

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Historical Resources

RULE TITLE: Historic Preservation Grants-In Aid
RULE NO.: 1A-35.007

PURPOSE AND EFFECT: The purpose and effect of the proposed changes is to amend the applications incorporated into this rule to remove obsolete sections of the application, to and obtain more information for each application to streamline application review procedures. To revise the grant award agreements incorporated into this rule. To change references to the Historic Preservation Advisory Council to be in conformance with amendments to s. 267.0612, F.S.

SUBJECT AREA TO BE ADDRESSED: The Bureau of Historic Preservation proposes to amend the application incorporated into this rule and create new applications to differentiate between program specific grants and to obtain more information for each application to streamline the application review procedures. The Bureau of Historic Preservation proposes to amend the grant award agreements incorporated into this rule in order to conform with changes to state statutes referenced in the agreements and to revise the terms and conditions of the agreements governing payment of grant funds and review of the plans and specifications by the Bureau of Historic Preservation of work authorized by the agreements. The Bureau of Historic Preservation proposes to revise references to the Historic Preservation Advisory Council and replace such references with Florida Historical Commission in conformance with amendments to s. 267.0612, F.S.

SPECIFIC AUTHORITY: 267.031(1), 267.061(3) FS.

LAW IMPLEMENTED: 267.017(2) FS.

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

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

PLACE: Third Floor Conference Room, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

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

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

DEPARTMENT OF STATE

Division of Historical Resources

RULE CHAPTER TITLE: Historical and Archaeological Report
RULE CHAPTER NO.: 1A-46
Standards and Guidelines

PURPOSE AND EFFECT: The proposed amendment revises the criteria by which historical and archaeological reports are reviewed by the Division of Historical Resources.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment revises the information required to be provided in cultural resources survey reports by including the results of identification and evaluation activities for historic buildings and structures in addition to archaeological sites.

SPECIFIC AUTHORITY: 267.031(1), 267.061(3) FS.

LAW IMPLEMENTED: 267.061 FS.

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

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

PLACE: Third Floor Conference Room, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frederick P. Gaske, Chief, Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, telephone (850)245-6333

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

DEPARTMENT OF INSURANCE

RULE TITLE: Mandatory Coverage of Diabetes Treatment
RULE NO.: 4-191.037

PURPOSE AND EFFECT: A question has arisen as to whether limitations on durable medical equipment in HMO contracts can be used to limit coverage for equipment used in diabetes treatment as mandated by § 641.31(26)(a), F.S. This rule answers that question. The rule requires coverage regardless of contractual limits on durable medical equipment.

SUBJECT AREA TO BE ADDRESSED: Mandatory coverage of diabetes treatment.

SPECIFIC AUTHORITY: 624.308, 641.36 FS.

LAW IMPLEMENTED: 624.307(1), 641.31(26)(a) 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., August 21, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Richard Brinkley, Bureau of Managed Care, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0347, (850)413-5338

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-191.037 Mandatory Coverage of Diabetes Treatment.

(1) Paragraph 641.31(26)(a), Florida Statutes, prohibits the application of monetary limitations to limit coverage of equipment, supplies, and services used to treat diabetes, if the patient's primary care physician or physician specializing in diabetes to whom the patient has been referred certifies that the equipment, supplies, or services are necessary.

(2) Coverage for equipment meeting the standard in paragraph 641.31(26)(a), Florida Statutes, shall not be limited by durable medical equipment limitations or other limitations in a health maintenance contract.

(3) Paragraph 641.31(26)(a), Florida Statutes, does not prohibit the application of deductibles or co-payments to equipment, supplies, and services meeting the criteria in that paragraph.

(4) Payments for equipment meeting the standard in paragraph 641.31(26)(a), Florida Statutes, can be used by an HMO to apply toward limits for durable medical equipment which does not meet that standard.

Specific Authority 624.308, 641.36 FS. Law Implemented 624.307(1), 641.31(26)(a) FS. History—New

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Codes of Conduct

RULE NO.: 25-7.072

PURPOSE AND EFFECT: To provide a code of conduct governing a natural gas utility and its affiliates. It is intended that no natural gas utility or affiliate gain an unfair competitive advantage over nonaffiliated competitors through cross-subsidization by the utility of an unregulated affiliate.

SUBJECT AREA TO BE ADDRESSED: Assurance of reasonable and just rates by avoiding utility cross-subsidization of unregulated affiliates.

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 workshop request must be submitted in writing within 14 days of the date of this notice to the Division of Appeals, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beth Salak, Division of Competitive Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6408

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Operation of Substance Abuse Programs

RULE NO.: 33-507.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish guidelines relating to the use of inmate peer facilitators in substance abuse programs.

SUBJECT AREA TO BE ADDRESSED: Substance Abuse Program Services.

SPECIFIC AUTHORITY: 397.754, 944.09 FS.

LAW IMPLEMENTED: 397.754, 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: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-507.002 Operation of Substance Abuse Programs.

(1) Operation of Substance Abuse Programs.

(a) Inmate substance abuse programs shall be operated under the direction of the program manager within whose program center the program exists.

(b) In order to ensure the provision of quality services, the bureau of substance abuse programs services shall have responsibility for administering the overall program, for the development and issuance of performance standards for each program entity with regard to program operation, staffing ratio,

hours of service delivery, and other such areas as deemed necessary for the administration of the programs, and for oversight review.

(c) Each program manager shall provide for periodic monitoring activities for programs at institutions and facilities in his or her program center to ensure that performance standards and contract compliance are maintained.

(2) Peer Facilitators.

(a) Use of Peer Facilitators.

1. Peer facilitators are inmates who have successfully completed a substance abuse program and whose positive behavior and attitude have demonstrated the ability to be positive role models for other program participants.

2. Placement in a program as a peer facilitator is considered a full-time job assignment.

3. The role of peer facilitator is not that of a counselor. The duties and responsibilities involved will vary according to the type of substance abuse program involved.

4. In accordance with Rule 33-602.101, F.A.C., no inmate assigned as a peer facilitator will be given control or authority over other inmates.

(b) Qualifications of peer facilitators. To be considered as a peer facilitator, an inmate must have:

1. Completed a substance abuse services program;

2. Demonstrated the ability to be a role model through positive behavior and attitude during recovery; and

3. Sufficient time left to serve on his or her sentence to serve in the program for a period of at least two to six months in an outpatient or residential program. This requirement may be waived when necessary based upon program needs.

(c) Peer Facilitator Selection.

1. Inmates who wish to be considered for assignment as peer facilitators shall apply with the program director, clinical supervisor or designated counselor at the facility.

2. When a peer facilitator position is available, the program director, clinical supervisor or designated counselor shall review the applications available and shall interview those inmates who are qualified, interested, and available for assignment as peer facilitators. The program director, clinical supervisor or designated counselor shall document the results of the interview.

3. Upon completion of the interview, those inmates who have successfully exhibited an understanding of the principles of recovery shall be referred to their dormitory supervisors and work supervisors to obtain written recommendation for peer facilitator assignment based upon review of the inmate's past behavior and performance.

4. The classification supervisor shall be notified in writing by the program director, clinical supervisor or designated counselor of inmates recommended for assignment as peer facilitators. The classification supervisor shall docket the

inmate for consideration for placement by the institutional classification team (ICT) and shall ensure consideration of the inmate's institutional adjustment and previous work history.

5. The ICT shall review the recommendation and shall approve or disapprove the recommendation for placement as a peer facilitator based upon criteria set forth in this rule.

(d) Training. The program director, clinical supervisor or designated counselor shall ensure that each peer facilitator receives training regarding the peer facilitator's role, functions and the expectations regarding the peer facilitator's performance in the program.

Specific Authority 397.754, 944.09 FS. Law Implemented 397.754, 944.09 FS. History--New 1-18-95, Formerly 33-37.002, Amended 7-1-00,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental

RULE CHAPTER NO.:

Resource Permits 40D-4

RULE TITLES: RULE NOS.:

Permits Required 40D-4.041

Publications and Agreements Incorporated
by Reference 40D-4.091

General Conditions 40D-4.381

PURPOSE AND EFFECT: The proposed amendments will remove obsolete references to environmental resource permitting exemptions that the District previously repealed. The amendments will also accomplish the removal throughout the District's environmental resource permitting rules references to Chapter 40D-45, F.A.C., which the District is repealing.

SUBJECT AREA TO BE ADDRESSED: As a result of the repeal of the District's rule exemptions subsections 40D-4.051(3),(4),(5), and (6), F.A.C., it is necessary to amend the District's rules to remove obsolete references to these exemptions.

This rulemaking will also accomplish the removal throughout the District's environmental resource permitting rules of references to Chapter 40D-45, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.118, 373.149, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.042, 373.114, 373.171, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426, 373.427, 373.429, 373.441 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 E. West, Deputy

General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.041 Permits Required.

- (1) No change.
- (2) The District issues the following types of Environmental Resource Permits:
 - (a) General permits for construction, alteration, operation, removal or abandonment of surface water management systems for projects which have, either singularly or cumulatively, minimal environmental impact.
 - (1) Standard general permits are issued pursuant to Chapters 40D-40 and 40D-45, F.A.C.
 - (2)(b) through (d) No change.
 - (3) No change.
 - (4) A Standard General Permit for Minor Surface Water Management Systems is required for a surface water management system, otherwise exempt from permitting under subsections 40D-4.051(4), (6), (7)(3) or (8)(4), F.A.C., unless the system is exempt by statute or rule from storm water quality regulation or has received storm water quality review and approval by the District or by a DEP permit, license or certification.
 - (5) Any dredging or filling in, on, or over surface waters of the State which is authorized by a general or individual permit issued under Chapters 40D-4, 40D-40, 40D-45 or 16J-4, F.A.C., as such Chapters existed prior to October 3, 1995, but which is not authorized by a permit or exemption under Chapter 62-312, F.A.C., as such Chapter existed prior to October 3, 1995, shall require an Environmental Resource Permit prior to the dredging or filling. However, such dredging or filling shall be exempt from the requirements of paragraphs 40D-4.301(1)(a) through (e) and (g) through (k), F.A.C.
 - (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History-Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1),(2),(4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97.

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

- (1) "Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ June 12, 2001." This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History-New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01.

40D-4.381 General Conditions.

- (1) No change.
- (2) In addition to those general conditions set forth in subsection (1), the Governing Board may impose on any permit granted under this chapter and Chapters 40D-40 and 40D-45, F.A.C., such reasonable project-specific conditions as are necessary to assure that the permitted system will be consistent with the overall objectives of the District and will not be harmful to the water resources of the District.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History-Readopted 10-5-74, Amended 12-31-74, 6-7-78, Formerly 16J-4.06(7), 16J-4.11, 16J-4.10(3), Amended 10-1-84, 3-1-88, 10-3-95, 10-16-96.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE TITLES: RULE NOS.:

Licensure, Administration and	
Fiscal Management	59A-4.103
Risk Management	59A-4.1035
Liability Insurance	59A-4.10355
Quality Assessment and Assurance	59A-4.123
Evaluation of Nursing Homes and Rating System	59A-4.128
PURPOSE AND EFFECT: The Agency proposes to amend rules 59A-4.103, and 59A-4.128 and establish rules 59A-4.1035, and 59A-4.10355 while deleting 59A-4.123 consistent with provisions of s. 400.23, F.S. that became effective July 1, 1999 and May 15, 2001. The legislation provides for establishing the annual license fee; establishing an internal risk management and quality assurance program; documentation of liability insurance coverage; deleting a facility's quality assessment and assurance committee; and evaluation of nursing homes and the licensure system.	

SUBJECT AREA TO BE ADDRESSED: The proposed changes to 59A-4, Florida Administrative Code include: methodology for setting license fees (59A-4.103, F.A.C.); along with establishing new rules involving risk management (59A-4.1035, F.A.C.) and liability insurance coverage (59A-4.10355, F.A.C.); stating criteria in the evaluation of nursing homes in conjunction with the licensure system (59A-4.128, F.A.C.); and deleting reference to a facility's quality assessment and assurance committee (59A-4.123, F.A.C.).

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.11, 400.022, 400.141, 400.23 FS.

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

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

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Richard Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)488-5861

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Dental Hygiene Examination RULE NO.: 64B5-2.0135

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to the dental hygiene examination.

SUBJECT AREA TO BE ADDRESSED: Dental hygiene examination.

SPECIFIC AUTHORITY: 456.017, 466.004(4), 466.007 FS.

LAW IMPLEMENTED: 456.017, 466.007 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.0135 Dental Hygiene Examination.

(1) through (8) No change.

(9) A candidate that fails the prophylaxis shall retake the entire clinical examination. A candidate that fails only the root planing part shall retake that part, and shall be allowed 45 minutes.

Specific Authority 456.017, 466.004(4), 466.007 FS. Law Implemented 456.017, 466.007 FS. History--New 3-16-82, Amended 5-2-84, 5-19-85, 10-8-85, 12-8-85, Formerly 21G-2.135, Amended 12-31-86, 10-19-87, 2-21-88, 5-29-88, Formerly 21G-2.0135, 61F5-2.0135, Amended 11-15-95, Formerly 59Q-2.0135, Amended.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: Advertising and Soliciting by Dentists RULE NOS.: 64B5-4.002

Advertising of Mercury-Free Dentistry 64B5-4.006

PURPOSE AND EFFECT: The Board proposes to discuss Rule 64B5-4.002 to determine if amendments are necessary. The Board will also discuss the possibility of creating a new rule to address advertising of a mercury-free dentistry.

SUBJECT AREA TO BE ADDRESSED: Advertising and soliciting by dentists.

SPECIFIC AUTHORITY: 466.004(4), 466.019 FS.

LAW IMPLEMENTED: 466.019, 466.028(1)(d) FS.

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

TIME AND DATE: 8:00 a.m., or thereafter on August 18, 2001

PLACE: Embassy Suites, 555 North Westshore Boulevard, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities RULE NO.: 64B5-7.0035

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to the facilities where an unlicensed dentist intends to practice.

SUBJECT AREA TO BE ADDRESSED: Temporary certificate requirements for dentists practicing in state and county government facilities.

SPECIFIC AUTHORITY: 456.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.017(4), 466.025 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-7.0035 Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.

(1) through (2) No change.

(3) Prior to issuance of a temporary certificate, the unlicensed dentist shall submit proof of having successfully completed a Board approved course on human immunodeficiency virus and acquired immune deficiency syndrome and proof of current CPR certification. The facility at which the unlicensed dentist intends to practice shall list the name and license number of the licensed dentist under whose supervision the certificate holder shall work.

