County School Readiness Coalition, Inc. announces the following Request for Proposal to which all persons are invited to bid.

TIME: Proposal available January, 2002

PLACE: Polk County

PURPOSE: The Polk County School Readiness Coalition will be soliciting proposals for subsidized child care and related services for the 2002-2003 fiscal year. Services will be funded through federal, state and local allocations. Providers must meet state and federal criteria for subsidized child care, Project Safety Net and other support services. School Readiness Legislation requires specific services including Eligibility/Enrollment and Provider Payments, Parent and Child Services, Provider Services and Health Screening and Diagnostic Services.

All multi-agency collaboration with a lead agency or single agencies are encouraged to submit a proposal. Please contact the Polk County School Readiness Coalition, P. O. Box 8091, Lakeland, FL 33802-8091, (863)499-2440 or (863)499-2637 Fax, for more information. The proposal will be available for distribution by early 2002, with the successful bidder's contract for approximately \$16 million to begin July 1, 2002.

REQUEST FOR PROPOSAL (RFP)

PROFESSIONAL SERVICES

ANNUAL CONTRACT FOR MECHANICAL CONSTRUCTION MANAGEMENT SERVICES

Facilities Planning and Construction announces that professional services are required for an annual contract for a Mechanical Construction Management Services for Duval

County Public Schools. DCPS may select multiple firms. The firms selected under the annual contract will be responsible for assigned projects having estimated construction costs not exceeding the threshold amount of \$500,000 (construction), provided for in Section 287.055, Florida Statutes. The selected firm's duties will include, but not necessarily be limited to, job cost estimation, work coordination with Duval County Public School personnel, construction supervision, project reporting, accounting and project close-out documentation. These firms must also be able to self perform all mechanical work. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to be sent to:

Facilities Planning and Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207-8182

GENERAL DIRECTOR: Thomas C. Young
Facilities Planning and Construction

PHONE NO.: (904)390-2279

RESPONSE DUE DATE: January 5, 2002

MBE GOALS: 15% Overall Participation

INSTRUCTIONS

Submit an original, and four (4) copies of the following:

1. Letter of Interest which indicates the firm's qualifications, related experience, ability to self perform all mechanical work and other pertinent data.
2. Completed Experience Questionnaire and Contractor's Financial Statement to obtain forms call (904)390-2279.
3. Resumes of proposed staff and staff organizations.
4. Examples of project reporting manuals, schedules, and cost reports.
5. The firm's past experience, with examples of renovations, refurbishment, repairs and new construction projects completed by the firm.
6. Current State General Contractor License Certification or Registration as required under Florida Statutes.
7. Current state Mechanical Contractors license as required under Florida Statutes
8. Corporations must be registered to operate in the state of Florida by the Department of State, Division of Corporations.
9. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
10. Reference from prior clients received within the last five (5) years.
11. Completed SF-255.

Facsimile (FAX) submittals are not acceptable and will not be considered. Applications that do not comply with these instructions or those that do not include the requested data will

not be considered. All information received will be maintained with the project file and will not be returned. Selections will be made in accordance with Chapter 6A-2, Florida Administrative Code.

**INVITATION TO BID (ITB)
FOR A GENERAL CONTRACTOR**

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Fifth (5th) Floor Conference Room No. 513 D, School Board Building.

BIDS ARE DUE ON OR BEFORE
January 8, 2002, 2:00 p.m.

DCSB Project No. M-88640 Renovation to Plumbing at Venetia Elementary School No. 68, J.E.B. Stuart Middle School No. 207 and Gregory Drive Elementary School No. 243 (Stage I)

Replace Fixtures at J.E.B. Stuart Middle School No. 207
Estimated Construction Budget is \$210,000

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on December 17, 2001, 9:30 a.m., at J.E.B. Stuart Middle School No. 207, 4815 Wesconnett Blvd., Jacksonville, Florida 32210. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$50 at the office of:

M.V. Cummings Engineers, Inc.
6501 Arlington Expressway, Suite B-211
Jacksonville, Florida 32211

DCSB Point of Contact: John McKean, (904)858-6310

Contract documents for bidding may be examined at:

F.W. Dodge McGraw Hill Plan Room
Construction Bulletin
Construction Market Data, Inc.
Business Service Center

MBE Participation Goal: 15% Overall Participation

The Bid Award Recommendation will be posted on the First Floor, Bulletin Board, at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

STATE BOARD OF ADMINISTRATION

REQUEST FOR PROPOSALS

The Florida Prepaid College Board is accepting proposals for RFP #01-01 to select a qualified firm for the purpose of serving as the Growth-Oriented Large Capitalization Domestic Equity Investment Manager for the Florida Prepaid College Program Trust Fund.

Copies of the Request for Proposals, RFP #01-01, are available on or after December 7, 2001, by submitting a written request to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, Facsimile (850)488-3555. All information received in regard to this RFP must be sent to the above named address.

There is no bidder's conference. Only written inquiries concerning the RFP will be accepted. No written inquiries will be accepted after 5:00 p.m. (Eastern Time), December 21, 2001. The original unbound copy and five (5) copies of each response to the RFP must be received by 12:00 Noon (Eastern Time), January 18, 2002, at the Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308. Proposals must be submitted in full accordance with the requirements and mandatory criteria of the RFP.

The Board reserves the right to reject any and all proposals or accept minor irregularities in the best interest of the State. Certified Minority Business Enterprises are encouraged to participate.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the bid opening because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the bid opening.

REGIONAL TRANSPORTATION AUTHORITIES

INVITATION TO BID NO. 01-836

EXPANSION OF GOLDEN GLADES STATION

FOR PHASE IV DOUBLE TRACK IMPROVEMENTS

Tri-County Commuter Rail Authority (Tri-Rail), an agency of the state of Florida, operates a seventy-two (72) mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward and Palm Beach Counties.

THE PURPOSE of this Invitation to Bid (ITB) is to enter into an Agreement to provide all quality assurance/quality control, supervision, project coordination, scheduling, construction management, labor, equipment, tools, supplies, insurance, permanent materials, temporary materials, vehicles, storage sheds and incidentals (including acquisition of all local agency permits and inspections) required for the **EXPANSION OF GOLDEN GLADES STATION FOR PHASE IV DOUBLE**

TRACK IMPROVEMENTS, located on the FDOT Rail Corridor, 16300 N. State Road 9, City of North Miami, Miami-Dade County, Florida.

The extent of the Project will include, as a minimum, the following construction trades and/or disciplines: Quality Assurance/Quality Control, Supervision, Scheduling, Permitting, Safety Coordination, Security, Maintenance of Traffic, Site Clearing, Earthwork, Concrete Work, Metal Fabrication, Platform Construction, Paving, Grading, Drainage, Plumbing, Electrical Work, Landscape Irrigation and Landscape Plant Installation.

A REQUEST FOR DOCUMENTS should be directed to: Mr. Robert Becker, Tri-Rail, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, (954)788-7909. The cost of the solicitation documents is \$150.00, non-refundable. Checks or money orders, made in favor of Tri-Rail should be forwarded to Robert Becker at the address above. Solicitation documents will be available on or about December 3, 2001.

A PRE-BID CONFERENCE will be held in the Tri-Rail Board Room at the address above on December 12, 2001, 2:00 p.m. The purpose of the meeting will be for Tri-Rail to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is highly recommended.

REQUESTS FOR CLARIFICATION regarding specifications or bid documents must be submitted to Tri-Rail no less than ten calendar (10) days before the bid opening date.

RECEIPT OF SEALED BIDS: All Bids must be received in a sealed envelope no later than 4:00 p.m., January 4, 2002 at the address above. All envelopes must bear the Tri-Rail provided label that clearly indicates the BIDDER'S NAME, ITB NUMBER and TITLE, and BID OPENING DATE.

Tri-Rail reserves the right to postpone, to accept, or reject any and all Bids in whole or in part. All Bidders must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All Bids must remain in effect for one hundred eighty (180) days from the date of Bid Opening.

BID SECURITY in the amount of five percent (5%) of the Bid must accompany each Bid in accordance with the Instruction to Bidders and General Terms and Conditions.

TERM: The period of performance shall be effective from the date of the Notice To Proceed for a period of Two Hundred Twenty (220) calendar days.

ESTIMATED BUDGET: \$2,000,000-\$2,500,000.

NOTIFICATION OF FEDERAL PARTICIPATION: 100% of this project is funded by a grant from the Federal Transit Administration. Any resultant Agreement shall be subject to all federal rules and regulations. Davis-Bacon wage rates and other federal provisions shall apply.

DBE PARTICIPATION: The Disadvantaged Business Enterprise participation goal for this solicitation is thirteen percent (13%).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF CANCELLATION
NOTICE OF INVITATION TO BID**

BID NO. BDRS 67-01/02

(REBID)

St. Lucie Inlet State Park, Water Desalinization Plant

REBID Canceled

LEON COUNTY JUVENILE JUSTICE COUNCIL

REQUEST FOR PROPOSALS

The Leon County Youth Development Council is seeking a contractor or contractors to manage the implementation of its Comprehensive Strategy for Juvenile Justice. The full plan can be found in the Council's publication, United Capital Voice: Leon County's Comprehensive Strategic Plan for Juvenile Justice. A full copy of the plan is available on the Council's website at www.fsu.edu/~jjc or upon request by calling the Council office, (850)645-0415.

The application and full Request for Proposals may be found online at: www.fsu.edu/~jjc Copies may also be requested by calling the Council office.

The funding period for this project is January 1, 2002 through June 30, 2002. No continuation funding will be available.

Eligible applicants are individuals, public and private non-profit or for profit corporations having the appropriate skills and knowledge to carry out the activities under the plan. Current members of the Leon County Juvenile Justice Council, Inc. (Leon Youth Development Council) or the organizations they represent are not eligible to apply for these funds.

All applications must be received by the Leon County Youth Development Council by 5:00 p.m., Friday, December 14, 2001. A signed original and three (3) copies of the proposal should be submitted to:

Leon County Youth Development Council
642 Bellamy Building, Florida State University
Tallahassee, Florida 32306

Written inquiries concerning the proposal may be submitted through 5:00 p.m., Monday, December 10, 2001. Inquiries should be submitted via electronic mail only to: Gail Dixon, Comprehensive Strategy Planning Committee Chair, gdixon@electro-net.com. Responses to all inquiries will be

sent via electronic mail to all persons having submitted inquiries and will also be posted on the Council's website at: www.leonjic.com by 8:00 a.m., Tuesday, December 11, 2001.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

REQUEST FOR PROPOSALS – FDDC #2001-HC-02

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued to enhance the information base necessary for the FDDC continued efforts to improve the delivery of health services to the state's children and adults with developmental disabilities. The Council's Health Care and Prevention Task Force is committed to developing and improving systems of care for individuals with developmental disabilities. This RFP seeks to develop a strategic, implementation and cost implementation plan for building a system of care for children and adults with autism and related disabilities, ASD, PDD, PDD-NOS and MSDD.

The objectives of this project are: To develop a strategic, implementation and cost implementation plan which presents how the strategies and actions identified would occur and the parties responsible; To build commitment and consensus, among the Advisory committee members to build a system of care for this population; And, to build consensus on the roles that each of the involved parties should play in building the system.

The development of this plan will include and Advisory Committee composed of consumers, parents, state agency representatives and professionals in the fields of health, education, and employment, who are knowledgeable of Autism and related disabilities. To build these plans consensus and commitment must be reached by the Advisory Committee, which will guide this project. This consensus and commitment should include the roles each of the involved parties would play in building this system.

Specifically, the contractor should include in the plan the following: 1) Research on best practice methods nationwide. 2) Research on successful programs nationwide. 3) Research trends, conditions and projections. 4) Review of the needs, links and the gaps in the Florida system. 5) Review of the services currently provided. 6) Identification of the needs of the population. 7) Development of a strategic and implementation plan and recommendations for first steps. 8) The plan should contain the development of a person centered, individualized approach to care. 9) Organization of an Advisory Group for this project, which will provide oversight and guidance. This advisory group will consist of consumers, parents, state agency representatives and professionals in the fields of health, education, and employment, who are knowledgeable of Autism and related disabilities.

Emphasis should be placed on the following:

- 1) Programs that are based on an understanding of the characteristics of Autism and related disorders.
- 2) Programs that have a team approach for the early diagnosis of the disorder.
- 3) Programs that have a person-centered, individualized approach to care.
- 4) Programs that have well design and consistent early intervention system accompanied by planned systematic performance monitoring.
- 5) Programs that have assurance that the assessment of the intensity of interventions is measured according to its effectiveness or outcome.
- 6) Programs that have a well design and consistent transition system accompanied by planned systematic performance monitoring.
- 7) Programs that have well design and consistent adult system accompanied by planned systematic performance monitoring.
- 8) Programs that have developed numerous communications strategies for individuals with Autism.
- 9) Programs where performance data is used to make decisions regarding changes in interventions or outcomes.
- 10) Programs that have valid and meaningful assessment of strengths and weaknesses.

Individuals, not-for-profit and for-profit agencies may submit proposal in response to this RFP. The approximate amount of funds available for project awarded based on this RFP will be \$75,000.00. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP will be available from the Florida Developmental Disabilities Council, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free 1(888)488-8633. The deadline for submitting letters of intent and written questions is December 21, 2001. The deadline for submitting proposals is 4:00 p.m. (EST), on February 8, 2002.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO PROFESSIONAL CONSULTANTS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes, Letters of Interest from Architectural, Engineering firms or individuals desiring to render Professional Services for the following project at Tampa International Airport, Tampa, Florida:

**CONSOLIDATED AIRFIELD RESCUE FIREFIGHTING FACILITY AND RELATED WORK
TAMPA INTERNATIONAL AIRPORT**

Services to be furnished shall include, but not be limited to, all architectural design and all engineering related to civil, airfield pavement, roadways, structural, mechanical/HVAC, plumbing, fire protection, electrical, electronic and information

technology systems; related surveys, testing and geotechnical engineering; assistance during advertising, bid and award phase; and architectural/engineering services during construction. A more detailed Scope of Service will be included in the formal Request for Proposals.

Qualified Consultants desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.
Senior Director of Planning and Development
Hillsborough County Aviation Authority
Post Office Box 22287
Tampa, Florida 33622

Interested parties may inquire as to project description, details, and required data submissions, to William J. Connors Jr., Senior Director of Planning and Development, (813)870-8704. ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR PROPOSALS IS REQUIRED AT THIS TIME.