(4) through (5) No change.

Specific Authority 466.004(4) FS. Law Implemented 466.017(4), 466.025, 456.032 FS. History--New 8-12-93, Formerly 61F5-7.0035, 59Q-7.0035, Amended 11-10-98, 3-25-99.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B5-13.005

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to continuing education imposed by disciplinary final orders.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079(1) FS.

LAW IMPLEMENTED: 456.079(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-13.005 Disciplinary Guidelines.

(1) through (5) No change.

(6) Any continuing education imposed by Final Order must, unless otherwise specifically provided in the Final Order, be obtained in a live presentation. Continuing education hours obtained to satisfy a Final Order shall be in addition to and not count toward, a licensee's renewal requirements. A licensee obtaining continuing education pursuant to a Final Order shall submit documentation of same to the Board office no later than 30 days after completion.

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

Specific Authority 456.079(1) FS. Law Implemented 456.079(1) FS. History--New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Fees for Enforcement of Unlicensed Practice Prohibitions RULE NO.: 64B5-15.024

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to collection of fees and unnecessary rule text is being deleted.

SUBJECT AREA TO BE ADDRESSED: Fees for enforcement of unlicensed practice prohibitions.

SPECIFIC AUTHORITY: 456.064 FS.

LAW IMPLEMENTED: 456.064 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-15.024 Fees for Enforcement of Unlicensed Practice Prohibitions.

The Department of Health is authorized to collect an additional ~~earnmark~~ \$5.00 with ~~of~~ each initial licensure fee and each biennial renewal fee as set forth in Rule 64B5-15.006 for the purpose of investigating and prosecuting the unlicensed practice of dentistry and dental hygiene. ~~However, if the Board is in a deficit at the time the fee is collected, the Department is authorized, as an alternative, to collect an additional special fee of \$5.00 from each individual upon initial licensure and upon renewal of biennial licensure for this purpose.~~

(1) through (3) No change.

Specific Authority 456.064 FS. Law Implemented 456.064 FS. History--New 8-29-93, Formerly 61F5-15.024, 59Q-15.024, Amended.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Proprietorship by Nondentists RULE NO.: 64B5-17.013

PURPOSE AND EFFECT: The Board proposes to amend this rule to rename the rule title and set forth rule text which will describe proprietorship by nondentists.

SUBJECT AREA TO BE ADDRESSED: Proprietorship by nondentists.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 466.003, 466.0285, 466.028(1)(g),(z) FS.

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

TIME AND DATE: 8:00 a.m., or thereafter on August 18, 2001

PLACE: Embassy Suites, 555 North Westshore Boulevard, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-17.013 Proprietorship by Nondentists Dental Practice Management Services.

(1) No corporation, lay body, organization, or individual other than a licensed dentist or a professional corporation or limited liability company composed of dentists shall engage in the practice of dentistry through the means of engaging the services, upon a salary, commission, or other means of inducement, of any person licensed to practice dentistry in this state.

(2) No dentist shall enter into any agreement with a nondentist which directs, controls, or interferes with the dentist's clinical judgment, or which controls the use of any dental equipment or material while such is being used for the provision of dental services. Nor shall any dentist enter into an agreement which permits, or facilitates any entity which itself is not a licensed dentist to practice dentistry, or to offer dentistry services to the public through the licensed dentist. The clinical judgment of the licensed dentist must be exercised solely for the benefit of his/her patients, and shall be free from any compromising control, influences, obligations, or loyalties.

(3) For the purposes of this rule:

(a) The term "clinical" means having a significant relationship, whether real or potential, direct or indirect, to the actual rendering or outcome of dental care, the practice of dentistry or the quality of dental care being rendered to one or more patients.

(b) The term "control" shall mean to exercise authority or dominating influence over; having the authority or ability to regulate, direct, or dominate.

(4) A licensed dentist may enter into an agreement with a nondentist to receive "Practice Management Services." The term "Practice Management Services" is defined to include

consultation or other activities or services offered by someone other than a Florida licensed dentist regarding one or more of the following types of products or services:

(a) through (i) No change.

~~(2) The term "clinical" means having a significant relationship, whether real or potential, direct or indirect, to the actual rendering or outcome of dental care, the practice of dentistry or the quality of dental care being rendered to one or more patients.~~

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

(6) For purposes of implementing the provisions of Section 466.028(1)(h), Florida Statutes, no dentist shall enter into any agreement, or series of agreements, with anyone other than a dentist or group of dentists, which constitutes a de facto employment of the dentist by a nondentist. The following shall be considered as evidence that the dentist has violated Section 466.028(1)(h), Florida Statutes:

(a) Any agreement or series of agreements that contractually bind a dentist to purchase practice management services from a nondentist for a period of more than 5 years.

(b) Any clause in an agreement or series of agreements which seeks to penalize a dentist seeking to terminate an agreement to purchase practice management services from a nondentist through a non compete clause. Except as permitted by Section 542.33, Florida Statutes, licensed dentists are prohibited from agreeing not to compete in the provision of dental services with any entity which is not itself a licensed dentist, or which is not licensed or otherwise permitted by law to provide the services which are the subject not to compete.

(7) The provisions of this rule are not intended to impair the validity of any contract in existence as of the effective date of this rule.

Specific Authority 466.004 FS. Law Implemented 466.003, 466.0285, 466.028(1)(g),(z) FS. History--New 10-16-96, Formerly 59Q-17.013, Amended _____.

**DEPARTMENT OF HEALTH
Board of Dentistry**

RULE TITLE: Removal of Amalgam Fillings
RULE NO.: 64B5-17.014

PURPOSE AND EFFECT: The Board will discuss the possibility of creating a new rule to address the removal of amalgam fillings.

SUBJECT AREA TO BE ADDRESSED: Removal of amalgam fillings.

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 466.001, 466.004(4), 466.028,(1)(x), (ff) FS.

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

TIME AND DATE: 8:00 a.m., or thereafter on August 18, 2001

PLACE: Embassy Suites, 555 North Westshore Boulevard, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Required Sterilization and Disinfection Procedures 64B5-25.003

PURPOSE AND EFFECT: The purpose of the rule amendments is to make the rule consistent with the subject area responsibilities of the EPA and the FDA.

SUBJECT AREA TO BE ADDRESSED: Required sterilization and disinfection procedures.

SPECIFIC AUTHORITY: 456.032, 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.028(1)(a),(x), 466.041 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-25.003 Required Sterilization and Disinfection Procedures.

(1) At least one of the following procedures must be used in order to provide proper sterilization:

(a) through (d) No change.

(e) Disinfectant/sterilant. U.S. Environmental Protection Agency (EPA) approved disinfectant/sterilants or U.S. Food and Drug Administration (FDA) approved sterilant may be used but are only appropriate for sterilization when used in appropriate dilution and for the time periods set forth in the manufacturer's recommendation and only on non-heat tolerant instruments which do not penetrate soft tissue.

(2)(a) through (10) No change.

Specific Authority 456.032, 466.004(4) FS. Law Implemented 456.032, 466.028(1)(u), (x), 466.041 FS. History—New 2-24-87, Amended 12-6-87, 10-24-88, 1-7-92, 4-5-93, Formerly 21G-25.003, Amended 11-22-93, Formerly 61F5-25.003, 59Q-25.003, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: RULE NOS.:

Application, Certification, Registration, and Licensure Fees 64B8-3.002
 Renewal Fees 64B8-3.003
 Inactive and Delinquent Status Fees 64B8-3.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendments to increase the fee for licensure by examination and licensure renewal and to implement a fee for converting from inactive to limited license.

SUBJECT AREA TO BE ADDRESSED: Licensure by examination fee, renewal fees, and fee for converting from inactive to limited licensure.

SPECIFIC AUTHORITY: 456.013, 456.025, 456.036, 458.309(1), 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.025(1), 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.316, 458.3165, 458.317, 458.319(1), 458.345, 458.347 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

The following fees are prescribed by the Board:

(1) through (4) No change.

(5) The application fee for a person desiring to be licensed as a physician by examination, as provided in Sections 458.311, 458.3115 and 458.3124, F.S., shall be ~~\$410.00~~ \$460.00.

(6) through (8) No change.

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

64B8-3.003 Renewal Fees.

- (1) No change.
- (2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S., for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be \$385.00 ~~\$350.00~~. However the following exceptions shall apply:

- 1. through 4. No change.
- (b) No change.

Specific Authority 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS. Law Implemented 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS. History–New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98, 12-14-99,_____.

64B8-3.004 Inactive and Delinquent Status Fees.

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

- (a) through (d) No change.
- (e) The fee for reactivation of an inactive license for the purpose of converting the license to a limited license pursuant to Section 458.317(4), F.S., shall be \$25.00.

(2) No change.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Requirements for Reactivation of an Inactive License

RULE NO.: 64B8-13.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify the requirements licensure reactivation pursuant to Section 458.317, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Licensure reactivation for the purpose of converting to a limited license.

SPECIFIC AUTHORITY: 458.309, 458.321, 458.317 FS.

LAW IMPLEMENTED: 458.321(1), 458.317 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.004 Requirements for Reactivation of an Inactive License.

An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B8-3.004, F.A.C., and has complied with the following requirements:

- (1) No change.
- (2) ~~Any~~ However, any physician whose license has been inactive for more than two consecutive biennial licensure cycles and who has not practiced for 2 out of the previous 4 years in another jurisdiction ~~may shall~~ be required to appear before the Credentials Committee of the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the physician must:

- (a) through (e) No change.
- (3) Any physician reactivating his or her license for the purpose of converting the license to a limited license pursuant to Section 458.317, F.S., whose license has been inactive for more than two consecutive biennial licensure cycles and who has not practiced for 2 of the previous 4 years in another jurisdiction, shall be required to:

- (a) Demonstrate compliance with paragraph (1) above;
- (b) Demonstrate compliance with the financial responsibility requirements of Section 458.320, F.S., and Rule 64B8-12, F.A.C.;
- (c) Demonstrate compliance with Section 456.033, F.S., and Rule 64B8-13.006, F.A.C.;
- (d) Practice under supervision for a period of six (6) months.
- (4) ~~(3)~~ No change.

Specific Authority 458.309, 458.321(1), 458.317 FS. Law Implemented 458.321(1), 458.317 FS. History–New 2-3-82, Formerly 21M-28.01, Amended 1-1-92, Formerly 21M-28.001, 61F6-28.001, Amended 3-1-95, Formerly 59R-13.004, Amended_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES: Rights and Responsibilities 65A-1.204
Eligibility Determination Process 65A-1.205

PURPOSE AND EFFECT: The proposed amendment of these rules will incorporate by reference client notice and contact forms used in the eligibility determination process.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment of Rule 65A-1.204, F.A.C., incorporates the Rights and Responsibilities form and the Hearing Request form by reference into this rule. The proposed amendment of Rule 65A-1.205, F.A.C., revises the Withdrawal notice incorporated into this rule by removing statements about the use of the same food stamp application for a subsequent application and incorporates the Pending notice by reference. Additionally, this proposed rule amendment is to incorporate the Request for Assistance and the Application for Public Assistance (Common Application Form or CAF) into this rule. **SPECIFIC AUTHORITY:** 409.212(7), 409.919, 410.033, 414.45 FS.

LAW IMPLEMENTED: 409.212, 409.903, 409.904, 410.033, 414.095, 414.31 FS.

IF REQUESTED AND DEEMED NECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., August 13, 2001

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

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Programs

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Behavioral Health Services	65E-11
RULE TITLES:	RULE NOS.:
Definitions	65E-11.002
Scope of Behavioral Health Services	65E-11.003
Clinical Guidelines for Referral	65E-11.004
Practice Guidelines for Behavioral Health Services to Ensure Cost-effective Treatment and to Prevent Unnecessary Expenditures	65E-11.007

PURPOSE AND EFFECT: Notice is hereby given that the following additional changes are being considered to the promulgated Rule 65E-11, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. This rule was originally published in the Florida Administrative Weekly, Vol. 26, No.

36, September 8, 2000, and in Vol. 26, No. 47, November 22, 2000 as the first Notice of Change. The effective date of this rule was January 17, 2001.

SUBJECT AREA TO BE ADDRESSED: These additional revisions are in response to updates in required forms, program name change, refined program operations since the original rule publication, and technical rule citations changes as a result of these revisions.

SPECIFIC AUTHORITY: 409.8135(6) FS.

LAW IMPLEMENTED: 409.8135 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 p.m., August 27, 2001

PLACE: Building 6, Conference Room A, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Michael Sorrell, Medical/Health Care Program Analyst, Bldg. 6, Room 297, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-11.002 Definitions.

Definitions as used in Chapter 65E-11, F.A.C.

(1) through (4) No change.

(5) “Behavioral Health Network” means the statewide network of Providers of Behavioral Health Services who serve non-Medicaid eligible children with mental or substance-related disorders who are determined eligible for the Title XXI part of the KidCare Program. This network includes providers who are managed behavioral health organizations, private and state funded mental health and substance-related disorders providers, and Lead Agencies. The Behavioral Health Network is administered by the Department of Children and Families, Children’s Mental Health State Program Office to provide a comprehensive behavioral health benefits package for children with serious mental or substance-related disorders. “Behavioral Health Specialty Care Network” means the single entity or local alliance of Providers of Behavioral Health Services, who provide behavioral health services to children enrolled in the Behavioral Health Specialty Care Network.

(6) “Behavioral Health Services” means those services, contingent on the child’s presenting condition, that are provided to enrolled children in the Behavioral Health Network ~~Behavioral Health Specialty Care Network~~ for the treatment of mental or substance-related disorders.

(7) “Behavioral Health Network Coordinator” ~~“Behavioral Health Specialty Care Coordinator”~~ means the department’s designated representative for overseeing the enrollment and

provision of care by a single entity or local alliance of Providers of Behavioral Health services who comprise a behavioral health care network.