The Letters of Interest (Only) must be received at or before 5:00 p.m. (Local Time), Thursday, December 20, 2001. Subsequent to receiving Letters of Interest, a Request for Proposal will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Proposal Conference will then be held on Wednesday, January 23, 2002, 10:00 a.m. (Local Time), at the offices of Hillsborough County Aviation Authority located in the Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. Details of this conference will be included in the Request for Proposals.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By: /s/ Louis E. Miller
Louis E. Miller, Executive Director

Section XII
Miscellaneous

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 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., December 28, 2001):

APPLICATION TO MERGE

Constituent Institutions: Fiduciary Trust International of the South, Miami, Florida and FTTrust Company, Fort Lauderdale, Florida.

Resulting Institution: Fiduciary Trust International of the South

Received: November 21, 2001

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Railroad and Industrial Credit Union, 3710 N. 50th Street, Tampa, Florida 33675

Expansion Includes: Employees of Roof-Tech Enterprises Inc., Tampa; The Woodshop of Tampa, Tampa; R & L Metals, Inc., Tampa; SMCI of Lakeland; and the people who live or work in the 33811 zip code area of Polk County, Florida.

Received: November 19, 2001

Name and Address of Applicant: First Choice Credit Union, 1055 South Congress Avenue, West Palm Beach, Florida 33406

Expansion Includes: Persons who live or work in Palm Beach Gardens, Lake Park, Juno Beach, Tequesta, Hobe Sound, North Palm Beach and Palm Beach Shores, Florida.

Received: November 16, 2001

Name and Address of Applicant: Jackson County Teachers Credit Union, 4466 Clinton Street, Marianna, Florida 32446

Expansion Includes: Employees of the Tax Collector's Office, Tax Assessor's Office, Jackson County Sheriff's Office, Supervisors of Election's Office, and any other full time employee of Jackson County.

Received: November 21, 2001

IN RE:

Claim of Harry and Virginia A. Mason Trust and John Pew against Susan Byrd
Administrative Proceeding 2535-S7/97
Respondent.

FINAL ORDER APPROVING RECOVERY FROM THE SECURITIES GUARANTY FUND

The State of Florida Department of Banking and Finance, Division of Securities Finance (the "Department"), being authorized and directed to administer and to accept and pay claims against the Securities Guaranty Fund (the "Fund"), codified in Sections 517.131, 517.141 and 517.151, Florida Statutes, does hereby enter a Final Order approving the applications of Harry and Virginia A. Mason Trust and John Pew (hereinafter "Mason Trust" and "Pew" or jointly as "Claimants") for payment from the Fund for violations of the Florida Securities and Investor Protection Act by Susan Byrd (hereinafter, "Byrd").

The Securities Guaranty Fund is disbursed as provided in Section 517.141, Florida Statutes, to a person who is adjudged by a court of competent jurisdiction to have suffered monetary damages as a result of a dealer, investment advisor, or associated person having violated Sections 517.07 or 517.301, Florida Statutes.

STATEMENT OF FACTS

1. On April 16, 2001, the Department issued a Notice of Intent to Enter a Final Order Approving Recovery from the Securities Guaranty Fund and Notice of Rights ("Notice of Intent") in which the proposed Final Order provided payment to the Mason Trust in the amount of up to \$5,500 and to Pew in the amount of up to \$10,000 from the Fund two years from the date of this first Final Order against Byrd. See, Exhibit A.
2. On April 16, 2001, a copy of the Notice of Intent was mailed to Byrd at her address on the Department's records. Again, on November 7, 2001, a copy of the Notice of Intent was sent to Byrd at her address on the Department's records to ensure proper service. The Notice of Intent, however, was returned to the Department unopened.
3. On April 18, 2001, Jeffrey Coleman, attorney for the Claimants, received a copy of the Notice of Intent as evidenced by a copy of Certified Mail Return-Receipt attached as Exhibit B.
4. On November 30, 2001, the Department published the Notice of Intent in the Florida Administrative Weekly, Vol. 27, No. 48, a copy of which is attached as Exhibit C.
5. As of the date of this Final Order, Byrd has failed to respond to the Notice of Intent or file any other document with the Department.
6. The Statement of Facts set forth in the Notice of Intent, being uncontested by Byrd and the Claimants are therefore accepted as true and correct and are adopted by the Department as the Findings of Fact of this Final Order.

CONCLUSIONS OF LAW

7. The Florida Securities and Investor Protection Act charges the Department with the responsibility and duty to approve or deny applications for payment from the fund in accordance with Section 517.141(3)(a), Florida Statutes.
8. By failing to respond to the Notice of Intent, Byrd and the Claimants have waived their right to request a hearing pursuant to Section 120.569 and 120.57, Florida Statutes. See, subsection 28-106.111(4), Florida Administrative Code.
9. The Conclusions of Law set forth in the Notice of Intent, being uncontested by Byrd and the Claimants are therefore accepted as true and correct and are adopted by the Department as the Conclusions of Law of this Final Order.

FINAL ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, IT IS THEREFORE determined and ORDERED that:

10. The Department approves the claim of Mason Trust in the amount of up to \$5,500 from the Fund.
11. The Department approves the claim of Pew in the amount of up to \$10,000 from the Fund.
12. No payments shall be made in connection with these claims for two years from the date of this first Final Order regarding Byrd.
13. Upon expiration of such period, provided that no further claims are duly received or approved by final order by the Department alleging violations of the Act by Byrd, and subject to further proration and limitation as may be required by Section 517.141(3) and (4), Florida Statutes, the Department shall pay Mason Trust the amount of up to \$5,500 from the Fund and Pew in the amount of up to \$10,000 from the Fund.
14. The Claimants shall assign any right, title, and interest in the debt to the Department to the extent of and prior to any payment by the Department from the Fund.
DONE and ORDERED in Tallahassee, Leon County, Florida this ___ day of December, 2001.

Robert F. Milligan, as
Comptroller of the State of Florida and Head
of the Department of Banking and Finance

NOTICE OF RIGHTS TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE (1) COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BANKING AND FINANCE AND A SECOND COPY, ACCOMPANIED BY FILING FEES PROSCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLIATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Final Order Approving Recovery from the Securities Guaranty Fund were duly sent by U.S. Certified Mail, Return Receipt Requested, to all of the following: Jeffrey Coleman, 581 South Duncan Avenue, Clearwater, Florida 33756 and to Susan Byrd, 201 Bayside Boulevard, Oldsmar, Florida 34677, this ___ day of December, 2001.

Thomas Cibula
Assistant General Counsel

cc: Don Saxon, Director, Division of Securities and Finance
Jo Schultz, Deputy General Counsel
Jim Harris, Chief Counsel

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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 Ft. Lauderdale Harley-Davidson, Inc., as a dealership for the sale of Harley-Davidson motorcycles, at 443 South State Road 7, Ft. Lauderdale (Broward County), Florida 33317, on or after December 7, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Ft. Lauderdale Harley-Davidson, Inc., are dealer operator: Bruce O. Rossmeyer, 421 Ocean Shore Blvd., Ormond Beach, Florida 33317 and Terry Taylor, 15 Harborage Isle, Ft. Lauderdale, Florida 33316; principal investor(s): Bruce O. Rossmeyer, 421 Ocean Shore Blvd., Ormond Beach, Florida 33317 and Terry Taylor, 15 Harborage Isle, Ft. Lauderdale, Florida 33316.

The notice indicates 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 Relation Representative, 3700 West Juneau Avenue, P. O. Box 653, Milwaukee, WI 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, Harley-Davidson Motor Company, intends to allow the establishment of H-D American Road, LLC, as a dealership for the sale of Harley-Davidson motorcycles, at 46 North Orange Blossom Trail, Orlando (Orange County), Florida 32805, on or after December 7, 2001.

The name and address of the dealer operator(s) and principal investor(s) of H-D American Road, LLC, are dealer operator: Steven Deli, 7300 Westpointe Blvd., Orlando, FL 32835 and Michael Bozic, 734 South Bates, Birmingham, MI 48009; principal investor(s): Steven Deli, 7300 Westpointe Blvd., Orlando, FL 32835 and Michael Bozic, 734 South Bates, Birmingham, MI 48009.

The notice indicates 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 Relation Representative, 3700 West Juneau Avenue, P. O. Box 653, Milwaukee, WI 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, General Motors Corporation, intends to allow the establishment of T. T. of Commercial, Inc. d/b/a Sawgrass Dodge, as a dealership for the sale of new Dodge motor vehicles, at a location in the City of Tamarac, Broward County, Florida, which is 450 feet north of the intersection of State Street and West Commercial Boulevard. State Street is approximately 900 feet east of the

intersection of West Commercial Boulevard and the Sawgrass Expressway. The legal description of this property is as follows:

A portion of Tract B, Westpoint Section 7 Plat, according to the plat thereof recorded in Plat Book 162 Page 23, of the Public Records of Broward County, Florida, more particularly described as follows: commence at the southeast corner of the southwest one-quarter (S. W. 1/4) of Section 7, Township 49 South, Range 41 East;

Thence 5.89°07'00"W., along the south line of the said Southwest one-quarter (S. W. 1/4) a distance of 142.53 feet; Thence N.00°53'00"W., a distance of 60.00 feet, to a point on the south line of said Tract B; Thence N. 44°11'07"E., a distance of 49.44 feet; Thence N. 82°34'09"E., a distance of 28.19 feet; Thence N. 00°44'46"W., a distance of 147.99 feet; Thence N.03°21'27"W., a distance of 219.48 feet; Thence N.00°44'46"W., a distance of 470.88 feet, to the point of beginning; Thence continue N.00°44'46"W., a distance of 255.69 feet, to a point on the arc of a tangent curve concave to the southeast; Thence northerly and northeasterly along the arc of said curve to the right, having a central angle of 42°10'30" and a radius of 110.00, feet for an arc distance of 80.97 feet; Thence N.48°34'16"W., a distance of 10.50 feet; Thence N. 62°29'43"W., a distance of 244.14 feet; Thence S.00°40'20"E., a distance of 13.86 feet; Thence S.66°02'04"W., a distance of 726.55 feet; Thence S.81°30'48"W., a distance of 78.03 feet; Thence S.00°24'54"E., a distance of 329.25 feet, to a point on the east right-of-way line on the Sawgrass Expressway; Thence S17°47'39"E., along said east right-of-way line, a distance of 46.96 feet; Thence east, a distance of 985.32 feet, to the point of beginning. Said lands situate within Broward County, Florida, containing 9.32 acres (405,770 square feet), more or less.

DaimlerChrysler Motors Corp. intends to engage in business with T. T. of Commercial, Inc. d/b/a Sawgrass Dodge on or after January 1, 2002 if no protests are filed.

The name and address of the dealer operator(s) and principal investor(s) of T. T. of Commercial, Inc. d/b/a Sawgrass Dodge are dealer operator: Mr. Cory Fairbanks, 515 East Las Olas Boulevard, Suite 900, Ft. Lauderdale, Florida 33301; principal investor(s): Mr. Terry Taylor and Mr. Cory Fairbanks, 515 East Las Olas Boulevard, Suite 900, Ft. Lauderdale, Florida 33301.

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. J. J. Browne, Zone Manager, DaimlerChrysler Motors Corporation, 10300 Boggy Creek Road, CIMS 200-01-10, Suite 110, Orlando, Florida 32824.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

- | | | |
|---|-------------|------------------------|
| County: Polk | Decision: A | District: 6 |
| ID #: 0100031 | | Issue Date: 11/15/2001 |
| Facility/Project: Winter Haven Hospital | | |
| Applicant: Winter Haven Hospital, Inc. | | |
| Project Description: Convert 50 HBSNU beds to 50 acute beds | | |
| Proposed Project Cost: \$0 | | |
| County: Brevard | Decision: A | District: 7 |
| ID #: 0100032 | | Issue Date: 11/26/2001 |
| Facility/Project: Life Care Health Resources, Inc. | | |
| Applicant: Life Care Health Resources, Inc. | | |
| Project Description: Combine CON numbers 9276/9362/9366 | | |
| Proposed Project Cost: \$10,033,554 | | |
| County: Lee | Decision: A | District: 8 |
| ID #: 0100033 | | Issue Date: 11/27/2001 |
| Facility/Project: Southwest Florida Regional Medical Center | | |
| Applicant: Southwest Florida Regional Medical Center, Inc. | | |
| Project Description: Convert 20 HBSNU beds to 20 acute beds | | |
| Proposed Project Cost: \$0 | | |
| AHCA Purchase Order Number S5900J00163. | | |

**CERTIFICATE OF NEED
NOTICE OF WITHDRAWAL**

The Agency For Health Care Administration hereby notices withdrawal from review the following Certificate of Need applications:

- | | |
|---|---------------------------|
| County: Jackson | Service District: 2 |
| CON #: 9522 | Decision Date: 11/14/2001 |
| Decision: W | |
| Facility/Project: Jackson County Convalescent Center Operations, L.L.C. | |

Applicant: Jackson County Convalescent Center
 Project Description: Transfer combined CON #s
 4392/6980/9188
 County: Walton Service District: 12
 CON #: 9523 Decision Date: 11/14/2001 Decision: W
 Facility/Project: Walton County Convalescent Center
 Operations, L.L.C.
 Applicant: Walton County Convalescent Center
 Project Description: Transfer combined CON #s
 5317/8088/8274

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

AHCA Purchase Order Number S5900J0163.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY

FLORIDA FINDING OF NO SIGNIFICANT IMPACT

The Florida Department of Environmental Protection has determined that the Town of Lady Lake proposed Collection System and Treatment Facilities Project will not have a significant adverse affect on the environment. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. The potential amount of the loan is estimated at \$6,771,250.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

The Florida Department of Environmental Protection has determined that the Town of Medley's Wastewater Collection and Transmission System project will not adversely affect the environment. The financial assistance for the project is estimated at \$6,500,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

The Florida Department of Environmental Protection has determined that Orange County's Wastewater Collection System project for the Holden Heights Community will not adversely affect the environment. The total project cost is estimated at \$11,500,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF HEALTH

On November 21, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Donna L. Swope, R.N. Swope holds license number RN 2806102. Swope's last known address is 7200 Olsen Road, Pensacola, Florida 32506. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and