~~(8) "Behavioral Health Specialty Care Network" means the statewide network of Providers of Behavioral Health Services who serve non-Medicaid eligible children with mental or substance related disorders who are determined eligible for the Title XXI part of the KidCare Program that includes providers who are managed behavioral health organizations, private and state funded mental health and substance related disorders providers, and Lead Agencies. The Behavioral Health Specialty Care Network is administered by the Department of Children and Families, Children's Mental Health State Program Office to provide a comprehensive behavioral health benefits package for children with serious mental or substance related disorders.~~

~~(8)(9) "Benefits Package" means the required benefits and Alternative Services described in Section 65E-11.003, F.A.C., that are made available to each child upon enrollment into the Behavioral Health Network Behavioral Health Specialty Care Network described in section 65E-11.003.~~

~~(9)(10) "Child" means any individual five (5) years of age and not yet (19) years of age who is enrolled in the Behavioral Health Network Behavioral Health Specialty Care Network.~~

~~(10)(11) No change.~~

~~(11)(12) "Eligible" means a child that has been screened by the behavioral health liaison as meeting the Behavioral Health Network Behavioral Health Specialty Care Network clinical and treatability criteria and by the Department for Title XXI Medicaid financial eligibility criteria but is not yet enrolled in the program to receive Behavioral Health Network Behavioral Health Specialty Care Network services.~~

~~(12)(13) No change.~~

~~(13)(14) "Enrollment" means a child is eligible for and receiving services in the Behavioral Health Network Behavioral Health Specialty Care Network after an official acceptance into the Behavioral Health Network Behavioral Health Specialty Care Network based on separate determinations of financial eligibility by the Department that the child is eligible for the Title XXI component of KidCare and that the child is clinically eligible for enrollment.~~

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

~~(20)(21) "Reverification" means the redetermination of a child's eligibility based on the criteria described in Section 65E-11.004, F.A.C. clinical eligibility criteria described in Section 65E-11.005, F.A.C., for the purpose of reverification of eligibility for the Behavioral Health Specialty Care Network.~~

(22) through (25) renumbered (21) through (24) No change.

~~(25)(26) "Targeted Outreach" means the planned and coordinated efforts to communicate information about the Behavioral Health Network Behavioral Health Specialty Care Network with an overall intent to increase awareness, participation, and enrollment in the program.~~

~~(26)(27) "Treatment Plan" means that identifiable section of the medical record that depicts goals and objectives for the provision of services with specific treatment environments. The treatment plan shall be developed by a team consisting of individuals with experiences and competencies in the provision of behavioral health services to children as described in Section 65E-11.002(10)(17), F.A.C.; including if deemed appropriate by the family, the child and family or family representatives; and other agencies, providers or other persons.~~

~~(27)(28) No change.~~

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New 1-17-01, Amended _____.

65E-11.003 Scope of Behavioral Health Services.

(1) through (6) No change.

(a) Alternative Services shall be approved so long as they are related to the child's treatment services plan. Documentation of approved Alternative Services shall include the name of the district Behavioral Health Network Behavioral Health Specialty Care Coordinator with signature and shall contain the following elements:

(6)(a)1.-7. through (b)1.-7. No change.

(7) through (11)(a)-(n) No change.

(o) Complete the Behavioral Health Network Screening and Eligibility Tracking form, March 1, 2001 version and the Behavioral Health Network Reverification and Request for Disenrollment form, March 1, 2001 version Behavioral Health Specialty Care Network Screening and Eligibility Tracking form, September 2000 version July 1, 1999 version hereby incorporated by reference as if fully set out here. The Behavioral Health Network Screening and Eligibility Tracking form and the Behavioral Health Network Reverification and Request for Disenrollment Behavioral Health Specialty Care Network Screening and Eligibility Tracking form may be obtained from the district Alcohol, Drug Abuse, and Mental Health Program Office. Upon completion, the Behavioral Health Liaison shall submit a copy of the Behavioral Health Network Screening and Eligibility Tracking form and the Behavioral Health Network Reverification and Request for Disenrollment form(s) Behavioral Health Specialty Care Network Screening and Eligibility Tracking form to the Children's Medical Services area office and the district Alcohol, Drug Abuse, and Mental Health Program Office.

(12) through (13) No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New 1-17-01, Amended _____.

65E-11.004 Clinical Guidelines for Referral.

(1) Every child referred to ~~the Behavioral Health Network~~ ~~a Behavioral Health Specialty Care Network~~ shall be screened as a first step in determining the child's ~~clinical~~ eligibility for services. If the screening indicates the child has the potential to meet the Behavioral Health Network Behavioral Health Specialty Care Network clinical eligibility criteria described in this section, ~~and there is available capacity within the network to enroll the child,~~ an assessment shall be conducted.

(2) A child shall be considered eligible for behavioral health services from ~~the Behavioral Health Network Behavioral Health Specialty Care Network~~ when the child is determined to be Title XXI eligible for the Florida KidCare Program, be at least five (5) years of age and not yet nineteen (19) years of age, and

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

b. ~~A child diagnosed with Oppositional Defiant Disorder, Conduct Disorder, or Attention-Deficit/Hyper Activity Disorder as the primary DSM-IV-R Axis I diagnosis does not qualify for Behavioral Health Network services, and Attention Deficit and Disruptive Behavior disorders shall be excluded as DSM-IV Axis I mental disorders in determining clinical eligibility for the Behavioral Health Specialty Care Network, and~~

c. ~~The child demonstrates a significant level of functional impairment as measured by the Children's Global Assessment Scale (C-GAS), with a score of fifty or below; or The child is experiencing significant functional impairment as a result of his or her condition, or~~

2. No change.

a. ~~A child diagnosed with Oppositional Defiant Disorder, Conduct Disorder, or Attention-Deficit/Hyper Activity Disorder as the primary DSM-IV-R Axis I diagnosis does not qualify for Behavioral Health Network services, and~~

b. ~~The child demonstrates significant level of functional impairment as measured by the Children's Global Assessment Scale (C-GAS), with a score of fifty and below; or~~

3. No change.

a. ~~The child demonstrates significant level of functional impairment as measured by the Children's Global Assessment Scale (C-GAS), with a score of fifty and below; and~~

b. ~~A child diagnosed with Oppositional Defiant Disorder, Conduct Disorder, or Attention-Deficit/Hyper Activity Disorder as the primary DSM-IV-R Axis I diagnosis does not qualify for Behavioral Health Network services, Children diagnosed with Attention-Deficit or Disruptive disorders as the primary DSM-IV-R Axis I diagnosis do not qualify for BNet services.~~

(3) ~~Disenrollment Criteria. A child shall be considered disenrolled from the Behavioral Health Network at midnight of the last day of the current enrollment month if one of the following occurs: Ineligibility Criteria. A child shall be~~

~~considered ineligible for Title XXI Behavioral Health Specialty Care Network behavioral health services if any one of the following criteria is met:~~

(a) ~~The parent has neglected to pay the premium; The child does not meet the Title XXI eligibility criteria with regard to age, income, premium payment, and other insurance coverage or the child does not meet the following Behavioral Health Network criteria: Behavioral Health Specialty Care Network eligibility criteria described in Section 65E 11.004, F.A.C., above;~~

(b) ~~The child turns 19 years old; The child is placed in long term residential care exceeding 30 days;~~

(c) ~~The child becomes Medicaid eligible or obtains other insurance coverage; The child moves out of the state of Florida.~~

(d) ~~The child moves out of state;~~

(e) ~~The child is placed in residential treatment exceeding thirty days;~~

(f) ~~The child becomes an inmate of a public institution; or~~

(g) ~~The child (at reverification) no longer meets the Behavioral Health Network's treatability or clinical eligibility criteria.~~

(4) ~~When determining or reviewing a child's eligibility under the program, the applicant shall be provided with notice of changes in eligibility. When a transition from the Behavioral Health Network to another program is appropriate, the Behavioral Health Liaison shall notify the Children's Medical Services case manager in writing and shall ensure the affected family is afforded a transition which promotes continuity of behavioral health care coverage.~~

(5)(4) The department shall be the final authority on all admissions, transfers, and discharges of children into and from the ~~Behavioral Health Network Behavioral Health Specialty Care Network~~ and retains the right to override any decision of a Lead Agency with regard to a child's admission, transfer, and discharge.

(6)(5) In the case of any dispute between the department and a Lead Agency, an enrolled child shall remain in the ~~Behavioral Health Network Behavioral Health Specialty Care Network~~ and continue to receive care at the expense of the Lead Agency for the duration of the resolution of the dispute.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History--New 1-17-01, Amended _____.

65E-11.007 Practice Guidelines for Behavioral Health Services to Ensure Cost-effective Treatment and To Prevent Unnecessary Expenditures.

(1) Treatment Plan. A written ~~treatment service~~ plan shall be developed within 10 working days of enrollment into the ~~Behavioral Health Network Behavioral Health Specialty Care Network~~ for each enrolled child. At a minimum, the plan shall include clear time-limited treatment objectives, related interventions, clinical criteria for discharge, and evidence that

the child and family, consistent with the statutes and rules of the department for family involvement, have been included in the development of the treatment plan.

(a) through (b) No change.

(2) Behavioral health services financed through the Behavioral Health Network Behavioral Health Specialty Care Network shall not begin until after the child's enrollment as defined in Section 65E-11.003, F.A.C.

(3) through (4)(c) No change.

(d) Collection of data to review the criteria and process used to evaluate services for medical necessity as described in Section 65E-11.002(18)(49), F.A.C.,

(e) through (8)(b) No change.

1. The claim documents psychiatric admission for the treatment of Emergency Behavioral Health Care as defined in Section 65E-11.002(12)(434), F.A.C., and includes the date of admission, reason for admission, location of the treatment facility, duration of service noted, and any Behavioral Health Services authorized by the referring Lead Agency.

2. through 3. No change.

(9) through (11) no change.

(12) Exceptions to the drive-time provision shall be made by the Behavioral Health Network Behavioral Health Specialty Care Coordinator to address the lack of specialty providers or other service constraints existing in rural areas.

(13) No change.

(a) No change.

(b) Urgent Care as defined in Section 65E-11.002(27)(28), F.A.C., shall be evaluated and delivered within twenty-four (24) hours.

(c) through (14) No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History- New 1-17-01, Amended

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-45.001
Notice of Funding Availability	67-45.002
Application Procedures	67-45.004
Loan Processing	67-45.006
Fees	67-45.007

PURPOSE AND EFFECT: The purpose of the amendments is to adjust the limits of the Down Payment Assistance funding to conform to the limits authorized by Section 420.5088(1)(c), Florida Statutes, in connection with the Homeownership Assistance Program and to make other technical and clarifying amendments.

SUBJECT AREA TO BE ADDRESSED: A change in the limits of the Down Payment Assistance funding to conform them to the statutory limits and other technical and clarifying amendments to the rule.

SPECIFIC AUTHORITY: 420.507(12),(23) FS.

LAW IMPLEMENTED: 420.507(23), 420.5088 FS.

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

TIME AND DATE: 2:00 p.m., August 13, 2001

PLACE: Florida Housing Finance Corporation, Sixth Floor Seltzer Conference Room, 227 North Bronough Street, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wallisa Cobb, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Any person requiring special accommodations at the Workshop because of a disability or physical impairment should contact Debbie Moran, Florida Housing Finance Corporation, (850)488-4197, at least five days prior to the Workshop. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-9770 (Voice) or 1(800)988-8711 (TDD)

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-46.001
Notice of Funding Availability	67-46.002
General Program Restriction	67-46.003
Loan Processing	67-46.006
Fees	67-46.007

PURPOSE AND EFFECT: The purpose of the amendments is to make Homeownership Assistance Permanent Loan funding available for use in conjunction with the Homeownership Assistance Construction Loan Program as authorized by Section 420.5088, Florida Statutes and to make other technical and clarifying amendments.

SUBJECT AREA TO BE ADDRESSED: A change in the use of Homeownership Assistance Permanent Loan funding and other technical and clarifying amendments to the rule.

SPECIFIC AUTHORITY: 420.507(12),(23) FS.

LAW IMPLEMENTED: 420.507(23), 420.5088 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: 3:00 p.m., August 13, 2001

PLACE: Florida Housing Finance Corporation, Sixth Floor Seltzer Conference Room, 227 North Bronough Street, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wallisa Cobb, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Any person requiring special accommodations at the Workshop because of a disability or physical impairment should contact Debbie Moran, Florida Housing Finance Corporation, (850)488-4197, at least five days prior to the Workshop. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-9770 (Voice) or 1(800)988-8711 (TDD).

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Stone Crabs

RULE TITLE:

RULE NO.:

Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer

68B-13.008

PURPOSE AND EFFECT: The purpose of this rule development effort is to amend Rule Chapter 68B-13, F.A.C., to further clarify and define Commission policy and procedure as it relates to marking stone crab traps and vessels with owner identification. Up to four family members with stone crab endorsements will be able to work traps from a single vessel appropriately marked. The effect of this rule development will be to facilitate cooperative fishing efforts as established within family groups.

SUBJECT AREA TO BE ADDRESSED: Stone Crab Trap Marking and Working Requirements.

SPECIFIC AUTHORITY: Art. IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Section 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Southwest Florida Shells

RULE TITLE:

RULE NO.:

Live Shellfish, Regulation

68B-26.003

PURPOSE AND EFFECT: The Board of County Commissioners of Lee County has requested that the Fish and Wildlife Conservation Commission entertain a rule amendment to prohibit the harvesting of live shells in all of Lee County. Currently, such harvest is prohibited within the City of Sanibel and the Town of Ft. Myers Beach, and the remainder of the county is under a two live shellfish (of a single species) bag limit. The Board of County Commissioners has completed public hearings and adopted a formal resolution requesting this action. The purpose of this rule development effort is to implement the county's request. The effect will be to conserve live shellfish in an area very popular with shell collectors and to place Lee County under a single regulatory regime, the primary enforcement of which will be performed by the county.

SUBJECT AREA TO BE ADDRESSED: Harvest of live shellfish in Lee County.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-26.003 Live Shellfish, Regulation.

(1) Lee County Live Shellfish Restrictions

~~(a) Except as provided in paragraph (b) for Sanibel and Ft. Myers Beach, and in subsection (3), No person shall:~~

~~(a)1. Harvest any more than two live shellfish of any single species, per day, within Lee County.~~

~~(b)2. Possess, in that area of Lee County between the mean high water line and the county limits in the Gulf of Mexico, any more than two live shellfish of any single species at any time.~~

~~(b) Except as provided in subsection (3), no person shall harvest any live shellfish within the following named communities, or possess, in that area between the mean high water line and the city or town limits, any live shellfish at any time:~~

~~1. The City of Sanibel.~~

~~2. The Town of Ft. Myers Beach.~~

(2) Manatee County Live Shellfish Restrictions – Except as provided in subsection (3), ~~beginning July 1, 1996,~~ no person shall:

(a) Harvest more than 2 live shellfish of any single species, per day, within Manatee County.

(b) Possess, in that area of Manatee County between the mean high water line and the seaward extent of state waters within the county, more than two live shellfish of any single species at any time.