120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 21, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Elvis Mulet, C.N.A. Mulet holds license number CX 0999000003013. Mulet's last known address is 5126 N. Habana Ave., Apt. 104, Tampa, Florida 33614. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 21, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Tracey Leidyworks, R.N. Leidyworks holds license number RN 2118892. Leidywork's last known address is 2258 Springrain Drive, Clearwater, Florida 33763. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 20, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Darlene Aber Standridge, L.P.N. Standridge holds license number PN 806651. Standridge's last known address is 1050 Capri Isles Boulevard, Apartment M202, Venice, Florida 34292. This Emergency Order was predicated upon the Secretary's findings

of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 21, 2001, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Jose Antonio Navarro, CRTT, license number TT 10267. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 26, 2001, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Tony

Curtis Rich, M.D., license number ME 0058307. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 21, 2001, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Ramona Blankenship, RT, license number RT 5280. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN November 19, 2001
 and November 21, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE

Division of Finance

3D-40.026	11/19/01	12/9/01	27/40	
3D-40.027	11/19/01	12/9/01	27/40	
3D-40.0271	11/19/01	12/9/01	27/40	
3D-40.028	11/19/01	12/9/01	27/40	
3D-40.0281	11/19/01	12/9/01	27/40	
3D-40.029	11/19/01	12/9/01	27/40	
3D-40.030	11/19/01	12/9/01	27/40	
3D-40.033	11/19/01	12/9/01	27/40	
3D-40.043	11/19/01	12/9/01	27/40	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
3D-40.051	11/19/01	12/9/01	27/40	
3D-40.100	11/19/01	12/9/01	27/40	
3D-40.150	11/19/01	12/9/01	27/40	
3D-40.160	11/19/01	12/9/01	27/40	
3D-40.165	11/19/01	12/9/01	27/40	
3D-40.200	11/19/01	12/9/01	27/40	
3D-40.220	11/19/01	12/9/01	27/40	

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

4A-37.0335	11/20/01	12/10/01	27/26	27/43
4A-37.036	11/20/01	12/10/01	27/26	
4A-37.037	11/20/01	12/10/01	27/26	
4A-37.0371	11/20/01	12/10/01	27/26	
4A-37.0385	11/20/01	12/10/01	27/26	27/43
4A-37.039	11/20/01	12/10/01	27/26	27/43
4A-37.050	11/20/01	12/10/01	27/26	

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-1.022	21/25		
w - Signifies Withdrawal of Proposed Rule(s)				3C-100.600	27/37		27/44
c - Rule Challenge Filed				3C-560.101	27/36		27/44
v - Rule Declared Valid				3C-560.102	27/36		27/44
x - Rule Declared Invalid				3C-560.103	27/36		27/44
d - Rule Challenge Dismissed				3C-560.104	27/36		27/44
dw - Dismissed Upon Withdrawal				3C-560.105	27/36		27/44
Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	3C-560.106	27/36		27/44
				3C-560.107	27/36		27/44
				3C-560.108	27/36		27/44
				3C-560.201	27/36		27/44
				3C-560.202	27/36		27/44
				3C-560.301	27/36		27/44
				3C-560.302	27/36		27/44
				3C-560.303	27/36		27/44
				3C-560.304	27/36		27/44
				3C-560.402	27/36		27/44
				3C-560.502	27/36		27/44
STATE				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	27/46	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-560.803	27/36		27/44
1K-7.003	27/42			3C-560.805	27/19c		27/43w
1K-7.004	27/42			3C-560.903	27/39		
1SER01-1			27/43	3C-560.906	27/39		
1S-2.007	27/44			3D-20.0021	27/41c		
1S-2.012	27/44			3D-20.0022	27/41c		
1S-2.027	27/40			3D-20.030(11)	27/41c		
1S-2.028	27/45			3D-30.0055	27/49		
1S-2.029	27/45			3D-40.026	27/40		27/49
1S-2.030	27/45			3D-40.027	27/40		27/49
1S-2.031	27/40			3D-40.0271	27/40		27/49
				3D-40.028	27/40		27/49
				3D-40.0281	27/40		27/49
LEGAL AFFAIRS				3D-40.029	27/40		27/49
2-37	27/15			3D-40.030	27/40		27/49
2AER01-1			27/32	3D-40.033	27/40		27/49
2A-2.002	27/35		27/42	3D-40.043	27/40		27/49
2B-1.0025	27/35	27/47		3D-40.051	27/40		27/49
2B-1.003	27/35			3D-40.100	27/40		27/49
2B-1.004	27/35			3D-40.150	27/40		27/49
2B-1.0052	27/35			3D-40.160	27/40		27/49
				3D-40.165	27/40		27/49
				3D-40.200	27/40		27/49
				3D-40.220	27/40		27/49
				3D-40.242	27/40		27/49
BANKING AND FINANCE				3E-500.016	27/45		
3-1	26/43c			3E-500.017	27/29	27/41	27/47
	27/2c			3F-10.003	27/10c		27/43d
	27/33c		27/43d				
3A-31.108	27/44						
3A-31.226	27/44						
3A-31.231	27/44						