(3) Pursuant to Section 370.10(2), Florida Statutes, the Fish and Wildlife Conservation Commission may issue permits to harvest or possess more live shellfish of any single species within Lee County or Manatee County than provided for in subsections (1) and (2) of this rule, for experimental, scientific, or exhibitional purposes.

(4) It is lawful to harvest any shell within Lee County or within Manatee County, so long as such shell does not contain any live shellfish at the time of harvest and so long as a live shellfish is not killed, mutilated, or removed from its shell prior to such harvest.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-15-87, Amended 9-1-93, 1-1-95, 4-1-96, 8-3-00, Formerly 46-26.003, Amended.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Oysters

RULE TITLE:

Oyster Size Limit

RULE NO.:

68B-27.015

PURPOSE AND EFFECT: The purpose of this rule development effort is to specify that the existing size limits on oysters will apply to oysters possessed in or on the waters of the state through landing. The actual size limit, with the current

tolerances for attached or unattached undersize oysters, is not being changed. The effect of this rule development effort should be to allow for the market-based grading of oysters by size in oyster processing facilities for shipment to wholesalers or retailers.

SUBJECT AREA TO BE ADDRESSED: Oyster size limit.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-27.015 Oyster Size Limit.

(1) Except as provided in subsection (3) of this rule, no person shall harvest, ~~sell, exchange, barter, or~~ possess while in or on the waters of the state, or land, any oyster less than three (3) inches in greatest dimension. Oysters which are three (3) inches or more in greatest dimension shall be legal size.

(2) Each person harvesting oysters from the waters of this state shall cull such oysters, unless otherwise provided in this chapter, or unless otherwise permitted by the Department for the purpose of planting or relaying as provided by law.

(3) Tolerances. There shall be two types of tolerances allowed with regard to the size of oysters harvested in or on waters of the state.

(a) Tolerance for Attached Oysters. In instances in which culled oysters less than three (3) inches in greatest dimension are attached to legal size oysters such that to separate them would destroy either oyster, a person may harvest, ~~sell, exchange, barter, or~~ possess while in or on the waters of the state, and land such undersize attached oysters provided that such oysters number no more than 15% of the oysters in any bag or equivalent container. The legal size oysters to which the undersize oysters are attached shall be counted separately from the attached oysters.

(b) Tolerance for Individual, Unattached Oysters. A person may harvest, ~~sell, exchange, barter, or possess~~ while in or on the waters of the state, and land oysters less than three (3) inches in greatest dimension, provided, that such oysters number no more than 5% of the oysters in any bag or equivalent container.

(4) For purposes of this rule, the term "land" means the physical act of bringing harvested oysters ashore.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 3-10-91, Formerly 46-27.015, Amended

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Mullet

RULE TITLE: Definitions RULE NO.: 68B-39.002

PURPOSE AND EFFECT: The purpose of this rule development effort is to shorten the length of the weekend closure on the commercial harvest of mullet by 16 hours each weekend between July 1 through January 31 each year. The effect of this effort should be to give commercial mullet harvesters additional valuable fishing opportunities during the time of year when mullet harvest is most efficient and profitable.

SUBJECT AREA TO BE ADDRESSED: Mullet commercial harvest.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-39.002 Definitions.

As used in this rule chapter:

(1) through (8) No change.

(9) "Weekend" means that portion of a week commencing at 12:01 a.m. 4:00 p.m. on ~~Saturday~~ Friday and ending at 12:01 8:00 a.m. the following Monday.

PROPOSED EFFECTIVE DATE: July 1, 2002.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 10-19-89, Amended 10-1-90, 11-16-93, 7-15-96, 3-3-97, 1-1-98, Formerly 46-39.002, Amended 7-1-02.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Marine Life

RULE TITLE: Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species" RULE NO.: 68B-42.001

PURPOSE AND EFFECT: The purpose of this rule development effort is to except the ocean triggerfish (*Canthidermis sufflamen*) from operation of the chapter and to correct the scientific reference to the family of triggerfishes to which the chapter is supposed to apply. The effect of this effort will be to allow the harvest of the ocean triggerfish as a food item and clarify those species in the Family that should be considered part of the ornamental tropical fish trade.

SUBJECT AREA TO BE ADDRESSED: Definition of "Marine Life Species" and Ocean Triggerfish.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-42.001 Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species".

(1) No change.

(2) The following fish species, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes:

(a) through (aa) No change.

(bb) Filefish/triggerfish - Any species of the Family Balistidae ~~Balistes~~, except gray triggerfish, Balistes ~~Balistidae~~ capriscus and ocean triggerfish, Canthidermis sufflamen.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-91, Amended 7-1-92, 1-1-95, 6-1-99, Formerly 46-42.001, Amended _____.

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Procedure for Licensing Transferred Cemeteries

RULE NO.: 3F-5.006

PURPOSE AND EFFECT: This rule is being amended to incorporate by reference an updated version of Form DBF-F-35, Application for Authority to Acquire Control of an Existing Cemetery Company.

SUMMARY: This rule sets out the procedures for a person, group of persons, or corporation to acquire control of an existing cemetery company and states the fee requirements for same.

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: 497.103 FS.

LAW IMPLEMENTED: 497.201(1), 497.209 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-5.006 Procedure for Licensing Transferred Cemeteries.

(1) Application. When a person, a group of persons or a corporation proposes to purchase or acquire control of an existing cemetery company either by purchasing the outstanding capital stock of any cemetery company, or the interest of the owner or owners, and thereby to change the control of said cemetery company, such person shall file an Application For Authority To Acquire Control Of An Existing Cemetery Company, Form DBF-F-35, effective _____, and ~~October 23, 1991, which is~~ hereby incorporated by reference. This application shall be accompanied by a non-refundable application fee of \$5,000.

(2) through (7) No change.

Specific Authority 497.103 FS. Law Implemented 497.201(1), 497.209 FS. History--New 9-29-75, Amended 11-2-78, 1-27-81, Formerly 3D-30.17, Amended 10-23-91, Formerly 3D-30.017, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: June 8, 2001

DEPARTMENT OF INSURANCE

RULE TITLES: RULE NOS.:

Purpose and Scope 4-128.001

Definitions 4-128.002

Initial Privacy Notice to Consumers Required 4-128.005

Annual Privacy Notice to Customers Required 4-128.006

Information to be Included in Privacy Notices 4-128.007

Form of Opt Out Notice to Consumers and

Opt Out Methods 4-128.008

Revised Privacy Notices 4-128.009

Delivery 4-128.010

Limits on Disclosure of Nonpublic Personal

Financial Information to Nonaffiliated

Third Parties 4-128.011

Limits on Redisclosure and Reuse of Nonpublic

Personal Financial Information 4-128.012

Limits on Sharing Account Number Information

for Marketing Purposes 4-128.013

Exception to Opt Out Requirements for Disclosure

of Nonpublic Personal Financial Information

for Service Providers and Joint Marketing 4-128.014

Exceptions to Notice and Opt Out Requirements

for Disclosure of Nonpublic Personal Financial

Information for Processing and Servicing

Transactions 4-128.015

Other Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information	4-128.016
When Authorization Required for Disclosure of Nonpublic Personal Health Information Authorizations	4-128.017
Authorization Request Delivery	4-128.018
Relationship to Federal Rules	4-128.019
Relationship to State Laws	4-128.020
Protection of Fair Credit Reporting Act	4-128.021
Nondiscrimination	4-128.022
Effective Date	4-128.023
	4-128.024

PURPOSE AND EFFECT: The purpose of the proposed action is to adopt rules to protect the privacy of consumer financial and health information maintained by insurers, agents, and licensees as provided in CS/SB 2174.

SUMMARY: The proposed rules are based on the NAIC Privacy of Consumer Financial and Health Information Regulation, adopted September 26, 2000. The rules are also consistent with Title V of the Gramm-Leach-Bliley Act of 1999 and address compliance with consumer protection rules adopted by the U.S. Department of Health and Human Services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A SERC has been prepared, and generally estimates that compliance costs will involve costs of preparing notices, developing lawful privacy policies, and implementation of safeguards and controls to protect the privacy of customer and consumer financial and health information.

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, 626.9651 FS.

LAW IMPLEMENTED: 624.307(1), 626.9651 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steve Roddenberry, Deputy Director, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0300, phone (850)413-5104

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 RULES IS:

PART I. GENERAL PROVISIONS

4-128.001 Purpose and Scope.

(1) Purpose. This rule governs the treatment of nonpublic personal health information and nonpublic personal financial information about individuals by all licensees regulated pursuant to the Florida Insurance Code. These rules:

(a) Require a licensee to provide notice to individuals about its privacy policies and practices;

(b) Describe the conditions under which a licensee may disclose nonpublic personal health information and nonpublic personal financial information about individuals to affiliates and nonaffiliated third parties; and

(c) Provide methods for individuals to prevent a licensee from disclosing that information.

(2) Scope. These rules apply to:

(a) Nonpublic personal financial information about individuals who obtain or are claimants or beneficiaries of products or services primarily for personal, family or household purposes from licensees. These rules do not apply to information about companies or about individuals who obtain products or services for business, commercial or agricultural purposes; and

(b) All nonpublic personal health information.

(3) Rule of Construction. The examples in these rules and the sample clauses in Appendix A, incorporated by reference in Rule 4-128.007, F.A.C., are not exclusive. Compliance with an example or use of a sample clause, to the extent applicable, constitutes compliance with this rule.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New.

4-128.002 Definitions.

As used in these rules, unless the context requires otherwise:

(1) "Affiliate" means a company that controls, is controlled by or is under common control with another company.

(2)(a) "Clear and conspicuous" means that a notice is reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

(b) Examples.

1. Reasonably understandable. A licensee makes its notice reasonably understandable if it:

a. Presents the information in the notice in clear, concise sentences, paragraphs and sections;

b. Uses short explanatory sentences or bullet lists whenever possible;

c. Uses definite, concrete, everyday words and active voice whenever possible;

d. Avoids multiple negatives;

e. Avoids legal and highly technical business terminology whenever possible; and

f. Avoids explanations that are imprecise and readily subject to different interpretations.

2. Designed to call attention. A licensee designs its notice to call attention to the nature and significance of the information in it if the licensee:

a. Uses a plain-language heading to call attention to the notice;

b. Uses a typeface and type size that are easy to read;

c. Provides wide margins and ample line spacing;

d. Uses boldface or italics for key words; and

e. In a form that combines the licensee's notice with other information, uses distinctive type size, style, and graphic devices, such as shading or sidebars.

3. Notices on web sites. If a licensee provides a notice on a web page, the licensee designs its notice to call attention to the nature and significance of the information in it if the licensee uses text or visual cues to encourage scrolling down the page if necessary to view the entire notice and ensure that other elements on the web site, such as text, graphics, hyperlinks or sound, do not distract attention from the notice, and the licensee either:

a. Places the notice on a screen that consumers frequently access, such as a page on which transactions are conducted; or

b. Places a link on a screen that consumers frequently access, such as a page on which transactions are conducted, that connects directly to the notice and is labeled appropriately to convey the importance, nature and relevance of the notice.

(3) "Collect" means to obtain information that the licensee organizes or can retrieve by the name of an individual or by identifying number, symbol or other identifying particular assigned to the individual, irrespective of the source of the underlying information.

(4) "Company" means a corporation, limited liability company, business trust, general or limited partnership, association, sole proprietorship or similar organization.

(5)(a) "Consumer" means an individual who seeks to obtain, obtains or has obtained an insurance product or service from a licensee that is to be used primarily for personal, family or household purposes, and about whom the licensee has nonpublic personal information, or that individual's legal representative.

(b) Examples.

1. An individual who provides nonpublic personal information to a licensee in connection with obtaining or seeking to obtain financial, investment or economic advisory services relating to an insurance product or service is a consumer regardless of whether the licensee establishes an ongoing advisory relationship.

2. An applicant for insurance prior to the inception of insurance coverage is a licensee's consumer.

3. An individual who is a consumer of another financial institution is not a licensee's consumer solely because the licensee is acting as agent for, or provides processing or other services to, that financial institution.

4. An individual is a licensee's consumer if the individual is:

a.(I) A beneficiary of a life insurance policy underwritten by the licensee;

(II) A claimant under an insurance policy issued by the licensee;

(III) An insured or an annuitant under an insurance policy or an annuity, respectively, issued by the licensee; or

(IV) A mortgagor of a mortgage covered under a mortgage insurance policy; and

b. The licensee discloses nonpublic personal financial information about the individual to a nonaffiliated third party other than as permitted under Rules 4-128.014, .015, and .016, F.A.C.

5. Provided that the licensee provides the initial, annual and revised notices under Rules 4-128.005, .006, and .009, F.A.C., to the plan sponsor, group or blanket insurance policyholder or group annuity contract holder or workers' compensation plan participant, and further provided that the licensee does not disclose to a nonaffiliated third party nonpublic personal financial information about such an individual other than as permitted under Rules 4-128.014, .015, and .016, F.A.C., an individual is not the consumer of the licensee solely because he or she is:

a. A participant or a beneficiary of an employee benefit plan that the licensee administers or sponsors or for which the licensee acts as a trustee, insurer or fiduciary;

b. Covered under a group or blanket insurance policy or group annuity contract issued by the licensee; or

c. A beneficiary in a workers' compensation plan.

6.a. The individuals described in sub-subparagraphs 5.a. through c. of this paragraph are consumers of a licensee if the licensee does not meet all the conditions of subparagraph 5.

b. In no event shall the individuals, solely by virtue of the status described in sub-subparagraphs 5.a. through c. above, be deemed to be customers for purposes of this rule.

7. An individual is not a licensee's consumer solely because he or she is a beneficiary of a trust for which the licensee is a trustee.

8. An individual is not a licensee's consumer solely because he or she has designated the licensee as trustee for a trust.

(6) "Consumer reporting agency" has the same meaning as in Section 603(f) of the federal Fair Credit Reporting Act (15 U.S.C. 1681a(f)).

(7) "Control" means:

(a) Ownership, control or power to vote 25 percent or more of the outstanding shares of any class of voting security of the company, directly or indirectly, or acting through one or more other persons;

(b) Control in any manner over the election of a majority of the directors, trustees or general partners (or individuals exercising similar functions) of the company; or

(c) The power to exercise, directly or indirectly, a controlling influence over the management or policies of the company, as the Department determines.

(8) "Customer" means a consumer who has a customer relationship with a licensee.

(9)(a) "Customer relationship" means a continuing relationship between a consumer and a licensee under which the licensee provides one or more insurance products or services to the consumer that are to be used primarily for personal, family or household purposes.