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
INSURANCE				4-128.016	27/30		
4ER01-24			27/41		27/38c		
4ER01-25			27/41	4-128.017	27/40c	27/36	
4ER01-26			27/41		27/30		
4ER01-27			27/41		27/38c		
4ER01-28			27/41	4-128.018	27/40c		
4ER01-29			27/41		27/30		
4ER01-30			27/41		27/38c		
4ER01-31			27/41	4-128.019	27/40c		
4ER01-32			27/41		27/30		
4ER01-33			27/41		27/38c		
4ER01-34			27/41	4-128.020	27/40c	27/36	
4ER01-35			27/41		27/30		
4ER01-36			27/41	4-128.021	27/38c		
4ER01-37			27/41		27/40c		
4ER01-38			27/41		27/30		
4ER01-39			27/41	4-128.022	27/38c		
4ER01-40			27/41		27/40c		
4ER01-41			27/41		27/30		
4ER01-42			27/41		27/38c		
4ER01-43			27/41	4-128.023	27/40c		
4ER01-44			27/41		27/30		
4ER01-45			27/41		27/38c		
4-1	26/44c			4-128.024	27/40c	27/36	
	27/16c				27/39		27/48
	27/18c		27/43d	4-137.001	27/42	27/46	
	27/35c				27/49		
	27/45c			4-137.003	27/49		
4-5.074	27/15			4-137.011	27/49		
4-128.001	27/38c			4-138.001	27/42	27/46	
4-128.002	27/38c			4-141.0016	21/2c		
4-128.005	27/38c			4-144.002	27/35		
4-128.006	27/38c			4-144.005	27/35		
4-128.007	27/30			4-144.010	27/35		
	27/38c			4-144.055(4)(e)	27/43c		
4-128.008	27/30			4-149	24/3c		
	27/38c				24/3c		
4-128.009	27/30			4-149.001	23/45	26/22	
	27/38c				24/46	26/22	
4-128.010	27/30			4-149.002	23/45	26/22	
	27/38c				24/46	26/22	
4-128.011	27/30	27/36		4-149.003	23/45	26/22	
		27/44			24/46	26/22	
	27/38c				27/49		
4-128.012	27/30			4-149.004	23/45	26/22	
	27/38c				24/46	26/22	
4-128.013	27/30			4-149.005	23/45	26/22	
	27/38c				24/46	26/22	
4-128.014	27/30	27/36		4-149.006	23/45	26/22	
	27/38c				24/46	26/22	
4-128.015	27/30	27/36		4-149.007	23/45	26/22	
		27/44			24/46	26/22	
	27/38c			4-149.008	23/45	26/22	
	27/40c				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.
4-149.009	23/45 24/46	26/22 26/22		4-149.107	23/45	24/31 26/12	
4-149.010	23/45 24/46	26/22 26/22				26/22	
4-149.020	23/45 24/46	26/22 26/22			24/3c 24/3c		
4-149.021	23/45 24/46 27/49	26/22 26/22		4-149.108	23/45	26/22 24/31 26/12 26/22	
4-149.022	23/45 24/46 27/49 27/49	26/22 26/22			24/3c 24/3c		
4-149.023	23/45 24/46	26/22 26/22		4-149.109	23/45	26/22 24/31 26/12 26/22	
4-149.024	23/45 24/46	26/22 26/22			24/3c 24/3c		
4-149.035	23/45 24/46	26/22 26/22			24/46	26/22	
4-149.101	23/45 24/3c 24/3c 24/46	24/31		4-149.110	23/45	24/31 26/12 26/22	
4-149.102	23/45	26/22 24/31 26/12 26/22			24/3c 24/3c		
	24/3c 24/3c 24/46	26/22		4-149.1105	23/45	26/22 24/31	
4-149.103	23/45	24/31 26/12 26/22		4-149.111	23/45	24/31 26/12 26/22	
	24/3c 24/3c 24/46	26/22			24/3c 24/3c		
4-149.104	23/45	24/31 26/12 26/22		4-149.112	23/45	26/22 24/31 26/12 26/22	
	24/3c 24/3c 24/46	26/22			24/3c 24/3c		
4-149.105	23/45	24/31 26/12 26/22		4-149.113	24/3c 24/3c		
	24/3c 24/3c 24/46	26/22		4-149.114	24/3c		
4-149.106	23/45	24/31 26/12 26/22		4-149.115	24/3c		
	24/3c 24/3c 24/46	26/22		4-149.116	24/3c		
				4-149.117	24/3c		
				4-149.118	24/3c		
				4-149.119	24/3c		
				4-149.120	23/45	24/31 26/12 26/22	
	24/3c 24/3c 24/46	26/22			24/3c 24/3c 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.
4-149.121	23/45	24/31 26/12 26/22		4-154.512	26/25		27/49w
	24/3c			4-154.513	26/25		27/49w
	24/3c			4-154.514	26/25		27/49w
	24/46	26/22		4-154.515	26/25		27/49w
4-149.122	23/45	24/31 26/12 26/22		4-154.516	26/25		27/49w
	24/3c			4-154.517	26/25		27/49w
	24/3c			4-154.518	26/25		27/49w
	24/46	26/22		4-154.5181	26/25		27/49w
4-149.123	23/45	24/31 26/12 26/22		4-154.520	24/3c		
	24/3c			4-157.001	27/41		
	24/3c			4-157.002	27/41		
	24/46	26/22		4-157.003	27/41		
	24/3c			4-157.004	27/41		
	24/3c			4-157.006	27/41		
	24/46	26/22		4-157.007	27/41		
4-149.124	24/3c			4-157.009	27/41		
4-149.125	24/3c			4-157.016	27/41		
4-149.126	24/3c			4-157.017	27/41		
4-149.127	24/3c			4-157.018	27/41		
4-149.128	24/3c			4-157.019	27/41		
4-149.129	24/3c			4-157.020	27/41		
4-149.130	24/3c			4-157.023	27/41		
	24/3c			4-157.024	27/41		
4-149.131	24/3c			4-157.025	27/41		
	24/3c			4-157.026	27/41		
4-149.132	24/3c			4-157.027	27/41		
	24/3c			4-157.028	27/41		
4-149.1325	24/20	24/20		4-157.029	27/41		
4-149.133	24/3c			4-157.030	27/41		
	24/3c			4-157.031	27/41		
4-149.190	23/45	26/22		4-167.002	27/14		
	24/3c			4-171.002	27/37	27/42	
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4-154	27/3			4-186.001	27/21		
4-154.112(1)(b)	27/17c		27/43d	4-186.002	27/21		27/21
4-154.402	26/25		27/49w	4-186.003	27/21	27/49	
4-154.403	26/25		27/49w	4-186.006	27/21		27/49
4-154.404	26/25		27/49w	4-186.008	27/21		
4-154.405	26/25		27/49w	4-186.012	27/21		
4-154.406	26/25		27/49w	4-186.014	27/21		
4-154.407	26/25		27/49w	4-191.037	27/36		
4-154.4071	26/25		27/49w		27/45c		
4-154.408	26/25		27/49w	4-193.065	26/41		
4-154.411	26/25		27/49w		27/27		
4-154.412	26/25		27/49w	4-204.001	27/45		
4-154.502	26/25		27/49w	4-204.002	27/45		
4-154.503	26/25		27/49w	4-204.004	27/45		
4-154.504	26/25		27/49w	4-204.006	27/45		
4-154.506	26/25		27/49w	4-204.010	27/45		
4-154.507	26/25		27/49w	4-204.012	27/45		
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4-220.201	27/21	27/43		4A-37.063	27/26		27/49
4-228.055	26/35			4A-37.064	27/26	27/43	27/49
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33-601.728	26/48	27/38	27/46	40C-1.181	20/18		
33-601.729	26/48	27/38	27/46	40C-4.051(12)(b)	25/12c		
33-601.730	26/48		27/46	40C-4.091	25/12c		
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33-601.734	26/48	27/38	27/46	40D-1.659	27/33	27/37	27/44
33-601.735	26/48	27/38	27/46	40D-2.031	20/48		
33-601.736	26/48	27/38	27/46	40D-2.041	20/48		
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33-601.738	26/48	27/38			22/48		
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FLORIDA LAND AND WATER
ADJUDICATORY COMMISSION