(b) Examples.

1. A consumer has a continuing relationship with a licensee if:

a. The consumer is a current policyholder of an insurance product issued by or through the licensee; or

b. The consumer obtains financial, investment or economic advisory services relating to an insurance product or service from the licensee for a fee.

2. A consumer does not have a continuing relationship with a licensee if:

a. The consumer applies for insurance but does not purchase the insurance;

b. The licensee sells the consumer airline travel insurance in an isolated transaction;

c. The individual is no longer a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee;

d. The consumer is a beneficiary or claimant under a policy and has submitted a claim under a policy choosing a settlement option involving an ongoing relationship with the licensee;

e. The consumer is a beneficiary or a claimant under a policy and has submitted a claim under that policy choosing a lump sum settlement option;

f. The customer's policy is lapsed, expired, or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of 12 consecutive months, other than annual privacy notices, material required by law or rule, communication at the direction of a state or federal authority, or promotional materials;

g. The individual is an insured or an annuitant under an insurance policy or annuity, respectively, but is not the policyholder or owner of the insurance policy or annuity; or

h. For the purposes of this rule, the individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

(10)(a) "Financial institution" means any institution the business of which is engaging in activities that are financial in nature or incidental to such financial activities as described in Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

(b) Financial institution does not include:

1. Any person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

2. The Federal Agricultural Mortgage Corporation or any entity charged and operating under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); or

3. Institutions chartered by Congress specifically to engage in securitizations, secondary market sales (including sales of servicing rights) or similar transactions related to a transaction of a consumer, as long as the institutions do not sell or transfer nonpublic personal information to a nonaffiliated third party.

(11)(a) "Financial product or service" means a product or service that a financial holding company could offer by engaging in an activity that is financial in nature or incidental to such a financial activity under Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

(b) Financial service includes a financial institution's evaluation or brokerage of information that the financial institution collects in connection with a request or an application from a consumer for a financial product or service.

(12) "Health care" means:

(a) Preventive, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, services, procedures, tests or counseling that:

1. Relates to the physical, mental or behavioral condition of an individual; or

2. Affects the structure or function of the human body or any part of the human body, including the banking of blood, sperm, organs or any other tissue; or

(b) Prescribing, dispensing or furnishing to an individual drugs or biologicals, or medical devices or health care equipment and supplies.

(13) "Health care provider" means a physician or other health care practitioner licensed, accredited or certified to perform specified health services consistent with state law, or a health care facility.

(14) "Health information" means any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or the consumer that relates to:

(a) The past, present or future physical, mental or behavioral health or condition of an individual;

(b) The provision of health care to an individual; or

(c) Payment for the provision of health care to an individual.

(15)(a) "Insurance product or service" means any product or service that is offered by a licensee pursuant to the insurance laws of this state.

(b) Insurance service includes a licensee's evaluation, brokerage or distribution of information that the licensee collects in connection with a request or an application from a consumer for a insurance product or service.

(16)(a) "Licensee" means all licensed insurers, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to the Florida Insurance Code.

(b) A licensee is not subject to the notice and opt out requirements for nonpublic personal financial information set forth in these rules if the licensee is an employee, agent or other representative of another licensee ("the principal") and:

1. The principal otherwise complies with, and provides the notices required by, the provisions of these rules; and

2. The licensee does not disclose any nonpublic personal information to any person other than the principal or its affiliates in a manner permitted by this rule.

(c)1. Subject to (b)2. above, "licensee" shall also include an unauthorized insurer that accepts business placed through a licensed surplus lines agent in this state, but only in regard to the surplus lines placements placed pursuant to section 626.916, Florida Statutes.

2. A surplus lines agent, producing agent, or surplus lines insurer shall be deemed to be in compliance with the notice and opt out requirements for nonpublic personal financial information set forth in these rules provided:

a. The surplus lines agent, producing agent, or insurer does not disclose nonpublic personal information of a consumer or a customer to nonaffiliated third parties for any purpose, including joint servicing or marketing under Rule 4-128.014, F.A.C., except as permitted by Rules 4-128.015 or .016, F.A.C.; and

b. The surplus lines agent, producing agent or insurer delivers a notice to the consumer at the time a customer relationship is established on which the following is printed in 16-point type:

PRIVACY NOTICE

"Neither the U.S. brokers that handled this insurance nor the insurers that have underwritten this insurance will disclose nonpublic personal information concerning the buyer to nonaffiliates of the brokers or insurers except as permitted by law."

(17)(a) "Nonaffiliated third party" means any person except:

1. A licensee's affiliate; or

2. A person employed jointly by a licensee and any company that is not the licensee's affiliate (but nonaffiliated third party includes the other company that jointly employs the person).

(b) Nonaffiliated third party includes any company that is an affiliate solely by virtue of the direct or indirect ownership or control of the company by the licensee or its affiliate in conducting merchant banking or investment banking activities of the type described in Section 4(k)(4)(H) or insurance company investment activities of the type described in Section 4(k)(4)(I) of the federal Bank Holding Company Act (12 U.S.C. 1843(k)(4)(H) and (I)).

(18) "Nonpublic personal information" means nonpublic personal financial information and nonpublic personal health information.

(19)(a) "Nonpublic personal financial information" means:

1. Personally identifiable financial information; and

2. Any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available.

(b) Nonpublic personal financial information does not include:

1. Health information;

2. Publicly available information, except as included on a list described in subparagraph (19)(a)2. of this rule; or

3. Any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available.

(c) Examples of lists.

1. Nonpublic personal financial information includes any list of individuals' names and street addresses that is derived in whole or in part using personally identifiable financial information that is not publicly available, such as account numbers.

2. Nonpublic personal financial information does not include any list of individuals' names and addresses that contains only publicly available information, is not derived in whole or in part using personally identifiable financial

information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a consumer of a financial institution.

(20) "Nonpublic personal health information" means health information:

(a) That identifies an individual who is the subject of the information; or

(b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual.

(21)(a) "Personally identifiable financial information" means any information:

1. A consumer provides to a licensee to obtain an insurance product or service from the licensee;

2. About a consumer resulting from a transaction involving an insurance product or service between a licensee and a consumer; or

3. The licensee otherwise obtains about a consumer.

(b) The following are examples of personally identifiable financial information:

1. Information a consumer provides to a licensee on an application to obtain an insurance product or service;

2. Account balance information and payment history;

3. The fact that an individual is or has been one of the licensee's customers or has obtained an insurance product or service from the licensee;

4. Any information about the licensee's consumer if it is disclosed in a manner that indicates that the individual is or has been the licensee's consumer;

5. Any information that a consumer provides to a licensee or that the licensee or its agent otherwise obtains in connection with collecting on a loan or servicing a loan;

6. Any information the licensee collects through an Internet cookie (an information-collecting device from a web server); and

7. Information from a consumer report.

(c) Personally identifiable financial information does not include:

1. Health information;

2. A list of names and addresses of customers of an entity that is not a financial institution; and

3. Information that does not identify a consumer, such as aggregate information or blind data that does not contain personal identifiers such as account numbers, names or addresses.

(22)(a) "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:

1. Federal, state or local government records;

2. Widely distributed media; or

3. Disclosures to the general public that are required to be made by federal, state or local law.

(b) Reasonable basis. A licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine:

1. That the information is of the type that is available to the general public; and

2. Whether an individual can direct that the information not be made available to the general public and, if so, that the licensee's consumer has not done so.

(c) Examples.

1. Government records. Publicly available information in government records includes information in government real estate records and security interest filings.

2. Widely distributed media. Publicly available information from widely distributed media includes information from a telephone book, a television or radio program, a newspaper or a web site that is available to the general public on an unrestricted basis. A web site is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public.

3. Reasonable basis.

a. A licensee has a reasonable basis to believe that mortgage information is lawfully made available to the general public if the licensee has determined that the information is of the type included on the public record in the jurisdiction where the mortgage would be recorded.

b. A licensee has a reasonable basis to believe that an individual's telephone number is lawfully made available to the general public if the licensee has located the telephone number in the telephone book or the consumer has informed you that the telephone number is not unlisted.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New

PART II. PRIVACY AND OPT OUT NOTICES FOR FINANCIAL INFORMATION

4-128.005 Initial Privacy Notice to Consumers Required.

(1) Initial notice requirement. A licensee shall provide a clear and conspicuous notice that accurately reflects its privacy policies and practices to:

(a) Customer. An individual who becomes the licensee's customer, not later than when the licensee establishes a customer relationship, except as provided in subsection (5) this rule; and

(b) Consumer. A consumer, before the licensee discloses any nonpublic personal financial information about the consumer to any nonaffiliated third party, if the licensee makes a disclosure other than as authorized by Rules 4-128.015 and .016, F.A.C.

(2) When initial notice to a consumer is not required. A licensee is not required to provide an initial notice to a consumer under paragraph (1)(b) of this rule if:

(a) The licensee does not disclose any nonpublic personal financial information about the consumer to any nonaffiliated third party, other than as authorized by Rules 4-128.015 and .016, F.A.C., and the licensee does not have a customer relationship with the consumer; or

(b) A notice has been provided by an affiliated licensee, as long as the notice clearly identifies all licensees to whom the notice applies and is accurate with respect to the licensee and the other institutions.

(3) When the licensee establishes a customer relationship.

(a) General rule. A licensee establishes a customer relationship at the time the licensee and the consumer enter into a continuing relationship.

(b) Examples of establishing customer relationship. A licensee establishes a customer relationship when the consumer:

1. Becomes a policyholder of a licensee that is an insurer when the insurer delivers an insurance policy or contract to the consumer, or in the case of a licensee that is an insurance producer or insurance broker, obtains insurance through that licensee; or

2. Agrees to obtain financial, economic or investment advisory services relating to insurance products or services for a fee from the licensee.

(4) Existing customers. When an existing customer obtains a new insurance product or service from a licensee that is to be used primarily for personal, family or household purposes, the licensee satisfies the initial notice requirements of subsection (1) of this rule as follows:

(a) The licensee may provide a revised policy notice, under Rule 4-128.009, F.A.C., that covers the customer's new insurance product or service; or

(b) If the initial, revised or annual notice that the licensee most recently provided to that customer was accurate with respect to the new insurance product or service, the licensee does not need to provide a new privacy notice under subsection (1) of this rule.

(5) Exceptions to allow subsequent delivery of notice.

(a) A licensee may provide the initial notice required by paragraph (1)(a) of this rule within a reasonable time after the licensee establishes a customer relationship if:

1. Establishing the customer relationship is not at the customer's election; or

2. Providing notice not later than when the licensee establishes a customer relationship would substantially delay the customer's transaction and the customer agrees to receive the notice at a later time.

(b) Examples of exceptions.

1. Not at customer's election. Establishing a customer relationship is not at the customer's election if a licensee acquires or is assigned a customer's policy from another

financial institution or residual market mechanism and the customer does not have a choice about the licensee's acquisition or assignment.

2. Substantial delay of customer's transaction. Providing notice not later than when a licensee establishes a customer relationship would substantially delay the customer's transaction when the licensee and the individual agree over the telephone to enter into a customer relationship involving prompt delivery of the insurance product or service.

3. No substantial delay of customer's transaction. Providing notice not later than when a licensee establishes a customer relationship would not substantially delay the customer's transaction when the relationship is initiated in person at the licensee's office or through other means by which the customer may view the notice, such as on a web site.

(6) Delivery. When a licensee is required to deliver an initial privacy notice by this rule, the licensee shall deliver it according to Rule 4-128.010, F.A.C. If the licensee uses a short-form initial notice for non-customers according to subsection 4-128.007(4), F.A.C., the licensee may deliver its privacy notice according to paragraph 4-128.007(4)(c), F.A.C.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New

4-128.006 Annual Privacy Notice to Customers Required.

(1)(a) General rule. A licensee shall provide a clear and conspicuous notice to customers that accurately reflects its privacy policies and practices not less than annually during the continuation of the customer relationship. Annually means at least once in any period of 12 consecutive months during which that relationship exists. A licensee may define the twelve consecutive month period, but the licensee shall apply it to the customer on a consistent basis.

(b) Example. A licensee provides a notice annually if it defines the twelve-consecutive-month period as a calendar year and provides the annual notice to the customer once in each calendar year following the calendar year in which the licensee provided the initial notice. For example, if a customer opens an account on any day of year 1, the licensee shall provide an annual notice to that customer by December 31 of year 2.

(2)(a) Termination of customer relationship. A licensee is not required to provide an annual notice to a former customer. A former customer is an individual with whom a licensee no longer has a continuing relationship.

(b) Examples.

1. A licensee no longer has a continuing relationship with an individual if the individual no longer is a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee.

2. A licensee no longer has a continuing relationship with an individual if the individual's policy is lapsed, expired or otherwise inactive or dormant under the licensee's business

practices, and the licensee has not communicated with the customer about the relationship for a period of 12 consecutive months, other than to provide annual privacy notices, material required by law or rule, or promotional materials.

3. For the purposes of this rule, a licensee no longer has a continuing relationship with an individual if the individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

4. A licensee no longer has a continuing relationship with a customer in the case of providing real estate settlement services, at the time the customer completes execution of all documents related to the real estate closing, payment for those services has been received, or the licensee has completed all of its responsibilities with respect to the settlement, including filing documents on the public record, whichever is later.

(3) Delivery. When a licensee is required by this rule to deliver an annual privacy notice, the licensee shall deliver it according to Rule 4-128.010, F.A.C.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New

4-128.007 Information to be Included in Privacy Notices.

(1) General rule. The initial, annual and revised privacy notices that a licensee provides under Rules 4-128.005, .006, and .009, F.A.C., shall include each of the following items of information, in addition to any other information the licensee wishes to provide, that applies to the licensee and to the consumers to whom the licensee sends its privacy notice:

(a) The categories of nonpublic personal financial information that the licensee collects;

(b) The categories of nonpublic personal financial information that the licensee discloses;

(c) The categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal financial information, other than those parties to whom the licensee discloses information under Rules 4-128.015 and .016, F.A.C.;

(d) The categories of nonpublic personal financial information about the licensee's former customers that the licensee discloses and the categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal financial information about the licensee's former customers, other than those parties to whom the licensee discloses information under Rules 4-128.015 and .016, F.A.C.;

(e) If a licensee discloses nonpublic personal financial information to a nonaffiliated third party under Rule 4-128.014, F.A.C. (and no other exception in Rules 4-128.015 and .016, F.A.C. applies to that disclosure), a separate

description of the categories of information the licensee discloses and the categories of third parties with whom the licensee has contracted;

(f) An explanation of the consumer's right under subsection 4-128.011(1), F.A.C., to opt out of the disclosure of nonpublic personal financial information to nonaffiliated third parties, including the methods by which the consumer may exercise that right at that time;

(g) Any disclosures that the licensee makes under Section 603(d)(2)(A)(iii) of the federal Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(A)(iii)) (that is, notices regarding the ability to opt out of disclosures of information among affiliates);

(h) The licensee's policies and practices with respect to protecting the confidentiality and security of nonpublic personal information; and

(i) Any disclosure that the licensee makes under subsection (2) of this rule.

(2) Description of parties subject to exceptions. If a licensee discloses nonpublic personal financial information as authorized under Rules 4-128.015 and .016, F.A.C., the licensee is not required to list those exceptions in the initial or annual privacy notices required by Rules 4-128.005 and .006, F.A.C. When describing the categories of parties to whom disclosure is made, the licensee is required to state only that it makes disclosures to other affiliated or nonaffiliated third parties, as applicable, as permitted by law.

(3) Examples.

(a) Categories of nonpublic personal financial information that the licensee collects. A licensee satisfies the requirement to categorize the nonpublic personal financial information it collects if the licensee categorizes it according to the source of the information, as applicable:

1. Information from the consumer;

2. Information about the consumer's transactions with the licensee or its affiliates;

3. Information about the consumer's transactions with nonaffiliated third parties; and

4. Information from a consumer reporting agency.

(b) Categories of nonpublic personal financial information a licensee discloses.

1. A licensee satisfies the requirement to categorize nonpublic personal financial information it discloses if the licensee categorizes the information according to source, as described in paragraph (a) above, as applicable, and provides a few examples to illustrate the types of information in each category. These might include:

a. Information from the consumer, including application information, such as assets and income and identifying information, such as name, address and social security number;

b. Transaction information, such as information about balances, payment history and parties to the transaction; and

c. Information from consumer reports, such as a consumer's creditworthiness and credit history.

2. A licensee does not adequately categorize the information that it discloses if the licensee uses only general terms, such as transaction information about the consumer.

3. If a licensee reserves the right to disclose all of the nonpublic personal financial information about consumers that it collects, the licensee may simply state that fact without describing the categories or examples of nonpublic personal information that the licensee discloses.

(c) Categories of affiliates and nonaffiliated third parties to whom the licensee discloses.

1. A licensee satisfies the requirement to categorize the affiliates and nonaffiliated third parties to which the licensee discloses nonpublic personal financial information about consumers if the licensee identifies the types of businesses in which they engage.

2. Types of businesses may be described by general terms only if the licensee uses a few illustrative examples of significant lines of business. For example, a licensee may use the term financial products or services if it includes appropriate examples of significant lines of businesses, such as life insurer, automobile insurer, consumer banking or securities brokerage.

3. A licensee also may categorize the affiliates and nonaffiliated third parties to which it discloses nonpublic personal financial information about consumers using more detailed categories.

(d) Disclosures under exception for service providers and joint marketers. If a licensee discloses nonpublic personal financial information under the exception in Rule 4-128.014, F.A.C. to a nonaffiliated third party to market products or services that it offers alone or jointly with another financial institution, the licensee satisfies the disclosure requirement of paragraph (1)(e) of this rule if it:

1. Lists the categories of nonpublic personal financial information it discloses, using the same categories and examples the licensee used to meet the requirements of paragraph (1)(b) of this rule, as applicable; and

2. States whether the third party is:

a. A service provider that performs marketing services on the licensee's behalf or on behalf of the licensee and another financial institution; or

b. A financial institution with whom the licensee has a joint marketing agreement.

(e) Simplified notices. If a licensee does not disclose, and does not wish to reserve the right to disclose, nonpublic personal financial information about customers or former customers to affiliates or nonaffiliated third parties except as authorized under Rules 4-128.015 and .016, F.A.C., the licensee may simply state that fact, in addition to the information it shall provide under paragraphs (1)(a), (h), and (i), and subsection (2) of this rule.

(f) Confidentiality and security. A licensee describes its policies and practices with respect to protecting the confidentiality and security of nonpublic personal financial information if it does both of the following:

1. Describes in general terms who is authorized to have access to the information; and

2. States whether the licensee has security practices and procedures in place to ensure the confidentiality of the information in accordance with the licensee's policy. The licensee is not required to describe technical information about the safeguards it uses.

(4) Short-form initial notice with opt out notice for non-customers.

(a) A licensee may satisfy the initial notice requirements in paragraph 4-128.005(1)(b) and subsection 4-128.008(3), F.A.C., for a consumer who is not a customer by providing a short-form initial notice at the same time as the licensee delivers an opt out notice as required in Rule 4-128.008, F.A.C.

(b) A short-form initial notice shall:

1. Be clear and conspicuous;

2. State that the licensee's privacy notice is available upon request; and

3. Explain a reasonable means by which the consumer may obtain that notice.

(c) The licensee shall deliver its short-form initial notice according to Rule 4-128.010, F.A.C. The licensee is not required to deliver its privacy notice with its short-form initial notice. The licensee instead may simply provide the consumer a reasonable means to obtain its privacy notice. If a consumer who receives the licensee's short-form notice requests the licensee's privacy notice, the licensee shall deliver its privacy notice according to Rule 4-128.010, F.A.C.

(d) Examples of obtaining privacy notice. The licensee provides a reasonable means by which a consumer may obtain a copy of its privacy notice if the licensee:

1. Provides a toll-free telephone number that the consumer may call to request the notice; or

2. For a consumer who conducts business in person at the licensee's office, maintains copies of the notice on hand that the licensee provides to the consumer immediately upon request.

(5) Future disclosures. The licensee's notice may include:

(a) Categories of nonpublic personal financial information that the licensee reserves the right to disclose in the future, but does not currently disclose; and

(b) Categories of affiliates or nonaffiliated third parties to whom the licensee reserves the right in the future to disclose, but to whom the licensee does not currently disclose, nonpublic personal financial information.

(6) Sample clauses. Sample clauses illustrating some of the notice content required by this rule are included in Appendix A of this rule, which is incorporated herein by reference.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New

4-128.008 Form of Opt Out Notice to Consumers and Opt Out Methods.

(1)(a) Form of opt out notice. If a licensee is required to provide an opt out notice under subsection 4-128.011(1), F.A.C., it shall provide a clear and conspicuous notice to each of its consumers that accurately explains the right to opt out under that rule. The notice shall state:

1. That the licensee discloses or reserves the right to disclose nonpublic personal financial information about its consumer to a nonaffiliated third party;

2. That the consumer has the right to opt out of that disclosure; and

3. A reasonable means by which the consumer may exercise the opt out right.

(b) Examples.

1. Adequate opt out notice. A licensee provides adequate notice that the consumer can opt out of the disclosure of nonpublic personal financial information to a nonaffiliated third party if the licensee:

a. Identifies all of the categories of nonpublic personal financial information that it discloses or reserves the right to disclose, and all of the categories of nonaffiliated third parties to which the licensee discloses the information, as described in paragraphs 4-128.007(1)(a) and (b), F.A.C., and states that the consumer can opt out of the disclosure of that information; and

b. Identifies the insurance products or services that the consumer obtains from the licensee, either singly or jointly, to which the opt out direction would apply.

2. Reasonable opt out means. A licensee provides a reasonable means to exercise an opt out right if it:

a. Designates check-off boxes in a prominent position on the relevant forms with the opt out notice;

b. Includes a reply form together with the opt out notice;

c. Provides an electronic means to opt out, such as a form that can be sent via electronic mail or a process at the licensee's web site, if the consumer agrees to the electronic delivery of information; or

d. Provides a toll-free telephone number that consumers may call to opt out.

3. Unreasonable opt out means. A licensee does not provide a reasonable means of opting out if:

a. The only means of opting out is for the consumer to write his or her own letter to exercise that opt out right; or

b. The only means of opting out as described in any notice subsequent to the initial notice is to use a check-off box that the licensee provided with the initial notice but did not include with the subsequent notice.

4. Specific opt out means. A licensee may require each consumer to opt out through a specific means, as long as that means is reasonable for that consumer.

(2) Same form as initial notice permitted. A licensee may provide the opt out notice together with or on the same written or electronic form as the initial notice the licensee provides in accordance with Rule 4-128.005, F.A.C.

(3) Initial notice required when opt out notice delivered subsequent to initial notice. If a licensee provides the opt out notice later than required for the initial notice in accordance with Rule 4-128.005, F.A.C., the licensee shall also include a copy of the initial notice with the opt out notice in writing or, if the consumer agrees, electronically.

(4) Joint relationships.

(a) If 2 or more consumers jointly obtain an insurance product or service from a licensee, the licensee may provide a single opt out notice. The licensee's opt out notice shall explain how the licensee will treat an opt out direction by a joint consumer as explained in paragraph (e) of this subsection.

(b) Any of the joint consumers may exercise the right to opt out. The licensee may either:

1. Treat an opt out direction by a joint consumer as applying to all of the associated joint consumers; or

2. Permit each joint consumer to opt out separately.

(c) If a licensee permits each joint consumer to opt out separately, the licensee shall permit one of the joint consumers to opt out on behalf of all of the joint consumers.

(d) A licensee may not require all joint consumers to opt out before it implements any opt out direction.

(e) Example. If John and Mary are both named policyholders on a homeowner's insurance policy issued by a licensee and the licensee sends policy statements to John's address, the licensee may do any of the following, but it shall explain in its opt out notice which opt out policy the licensee will follow:

1. Send a single opt out notice to John's address, but the licensee shall accept an opt out direction from either John or Mary.

2. Treat an opt out direction by either John or Mary as applying to the entire policy. If the licensee does so and John opts out, the licensee may not require Mary to opt out as well before implementing John's opt out direction.

3. Permit John and Mary to make different opt out directions. If the licensee does so:

a. It shall permit John and Mary to opt out for each other;

b. If both opt out, the licensee shall permit both of them to notify it in a single response (such as on a form or through a telephone call); and

c. If John opts out and Mary does not, the licensee may only disclose nonpublic personal financial information about Mary, but not about John and not about John and Mary jointly.

(5) Time to comply with opt out. As to opt outs received from consumer later than 30 days after the opt out notification is delivered by the licensee, a licensee shall comply with a consumer’s opt out direction as soon as reasonably practicable after the licensee receives it.

(6) Continuing right to opt out. A consumer may exercise the right to opt out at any time.

(7) Duration of consumer’s opt out direction.

(a) A consumer’s direction to opt out under this rule is effective until the consumer revokes it in writing or, if the consumer agrees, electronically.

(b) When a customer relationship terminates, the customer’s opt out direction continues to apply to the nonpublic personal financial information that the licensee collected during or related to that relationship. If the individual subsequently establishes a new customer relationship with the licensee, the opt out direction that applied to the former relationship does not apply to the new relationship.

(8) Delivery. When a licensee is required to deliver an opt out notice by this rule, the licensee shall deliver it according to Rule 4-128.010, F.A.C.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History–New _____.

4-128.009 Revised Privacy Notices.

(1) General rule. Except as otherwise authorized in these rules, a licensee shall not, directly or through an affiliate, disclose any nonpublic personal financial information about a consumer to a nonaffiliated third party other than as described in the initial notice that the licensee provided to that consumer under Rule 4-128.005, F.A.C., unless:

(a) The licensee has provided to the consumer a clear and conspicuous revised notice that accurately describes its policies and practices;

(b) The licensee has provided to the consumer a new opt out notice;

(c) The licensee has given the consumer a reasonable opportunity, before the licensee discloses the information to the nonaffiliated third party, to opt out of the disclosure; and

(d) The consumer does not opt out.

(2) Examples.

(a) Except as otherwise permitted by Rules 4-128.014, .015, and .016, F.A.C., a licensee shall provide a revised notice before it:

1. Discloses a new category of nonpublic personal financial information to any nonaffiliated third party;

2. Discloses nonpublic personal financial information to a new category of nonaffiliated third party; or

3. Discloses nonpublic personal financial information about a former customer to a nonaffiliated third party, if that former customer has not had the opportunity to exercise an opt out right regarding that disclosure.

(b) A revised notice is not required if the licensee discloses nonpublic personal financial information to a new nonaffiliated third party that the licensee adequately described in its prior notice.

(3) Delivery. When a licensee is required to deliver a revised privacy notice by this rule, the licensee shall deliver it according to Rule 4-128.010, F.A.C.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History–New _____.

4-128.010 Delivery.

(1) How to provide notices. A licensee shall provide any notices that this rule requires so that each consumer can reasonably be expected to receive actual notice in writing or, if the consumer agrees, electronically.

(2)(a) Examples of reasonable expectation of actual notice. A licensee may reasonably expect that a consumer will receive actual notice if the licensee:

1. Hand-delivers a printed copy of the notice to the consumer;

2. Mails a printed copy of the notice to the last known address of the consumer separately, or in a policy, billing or other written communication;

3. For a consumer who conducts transactions electronically, posts the notice on the electronic site and requires the consumer to acknowledge receipt of the notice as a necessary step to obtaining a particular insurance product or service; or

4. For an isolated transaction with a consumer, such as the licensee providing an insurance quote or selling the consumer travel insurance, posts the notice and requires the consumer to acknowledge receipt of the notice as a necessary step to obtaining the particular insurance product or service.

(b) Examples of unreasonable expectation of actual notice. A licensee may not, however, reasonably expect that a consumer will receive actual notice of its privacy policies and practices if it:

1. Only posts a sign in its office or generally publishes advertisements of its privacy policies and practices; or

2. Sends the notice via electronic mail to a consumer who does not obtain an insurance product or service from the licensee electronically.

(3) Annual notices only. A licensee may reasonably expect that a customer will receive actual notice of the licensee’s annual privacy notice if:

(a) The customer uses the licensee's web site to access insurance products and services electronically and agrees to receive notices at the web site and the licensee posts its current privacy notice continuously in a clear and conspicuous manner on the web site; or

(b) The customer has requested that the licensee refrain from sending any information regarding the customer relationship, and the licensee's current privacy notice remains available to the customer upon request.

(4) Oral description of notice insufficient. A licensee may not provide any notice required by this rule solely by orally explaining the notice, either in person or over the telephone.

(5) Retention or accessibility of notices for customers.