EXPRESSWAY AUTHORITIES

MARINE FISHERIES COMMISSION

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62-524.400	20/45			62-602.550	27/45		
62-550.102	27/38		27/47	62-602.560	27/45		
62-550.200	27/38		27/47	62-602.600	27/45		
62-550.300	27/38		27/47	62-602.650	27/45		
62-550.310	20/47			62-602.700	27/45		
	27/38		27/47	62-602.710	27/45		
62-550.315	27/38		27/47	62-602.750	27/45		
62-550.320	27/38		27/47	62-602.800	27/45		
62-550.325	27/38		27/47	62-602.850	27/45		
62-550.500	27/38		27/47	62-602.880	27/45		
62-550.512	27/38		27/47	62-602.900	27/45		
62-550.513	27/38		27/47	62-610.814	24/52		
62-550.514	27/38		27/47	62-621.200	21/52		
62-550.515	27/38		27/47	62-701	22/42c		
62-550.516	27/38		27/47	62-707.500	22/30		
62-550.517	27/38		27/47	62-712.100	21/34		
62-550.518	27/38		27/47	62-712.200	21/34		
62-550.519	27/38		27/47	62-712.300	21/34		
62-550.540	27/38		27/47	62-712.400	21/34		
62-550.550	27/38		27/47	62-712.410	21/34		
62-550.590	27/38		27/47	62-712.420	21/34		
62-550.720	27/38		27/47	62-712.430	21/34		
62-550.730	20/19			62-712.440	21/34		
	27/38		27/47	62-712.450	21/34		
62-550.800	27/38		27/47	62-712.460	21/34		
62-550.821	27/38		27/47	62-712.500	21/34		
62-550.824	27/38		27/47	62-712.800	21/34		
62-560.310	27/38		27/47	62-712.810	21/34		
62-560.400	27/38		27/47	62-712.900	21/34		
62-560.410	27/38		27/47	62-730.050	23/7		
62-560.420	27/38		27/47	62-761.891	24/14		
62-560.430	27/38		27/47	62-771.300	21/52		
62-560.510	27/38		27/47	62-775.500	21/52	22/15	
62-560.520	27/38		27/47	62-788.400	25/5		
62-560.530	27/38		27/47	62B-26.011	26/51	27/11	
62-560.540	27/38		27/47			27/49	
62-560.545	27/38		27/47	62B-33.002	27/43		
62-560.546	27/38		27/47	62B-33.007	27/43		
62-560.550	27/38		27/47	62B-33.008	27/43		
62-560.560	27/38		27/47	62B-41.002	27/20	27/36	27/42
62-560.600	27/38		27/47	62B-41.003	27/20		27/42
62-560.610	27/38		27/47	62B-41.004	27/20	27/36	27/42
62-560.620	27/38		27/47	62B-41.005	27/20	27/36	27/42
62-561.100	24/52			62B-41.0055	27/20	27/36	27/42
62-602.200	27/45			62B-41.007	27/20	27/36	27/42
62-602.230	27/45			62B-41.0075	27/20	27/36	27/42
62-602.250	27/45			62B-41.008	27/20	27/36	27/42
62-602.270	27/45			62B-41.0085	27/20		27/42
62-602.300	27/45			62B-41.013	27/20		27/42
62-602.360	27/45			62B-41.015	27/20		27/42
62-602.400	27/45			62C-35.003	27/41		
62-602.410	27/45			62C-36.002	27/41		
62-602.420	27/45			62C-37.002	27/41		
62-602.430	27/45			62C-37.003	27/41		
62-602.450	27/45			62C-37.004	27/41		
62-602.530	27/45			62C-37.005	27/41		

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62C-37.006	27/41			64B1-4.011	26/39	26/47	27/44
62C-37.008	27/41					26/49	
62C-37.010	27/41					26/50	
62C-38.002	27/41					27/7	
62C-38.008	27/41				27/6c		27/43d
62C-39.002	27/41			64B1-6.005	26/50		27/49w
62C-39.013	27/41			64B2-13.007	27/30		27/45
62D-2.014	21/52	22/13		64B3-2.001	23/51		
62N-3.002	21/43			64B3-2.002	22/34	24/49	
62N-36.004	21/43			64B3-2.003	22/34	24/49	
62R-7.002	21/17			64B3-3.003	23/51		
62R-7.010	23/34			64B3-3.004	23/51		
62R-7.020	21/17			64B3-5.004	27/24		
62R-7.022	21/17			64B3-5.007(2)(a)	26/35c		
62R-7.025	21/17			64B3-6.001	27/5	27/17	
62R-7.026	21/17					27/26	
62R-7.028	21/17			64B3-10.005	27/41		
	22/47			64B3-11.004	26/38	27/14	27/42
62R-7.032	21/17			64B4-3.001	25/22		
62S-3.001	27/30	27/36	27/42	64B4-4.017	25/32		
62S-3.002	27/30	27/36	27/42	64B4-4.018	25/32		
62S-3.003	27/30	27/36	27/42	64B4-5.007	25/32		
				64B4-6.0013	25/32		
JUVENILE JUSTICE				64B4-6.002	27/46		
63E-2.004	27/28		27/43	64B4-6.0045	25/32		
63E-2.007	27/28		27/43	64B5-2.0135	27/34		27/43
63E-2.008	27/28		27/43	64B5-4.002	27/40		
63E-2.009	27/28		27/43	64B5-7.0035	27/34	27/44	
63E-2.010	27/28		27/43	64B5-12.0175	27/40	27/46	
63E-2.012	27/28		27/43	64B5-13.005	27/34		27/44w
63E-2.015	27/28		27/43	64B5-15.010	27/30		
63E-2.016	27/28		27/43		27/35		27/43
63E-2.017	27/28		27/43	64B5-15.024	27/34		27/43
63E-2.018	27/28		27/43	64B5-17.013	27/48		
63E-2.019	27/28		27/43	64B5-17.014	27/48		
63E-2.019	27/28		27/43	64B5-25.003	27/34		27/43
63E-2.020	27/28		27/43	64B6-2.002	27/45		
63E-2.021	27/28		27/43	64B6-2.003	27/45		
63E-2.022	27/28		27/43	64B6-2.005	27/45		
				64B6-2.006	27/35		27/48
					27/45		
HEALTH				64B6-5.002	27/49		
64-1	27/25c			64B6-5.003	27/49		
64-2.001	27/36	27/40	27/47	64B6-55.004	27/41		
64B-1.015	27/36		27/44	64B7-27.012	24/12		
64B-1.016	27/48			64B7-30.002	27/49		
64B-21.0015	27/39			64B7-32.001	26/6		
64B-21.004	27/39			64B8ER01-3			27/45
64B-21.006	27/39			64B8-1.006	27/39		27/46
64B1-3.001	26/51c			64B8-1.007	27/39		27/46
64B1-4.010	26/39	26/48	27/44	64B8-3.001	27/35		27/42
		26/50	27/43d	64B8-3.002	27/39		27/46
		27/7	27/43d	64B8-3.003	27/36		27/43
	27/6c		27/43d				

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64B8-4.009	27/39			64B13-10.0015	27/35		27/43
64B8-8.011	27/39			64B13-11.001	27/32		27/45w
64B8-8.017	27/39			64B13-11.004	27/32		27/45w
64B8-9.0075	27/48			64B13-15.009	27/38	27/45	
64B8-9.014	27/39			64B15-6.002	27/49		
64B8-13.004	27/39			64B15-6.003	27/49		
64B8-13.005	27/39			64B15-6.0035	27/49		
64B8-13.006	27/39			64B15-6.0038	27/46		
64B8-30.003	27/48			64B15-6.0105	27/49		
64B8-30.005	27/48			64B15-6.01051	27/49		
64B8-30.008	27/46			64B15-10.002	27/49		
64B8-30.013	27/48			64B15-10.003	27/49		
64B8-30.014	27/48			64B15-10.0031	27/49		
64B8-45.005	27/41	27/43		64B15-10.0075	27/49		
64B8-52.004	27/41			64B15-10.008	27/49		
64B8-54.004	27/41			64B15-10.009	27/49		
64B8-56.002		26/51 27/16 27/24		64B15-10.010	27/49		
	27/10c		27/43d	64B15-12.007	26/51	27/29 27/45	
64B9-2.001	27/45			64B15-12.008	27/49		
64B9-2.011	27/45			64B15-12.009	27/49		
64B9-2.012	27/45			64B15-13.004	27/49		
64B9-2.013	27/45			64B15-13.0045	27/49		
64B9-2.014	27/45			64B15-14.007	27/31	27/41	27/47
64B9-2.015	27/45			64B15-14.0075	27/44		
64B9-3.007	25/9			64B15-14.0076	27/44		
64B9-5.011	27/45			64B15-14.0077	27/44		
64B9-5.012	27/45			64B15-19.002	27/49		
64B10-12.005	27/45			64B16ER01-2	27/47c		
64B10-12.009	27/45						27/44
64B10-12.010	27/45			64B16-26.103	27/43		
64B10-12.016	27/45			64B16-26.203	27/43		
64B11-1.001	27/31		27/45	64B16-26.204	27/37		27/44
64B11-1.002	27/31		27/45	64B16-27.105	27/4	27/21	
64B11-2.003	27/39		27/49w	64B16-27.300	27/43		
64B11-2.008	27/39			64B16-27.500	27/30		27/48
64B11-2.009	27/39				27/45c		
64B11-3.006	27/49			64B16-28.1135	27/43		
64B11-3.007	27/49			64B16-28.114	27/43	27/49	
64B11-4.003	27/45			64B16-28.140	24/38		
64B11-4.005	27/44	27/49		64B16-28.501	27/43		
64B11-4.007	27/31		27/45	64B16-30.001	27/43		
64B11-5.001	27/49			64B16-30.003	27/43		
64B11-5.006	27/49			64B17-2.002	27/35	27/42	
64B12-8.020	27/11	27/42	27/48	64B17-2.004	27/35	27/42	
64B12-9.003	27/11		27/42w	64B17-2.005	27/35		27/48
64B12-12.008	26/40	27/41	27/47	64B17-3.002	27/35	27/42	
64B12-19.002	27/11			64B17-4.002	27/35	27/42	
64B13-3.003	27/45			64B17-7.002	27/42		
64B13-3.005	27/45			64B17-9.001	27/35	27/42	
64B13-3.009	27/45			64B18-12.0011	27/45		
64B13-3.012	27/45			64B18-14.002	27/45		
64B13-5.001	27/45			64B18-14.010	27/45		
64B13-5.002	27/25		27/47w	64B19-11.004	27/37		
				64B19-11.010	27/37		

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64B20-2.001	27/46			64F-4.006	27/42		
64B20-2.002	25/45	26/30		64F-4.007	27/42		
	27/46			64F-4.008	27/42		
64B20-3.015	27/46			64F-4.009	27/42		
64B20-6.001	27/46			64F-4.010	27/42		
64B20-7.001	27/46			64F-8.001	27/35		
64B20-7.003	27/46			64F-8.002	27/35		
64B20-7.005	27/46			64H-1.001	27/42		
64B20-7.008	27/46						
64B27-1.002	27/42			CHILDREN AND FAMILY SERVICES			
64B32-1.003	27/29		27/44	65-1	27/11c		27/43d
64B32-1.008	27/42				27/37c		27/43d
64B32-1.009	27/42				27/40c		
64B32-1.010	27/42			65-29.001	27/21		
64B32-3.005	27/16	27/43			27/28c		
64B32-5.003	27/43			65A-1.400	25/21c		
64B32-5.007	27/43			65A-1.606	27/46		
64B32-6.003	27/29		27/44	65A-1.630	27/40		
64B33-1.005	26/25			65A-1.704	27/29		27/42
64C-4.003(1)(b),(7)	27/25c			65A-1.716	27/33		27/47
64C-13.018	24/22			65A-1.900	27/40		
64C-23.002	27/17			65A-2.022	27/33	27/41	
64C-27.001	27/17			65A-2.032	27/33	27/41	
64C-27.002	27/17			65A-2.036	27/33	27/41	
64E-2.002	27/37		27/46	65A-4.213	25/32		
64E-2.003		24/47	27/46	65A-4.216	25/32		
	27/37		27/46	65A-4.301	27/42		
64E-2.004		24/47	27/46	65A-15.0095	26/4		
	27/37		27/46	65C-21.001	23/20		
64E-2.018	27/37		27/46	65C-22.003	27/43		
64E-2.021	27/37		27/46	65C-22.004	27/43		
64E-5.101	27/30			65C-27.001	27/30		
64E-5.214	27/30	27/44		65C-27.002	27/30	27/44	
64E-5.221	27/30			65E-2.003	26/20	26/28	
64E-5.222	27/30			FLORIDA HOUSING FINANCE CORPORATION			
64E-5.223	27/30			67-1	27/6c		
64E-5.224	27/30				27/6c		
64E-5.225	27/30				27/44c		
64E-5.226	27/30				27/45c		
64E-5.901	27/30			67-4.011	27/6c		
64E-6.007	25/48			67-21.019	24/46	24/46	
64E-23.001	27/47			67-25.020	27/38		27/46
64E-23.002	27/47			67-32.009	24/28		
64E-23.003	27/47			67-37.011	25/37		
64E-23.004	27/47			67-39.002	27/45		
64E-24.001	27/47			67-39.0025	27/45		
64E-24.002	27/47			67-39.003	27/45		
	27/47			67-39.004	27/45		
64E-24.003	27/47			67-39.0045	27/45		
64FER01-1			27/44	67-39.005	27/45		
64F-4.001	27/42			67-39.006	27/45		
64F-4.002	27/42			67-39.008	27/45		
64F-4.003	27/42						
64F-4.004	27/42						

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67-39.011	27/45			68C-22.021	27/16		
67-39.012	27/45			68D-1.001	27/4		
67-39.014	27/45			68D-23.003	27/4	27/19	
67-39.015	27/45				27/31		
67-45.001	27/34		27/43	68D-23.101	27/4		
67-45.002	27/34		27/43		27/31		
67-45.004	27/34		27/43	68D-23.102	27/4		
67-45.006	27/34		27/43		27/31		
67-45.007	27/34		27/43	68D-23.103	27/4	27/19	
67-48.005	27/45c				27/31		
FISH AND WILDLIFE CONSERVATION COMMISSION				68D-23.104	27/4	27/19	
					27/31		
68-1	27/11c			68D-23.105	27/4	27/19	
68A-15.062	27/31	27/38	27/45		27/31		
68B-5.005	27/39		27/48	68D-23.106	27/4	27/19	
	27/45c				27/31		
68B-13.008	27/31	26/13		68D-23.107	27/4		
68B-21.0015	27/39	27/46			27/31		
68B-21.004	27/39	27/46		68D-23.108	27/4		
68B-21.006	27/39	27/46			27/31		
68B-35.003	27/16	27/23	27/44	68D-23.109	27/4		
	27/25c		27/44d		27/31		
68B-35.004	27/16	27/23	27/44	68D-23.110	27/4		
	27/25c		27/44d		27/31		
68B-35.005	27/16	27/23	27/44	68D-23.111	27/4		
	27/25c		27/44d		27/31		
68C-22.005(2)(d)8.	26/13c			68D-23.112	27/4	27/19	
68C-22.005(2)(i)	26/13c				27/31		
68C-22.006	27/16	27/24		68D-24.146	27/34		27/45
	27/25c			68D-24.155	27/34		27/45
	27/25c						
	27/25c						
	27/25c						