(a) For customers only, a licensee shall provide the initial notice required by subsection 4-128.005(1)(a), F.A.C., the annual notice required by subsection 4-128.006(1), F.A.C., and the revised notice required by Rule 4-128.009, F.A.C., so that the customer can retain them or obtain them later in writing or, if the customer agrees, electronically.

(b) Examples of retention or accessibility. A licensee provides a privacy notice to the customer so that the customer can retain it or obtain it later if the licensee:

1. Hand-delivers a printed copy of the notice to the customer;

2. Mails a printed copy of the notice to the last known address of the customer; or

3. Makes its current privacy notice available on a web site, or a link to another web site, for the customer who obtains an insurance product or service electronically and agrees to receive the notice at the web site.

(6) Joint notice with other financial institutions. A licensee may provide a joint notice from the licensee and one or more of its affiliates or other financial institutions, as identified in the notice, as long as the notice is accurate with respect to the licensee and the other institutions. A licensee also may provide a notice on behalf of another financial institution.

(7) Joint relationships. If 2 or more consumers jointly obtain an insurance product or service from a licensee, the licensee may satisfy the initial, annual and revised notice requirements of subsections 4-128.005(1), .006(1), and .009(1), F.A.C., respectively, by providing one notice to those consumers jointly.

Specific Authority 624.308, 626.9651 FS, Law Implemented 624.307(1), 626.9651 FS, History-New

PART III. LIMITS ON DISCLOSURES OF FINANCIAL INFORMATION

4-128.011 Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Third Parties.

(1)(a) Conditions for disclosure. Except as otherwise authorized in these rules, a licensee may not, directly or through any affiliate, disclose any nonpublic personal financial information about a consumer to a nonaffiliated third party unless:

1. The licensee has provided to the consumer an initial notice as required under Rule 4-128.005, F.A.C.;

2. The licensee has provided to the consumer an opt out notice as required in Rule 4-128.008, F.A.C.;

3. The licensee has given the consumer a reasonable opportunity, before it discloses the information to the nonaffiliated third party, to opt out of the disclosure; and

4. The consumer does not opt out.

(b) Opt out definition. Opt out means a direction by the consumer that the licensee not disclose nonpublic personal financial information about that consumer to a nonaffiliated third party, other than as permitted by Rules 4-128.014, .015, and .016, F.A.C.

(c) Examples of reasonable opportunity to opt out. A licensee provides a consumer with a reasonable opportunity to opt out if:

1. By mail. The licensee mails the notices required in paragraph (a) of this subsection to the consumer at the consumer's most current address and allows the consumer a time period of at least 30 days from the date the licensee mailed the notices to opt out by mailing a form, calling a toll-free telephone number, or any other reasonable means.

2. By electronic means. A customer opens an on-line account with a licensee and agrees to receive the notices required in paragraph (a) of this subsection electronically, and the licensee allows the customer to opt out by any reasonable means within 30 days after the date that the customer acknowledges receipt of the notices in conjunction with opening the account.

3. Isolated transaction with consumer. For an isolated transaction such as providing the consumer with an insurance quote, a licensee provides the consumer with a reasonable opportunity to opt out if the licensee provides the notices required in paragraph (a) of this subsection at the time of the transaction and requests that the consumer decide, as a necessary part of the transaction, whether to opt out before completing the transaction.

(2) Application of opt out to all consumers and all nonpublic personal financial information.

(a) A licensee shall comply with this rule, regardless of whether the licensee and the consumer have established a customer relationship.

(b) Unless a licensee complies with this rule, the licensee may not, directly or through any affiliate, disclose any nonpublic personal financial information about a consumer that the licensee has collected, regardless of whether the licensee collected it before or after receiving the direction to opt out from the consumer.

(3) Partial opt out. A licensee may allow a consumer to select certain nonpublic personal financial information or certain nonaffiliated third parties with respect to which the consumer wishes to opt out.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New

4-128.012 Limits on Redislosure and Reuse of Nonpublic Personal Financial Information.

(1)(a) Information the licensee receives under an exception. If a licensee receives nonpublic personal financial information from a nonaffiliated financial institution under an exception in Rules 4-128.015, or .016, F.A.C., the licensee's disclosure and use of that information is limited as follows:

1. The licensee may disclose the information to the affiliates of the financial institution from which the licensee received the information;

2. The licensee may disclose the information to its affiliates, but the licensee's affiliates may, in turn, disclose and use the information only to the extent that the licensee may disclose and use the information; and

3. The licensee may disclose and use the information pursuant to an exception in Rules 4-128.015, or .016, F.A.C., in the ordinary course of business to carry out the activity covered by the exception under which the licensee received the information.

(b) Example. If a licensee receives information from a nonaffiliated financial institution for claims settlement purposes, the licensee may disclose the information for fraud prevention, or in response to a properly authorized subpoena. The licensee may not disclose that information to a third party for marketing purposes or use that information for its own marketing purposes.

(2)(a) Information a licensee receives outside of an exception. If a licensee receives nonpublic personal financial information from a nonaffiliated financial institution other than under an exception in Rules 4-128.015, or .016, F.A.C., the licensee may disclose the information only:

1. To the affiliates of the financial institution from which the licensee received the information;

2. To its affiliates, but its affiliates may, in turn, disclose the information only to the extent that the licensee may disclose the information; and

3. To any other person, if the disclosure would be lawful if made directly to that person by the financial institution from which the licensee received the information.

(b) Example. If a licensee obtains a customer list from a nonaffiliated financial institution outside of the exceptions in Rules 4-128.015, or .016, F.A.C.:

1. The licensee may use that list for its own purposes; and

2. The licensee may disclose that list to another nonaffiliated third party only if the financial institution from which the licensee purchased the list could have lawfully disclosed the list to that third party. That is, the licensee may disclose the list in accordance with the privacy policy of the financial institution from which the licensee received the list, as limited by the opt out direction of each consumer whose nonpublic personal financial information the licensee intends to disclose, and the licensee may disclose the list in accordance with an exception in Rules 4-128.015, or .016, F.A.C., such as to the licensee's attorneys or accountants.

(3) Information a licensee discloses under an exception. If a licensee discloses nonpublic personal financial information to a nonaffiliated third party under an exception in Rules 4-128.015, or .016, F.A.C., the third party may disclose and use that information only as follows:

(a) The third party may disclose the information to the licensee's affiliates;

(b) The third party may disclose the information to its affiliates, but its affiliates may, in turn, disclose and use the information only to the extent that the third party may disclose and use the information; and

(c) The third party may disclose and use the information pursuant to an exception in Rules 4-128.015, or .016, F.A.C., in the ordinary course of business to carry out the activity covered by the exception under which it received the information.

(4) Information a licensee discloses outside of an exception. If a licensee discloses nonpublic personal financial information to a nonaffiliated third party other than under an exception in Rules 4-128.015, or .016, F.A.C., the third party may disclose the information only:

(a) To the licensee's affiliates;

(b) To the third party's affiliates, but the third party's affiliates, in turn, may disclose the information only to the extent the third party can disclose the information; and

(c) To any other person, if the disclosure would be lawful if the licensee made it directly to that person.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New

4-128.013 Limits on Sharing Account Number Information for Marketing Purposes.

(1) General prohibition on disclosure of account numbers. A licensee shall not, directly or through an affiliate, disclose, other than to a consumer reporting agency, a policy number or similar form of access number or access code for a consumer's policy or transaction account to any nonaffiliated third party for use in telemarketing, direct mail marketing or other marketing through electronic mail to the consumer.

(2) Exceptions. Subsection (1) of this rule does not apply if a licensee discloses a policy number or similar form of access number or access code:

(a) To the licensee's service provider solely in order to perform marketing for the licensee's own products or services, as long as the service provider is not authorized to directly initiate charges to the account;

(b) To a licensee who is a producer solely in order to perform marketing for the licensee's own products or services; or

(c) To a participant in an affinity or similar program where the participants in the program are identified to the customer when the customer enters into the program.

(3) Examples.

(a) Policy number. A policy number, or similar form of access number or access code, does not include a number or code in an encrypted form, as long as the licensee does not provide the recipient with a means to decode the number or code.

(b) Policy or transaction account. For the purposes of this rule, a policy or transaction account is an account other than a deposit account or a credit card account. A policy or transaction account does not include an account to which third parties cannot initiate charges.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New

PART IV. EXCEPTIONS TO LIMITS ON DISCLOSURES OF FINANCIAL INFORMATION

4-128.014 Exception to Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing.

(1) General rule.

(a) The opt out requirements in Rules 4-128.008 and .011, F.A.C., do not apply when a licensee provides nonpublic personal financial information to a nonaffiliated third party to perform services for the licensee or functions on the licensee's behalf, if the licensee:

1. Provides the initial notice in accordance with Rule 4-128.005, F.A.C.; and

2. Enters into a contractual agreement with the third party that prohibits the third party from disclosing or using the information other than to carry out the purposes for which the

licensee disclosed the information, including use under an exception in Rules 4-128.015, or .016, F.A.C., in the ordinary course of business to carry out those purposes.

(b) Example. If a licensee discloses nonpublic personal financial information under this rule to a financial institution with which the licensee performs joint marketing, the licensee's contractual agreement with that institution meets the requirements of subparagraph (a)2. of this subsection if it prohibits the institution from disclosing or using the nonpublic personal financial information except as necessary to carry out the joint marketing or under an exception in Rules 4-128.015, or .016, F.A.C., in the ordinary course of business to carry out that joint marketing.

(2) Service may include joint marketing. The services a nonaffiliated third party performs for a licensee under subsection A of this rule may include marketing of the licensee's own products or services or marketing of financial products or services offered pursuant to joint agreements between the licensee and one or more financial institutions.

(3) Definition of "joint agreement." For purposes of this rule, "joint agreement" means a written contract pursuant to which a licensee and one or more financial institutions jointly offer, endorse or sponsor a financial product or service.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New

4-128.015 Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions.

(1) Exceptions for processing transactions at consumer's request. The requirements for initial notice in paragraph 4-128.005(1)(b), F.A.C., the opt out in Rules 4-128.008 and .011, F.A.C., and service providers and joint marketing in Rule 4-128.014, F.A.C., do not apply if the licensee discloses nonpublic personal financial information as necessary to effect, administer or enforce a transaction that a consumer requests or authorizes, or in connection with:

(a) Servicing or processing an insurance product or service that a consumer requests or authorizes;

(b) Maintaining or servicing the consumer's account with a licensee, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity;

(c) A proposed or actual securitization, secondary market sale (including sales of servicing rights) or similar transaction related to a transaction of the consumer; or

(d) Reinsurance or stop loss or excess loss insurance.

(2) "Necessary to effect, administer or enforce a transaction" means that the disclosure is:

(a) Required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out the financial transaction or providing the product or service; or

(b) Required, or is a usual, appropriate or acceptable method:

1. To carry out the transaction or the product or service business of which the transaction is a part, and record, service or maintain the consumer's account in the ordinary course of providing the insurance product or service;

2. To administer or service benefits or claims relating to the transaction or the product or service business of which it is a part;

3. To provide a confirmation, statement or other record of the transaction, or information on the status or value of the insurance product or service to the consumer or the consumer's agent or broker;

4. To accrue or recognize incentives or bonuses associated with the transaction that are provided by a licensee or any other party;

5. To underwrite insurance at the consumer's request or for any of the following purposes as they relate to a consumer's insurance: account administration, reporting, investigating or preventing fraud or material misrepresentation, processing premium payments, processing insurance claims, administering insurance benefits (including utilization review activities), participating in research projects or as otherwise required or specifically permitted by federal or state law; or

6. In connection with:

a. The authorization, settlement, billing, processing, clearing, transferring, reconciling or collection of amounts charged, debited or otherwise paid using a debit, credit or other payment card, check or account number, or by other payment means;

b. The transfer of receivables, accounts or interests therein; or

c. The audit of debit, credit or other payment information.

Specific Authority 624.308, 626.9651 FS, Law Implemented 624.307(1), 626.9651 FS, History—New

4-128.016 Other Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information.

(1) Exceptions to opt out requirements. The requirements for initial notice to consumers in paragraph 4-128.005(1)(b), F.A.C., the opt out in Rules 4-128.008 and .011, F.A.C., and service providers and joint marketing in Rule 4-128.014, F.A.C., do not apply when a licensee discloses nonpublic personal financial information:

(a) With the consent or at the direction of the consumer, provided that the consumer has not revoked the consent or direction;

(b)1. To protect the confidentiality or security of a licensee's records pertaining to the consumer, service, product or transaction;

2. To protect against or prevent actual or potential fraud or unauthorized transactions;

3. For required institutional risk control or for resolving consumer disputes or inquiries;

4. To persons holding a legal or beneficial interest relating to the consumer; or

5. To persons acting in a fiduciary or representative capacity on behalf of the consumer;

(c) To provide information to insurance rate advisory organizations, guaranty funds or agencies, agencies that are rating a licensee, persons that are assessing the licensee's compliance with industry standards, and the licensee's attorneys, accountants and auditors;

(d) To the extent specifically permitted or required under other provisions of law and in accordance with the federal Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.), to law enforcement agencies (including the Federal Reserve Board, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, Office of Thrift Supervision, National Credit Union Administration, the Securities and Exchange Commission, the Secretary of the Treasury, with respect to 31 U.S.C. Chapter 53, Subchapter II (Records and Reports on Monetary Instruments and Transactions) and 12 U.S.C. Chapter 21 (Financial Record keeping), a state insurance authority, and the Federal Trade Commission), self-regulatory organizations or for an investigation on a matter related to public safety;

(e)1. To a consumer reporting agency in accordance with the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or

2. From a consumer report reported by a consumer reporting agency;

(f) In connection with a proposed or actual sale, merger, transfer or exchange of all or a portion of a business or operating unit if the disclosure of nonpublic personal financial information concerns solely consumers of the business or unit;

(g)1. To comply with federal, state or local laws, rules and other applicable legal requirements;

2. To comply with a properly authorized civil, criminal or regulatory investigation, or subpoena or summons by federal, state or local authorities; or

3. To respond to judicial process or government regulatory authorities having jurisdiction over a licensee for examination, compliance, or other purposes as authorized by law;

(h) For purposes related to the replacement of a group benefit plan, a group health plan, a group welfare plan or a workers' compensation plan; or

(i) Pursuant to the provisions of Chapter 631, Florida Statutes, the Department is required to collect on reinsurance policies, pay claims, transfer policies to other insurers, and engage in similar activities with respect to insurers which are in receivership. In connection with the performance of its statutory obligations, the Department often must disclose insureds' non-public personal information to third parties. The disclosure of such information by the Department is considered

to be required by law, and Department is therefore not subject to the requirements of this rule in connection with the disclosure of personal financial information incident to the performance of activities under Chapter 631, Florida Statutes.

(2) Example of revocation of consent. A consumer may revoke consent by subsequently exercising the right to opt out of future disclosures of nonpublic personal information as permitted under subsection 4-128.008(6), F.A.C.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New

PART V. RULES FOR HEALTH INFORMATION

4-128.017 When Authorization Required for Disclosure of Nonpublic Personal Health Information.

(1) A licensee shall not disclose nonpublic personal health information about a consumer or customer unless an authorization is obtained from the consumer or customer whose nonpublic personal health information is sought to be disclosed. However, non-public health information may be disclosed for scientific, medical, or public policy research in accordance with federal law.

(2) Nothing in this rule shall prohibit, restrict, or require an authorization for the disclosure of nonpublic personal health information by a licensee for the performance of the following insurance functions by or on behalf of the licensee:

- (a) Claims administration;
- (b) Claims adjustment and management;
- (c) Detection, investigation or reporting of actual or potential fraud, misrepresentation or criminal activity;
- (d) Underwriting;
- (e) Policy placement or issuance;
- (f) Loss control;
- (g) Ratemaking and guaranty fund functions;
- (h) Reinsurance and excess loss insurance;
- (i) Risk management;
- (j) Case management;
- (k) Disease management;
- (l) Quality assurance;
- (m) Quality improvement;
- (n) Performance evaluation;
- (o) Provider credentialing verification;
- (p) Utilization review;
- (q) Peer review activities;
- (r) Actuarial, scientific, medical or public policy research;
- (s) Grievance procedures;
- (t) Internal administration of compliance, managerial, and information systems;
- (u) Policyholder service functions;
- (v) Auditing;

(w) Reporting;

(x) Database security;

(y) Administration of consumer disputes and inquiries;

(z) External accreditation standards;

(aa) The replacement of a group benefit plan or workers compensation policy or program;

(bb) Activities in connection with a sale, merger, transfer or exchange of all or part of a business or operating unit;

(cc) Any activity that permits disclosure without authorization pursuant to the Federal Health Insurance Portability And Accountability Act privacy rules promulgated by the U.S. Department of Health and Human Services;

(dd) Disclosure that is required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out a transaction or providing a product or service that a consumer requests or authorizes; and

(ee) Any activity otherwise permitted by law, required pursuant to governmental reporting authority, or to comply with legal process.

(ff) Additional insurance functions that the Department determines to be necessary for appropriate performance of insurance functions and that are fair and reasonable to the interest of consumers.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New

4-128.018 Authorizations.

(1) A valid authorization to disclose nonpublic personal health information pursuant to this Part shall be in written or electronic form and shall contain all of the following:

(a) The identity of the consumer or customer who is the subject of the nonpublic personal health information;

(b) A general description of the types of nonpublic personal health information to be disclosed;

(c) General descriptions of the parties to whom the licensee discloses nonpublic personal health information, the purpose of the disclosure and how the information will be used;

(d) The signature of the consumer or customer who is the subject of the nonpublic personal health information or the individual who is legally empowered to grant authority and the date signed; and

(e) Notice of the length of time for which the authorization is valid and that the consumer or customer may revoke the authorization at any time and the procedure for making a revocation.

(2) An authorization for the purposes of this Part shall specify a length of time for which the authorization shall remain valid, which in no event shall be for more than 24 months.

(3) A consumer or customer who is the subject of nonpublic personal health information may revoke an authorization provided pursuant to this Part at any time, subject to the rights of an individual who acted in reliance on the authorization prior to notice of the revocation.

(4) A licensee shall retain the authorization or a copy thereof in the record of the individual who is the subject of nonpublic personal health information.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New

4-128.019 Authorization Request Delivery.

A request for authorization and an authorization form may be delivered to a consumer or a customer as part of an opt-out notice pursuant to Rule 4-128.010, F.A.C., provided that the request and the authorization form are clear and conspicuous. An authorization form is not required to be delivered to the consumer or customer or included in any other notices unless the licensee intends to disclose protected health information pursuant to subsection 4-128.017(1), F.A.C.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New

4-128.020 Relationship to Federal Rules.

(1) If the Department determines that a health insurer or health maintenance organization licensed by the Department is in compliance with, or is actively undertaking compliance with, the consumer privacy protection rules adopted by the United States Department of Health and Human Services in conformance with the Health Insurance Portability and Affordability Act, (except for its effective date provision) the licensee shall be considered to be in compliance with this Part.

(2) Effective April 14, 2003, a licensee must be in actual compliance with the Health and Human Services rules in order to be considered in compliance with this Part.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New

4-128.021 Relationship to State Laws.

Nothing in this Part shall preempt or supercede existing state law related to medical records, health or insurance information privacy.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New

PART VI. ADDITIONAL PROVISIONS

4-128.022 Protection of Fair Credit Reporting Act.

Nothing in these rules shall be construed to modify, limit or supersede the operation of the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), and no inference shall be drawn on the basis of the provisions of these rules regarding whether information is transaction or experience information under Section 603 of that Act.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New

4-128.023 Nondiscrimination.

(1) A licensee shall not unfairly discriminate against any consumer or customer because that consumer or customer has opted out from the disclosure of his or her nonpublic personal financial information pursuant to the provisions of these rules.

(2) A licensee shall not unfairly discriminate against a consumer or customer because that consumer or customer has not granted authorization for the disclosure of his or her nonpublic personal health information pursuant to the provisions of these rules.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New

4-128.024 Effective Date.

(1)(a) Not later than 30 days following the effective date of this rule, each licensee shall provide an initial notice, as required by Rule 4-128.005, F.A.C., to consumers who are the licensee's customers on July 1, 2001.

(b) Example. A licensee provides an initial notice to consumers who are its customers on July 1, 2001, if, by that date, the licensee has established a system for providing an initial notice to all new customers and has mailed the initial notice to all the licensee's existing customers.

(2) Until July 1, 2002, a contract that a licensee has entered into with a nonaffiliated third party to perform services for the licensee or functions on the licensee's behalf satisfies the provisions of subparagraph 4-128.014(1)(a)2., F.A.C., of this rule, even if the contract does not include a requirement that the third party maintain the confidentiality of nonpublic personal information, as long as the licensee entered into the agreement on or before July 1, 2000.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Steve Roddenberry, Deputy Director, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin McCarty, Deputy Insurance Commissioner, Department of Insurance

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

DEPARTMENT OF INSURANCE

RULE TITLE: RULE NO.:

Guaranteed Availability of Individual Health

Insurance Coverage Guaranteed to

Eligible Individuals

4-154.112

PURPOSE AND EFFECT: The proposed amendment arose from a rule challenge. Paragraph 4-154.112(1)(b) was challenged on the grounds that the rule language conflicted with paragraph 627.6487(4)(a), F.S.

SUMMARY: The conflicting language is being deleted.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 627.6487(4)(b) FS.

LAW IMPLEMENTED: 624.307(1), 627.6487 FS.

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

TIME AND DATE: 2:00 p.m., August 24, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Robleto, Chief, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, phone (850)413-5110

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:

4-154.112 Guaranteed Availability of Individual Health Coverage to Eligible Individuals.

(1)(a) Each health insurance issuer that offers individual health insurance coverage shall make available to eligible individuals the two policy forms with the largest and the next to largest premium volume of all such policy forms offered by the issuer in the state or a particular marketing or service area in the individual market.

~~(b) Where the policy form provides multiple benefit structures, such as indemnity and PPO in one form, the aggregate of all options shall be used in making this determination.~~

(b)(~~e~~) First year premium volume shall be calculated by using first year premium for the calendar year. In compiling the earned first year premium for the year, the company shall include earned premium for individuals renewing into a replacement form where a previously approved form has been discontinued.

(c)(~~d~~) An insurer offering coverage in the individual market is not prohibited from establishing premium discounts.

(2) through (8) No change.

Specific Authority 624.308, 627.6487(4)(b) FS. Law Implemented 624.307(1), 627.6487 FS. History—New 9-19-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Robleto, Chief, 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: Steve Roddenberry, Deputy Director, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 31, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Office of Inspector General	11N-1
RULE TITLES:	RULE NOS.:
Purpose	11N-1.001
Criteria	11N-1.002
Violent Crime Investigative Reimbursement and Emergency Funding	11N-1.0021
Matching Drug Control Investigative Funding	11N-1.0022
Limitations on Violent Crime Investigative Reimbursement Funding	11N-1.003
Limitations on Matching Drug Control Investigative Funding	11N-1.0031
Procedures for Emergency Violent Crime Investigative Funding	11N-1.004
Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding	11N-1.005
Procedures for Formal Funding Requests for Matching Drug Control Investigative Funding	11N-1.0051
Contributions	11N-1.006
Annual Audit	11N-1.007
Active Criminal Investigative and Active Criminal Intelligence	11N-1.008

PURPOSE AND EFFECT: To review and update Chapter 11N-1 pursuant to legislative amendments to s. 943.031 and 943.042, F.S.; FDLE and the Violent Crime Council are to develop criteria and procedures for matching funding of statewide or multi-jurisdictional drug control and illicit money laundering investigative or task force efforts.

SUMMARY: Rule 11N-1.001 is repealed. Rule 11B-1.002 is amended to incorporate the new statutory provisions to provide criteria for funding multi-agency or statewide drug control or illicit money laundering investigative or task force efforts. New Rule 11N-1.0021 establishes criteria that the Violent Crime Council (VCC) considers in evaluating proposals for violent crime reimbursement funding. New Rule 11N-1.0022 establishes the criteria that the VCC considers in evaluating requests for matching drug control and illicit money laundering

funding. Rule 11N-1.003 revises and updates the limits to be placed on funding for violent crime investigative reimbursement funding requests. New Rule 11N-1.0031 provides for limitations to be placed on funding for matching drug control and illicit money laundering investigative or task force efforts. Rule 11N-1.004 revises and updates procedures used by agencies requesting emergency funding for investigations of violent crimes. Rule 11N-1.005 clarifies and updates the process which agencies complete when requesting violent crime investigative reimbursement funds. New Rule 11N-1.0051 establishes procedures for funding requests for multi-agency or statewide task force drug control and illicit money laundering efforts. Rule 11N-1.006 adds a new provision that allows agencies who obtain forfeiture proceeds to contribute a portion of the forfeiture proceeds to FDLE for use by the VCC in further matching funding efforts. Rule 11N-1.007 updates and revises procedures for an annual independent audit of the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. New Rule 11N-1.008 provides for a public records exemption for certain portions of Council meetings pertaining to active criminal investigative or intelligence information.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

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

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (voice) or (850)656-9597 (TDD) at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fern Rosenwasser, Assistant General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11N-1.001 Purpose.

~~The purpose of the Violent Crime Emergency Account within the Department of Law Enforcement Operating Trust Fund is to provide emergency supplemental funds to state and local law enforcement agencies which are involved in complex and lengthy violent crime investigations or violent crime investigations which constitute a significant emergency within the state; and to counties which demonstrate a significant hardship or an inability to cover extraordinary expenses associated with violent crime trials. These rules set out criteria, limitations, and procedures for operation of the Account.~~

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95, Repealed.

11N-1.002 Criteria.

The Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be used as appropriated by the Legislature:

~~(1) To~~ provide emergency supplemental funds to:

(a) State and local law enforcement agencies which are involved in complex and lengthy violent crime investigations;

(b) State and local law enforcement agencies which are involved in violent crime investigations which constitute a significant emergency within the state; ~~or~~

(c) Counties which demonstrate a significant hardship or an inability to cover extraordinary expenses associated with a violent crime trial; ~~or~~

~~(2) To provide matching funding to multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that: In determining whether requests from state and local law enforcement agencies relate to involvement in a complex and lengthy violent crime investigation, the Council shall consider whether:~~

(a) Significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control; The crime under investigation involves multiple victims;

(b) That represent a significant illicit money laundering investigative effort; or The crime resulted in the death or serious bodily injury to one or more victims;

(c) That otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333, F.S. The crime appears to be part of a pattern of serial or interrelated criminal events; ~~or~~

~~(d) The crime evidences a heinous, wicked, or grossly disturbing method of commission; and shall consider the nature and extent of complexity and length of the investigative~~

efforts and whether the expenses claimed are beyond the resources of the investigative agency or agencies making the request for funding.

(3) ~~In determining whether requests from state and local law enforcement agencies relate to a violent crime investigation which constitutes a significant emergency within the state, the Council shall consider whether:~~

~~(a) The nature and extent of the crime produces a heightened concern within the state for the safety and well-being of Florida's citizens and visitors;~~

~~(b) The crime committed is thought to involve one or more perpetrators who have traveled from one state or local jurisdiction to another committing similar or "pattern" crimes;~~

~~(c) The crime is such that absent successful apprehension and prosecution of the perpetrator, Florida's reputation for being a safe recreational, occupational, and residential location is being jeopardized or is suffering significant deterioration; and shall consider whether the expenses claimed are beyond the resources of the investigative agency or agencies making the request for funding.~~

~~(4) In determining whether a county has demonstrated a significant hardship or inability to cover extraordinary expenses associated with a violent crime trial, the Council shall consider whether:~~

~~(a) The expenses claimed as extraordinary expenses associated with a violent crime trial are such as to have been reasonably unpredictable as expenses to be incurred by the county in meeting its general obligations to the criminal justice system;~~

~~(b) Reasonable witness related expenses associated with a violent crime trial (such as travel and lodging expenses) have exceeded or are anticipated to exceed those incurred for similar trials in the trial's geographic location;~~

~~(c) Special security needs associated with a violent crime trial have generated expenses or are anticipated to generate expenses not normally incurred in providing security for similar trials in the geographic location;~~

~~(d) A change of venue or jury selection or sequestration needs associated with a violent crime trial have generated expenses or are anticipated to generate expenses not normally incurred for similar trials in the geographic location; and shall consider whether the extraordinary expenses claimed are beyond the resources of the county making the request for funding.~~

~~(5) As used herein, "beyond the resources" means that the expenses claimed by the requester are so extraordinary that they currently and significantly limit the requester's ability to provide the services or duties required by law, and that the requester has demonstrated to the Council that all reasonable alternatives for funding the claimed expenses have been exhausted.~~

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95,_____.

11N-1.0021 Violent Crime Investigative Reimbursement and Emergency Funding.

(1) In determining whether requests from state and local law enforcement agencies relate to involvement in a complex and lengthy violent crime investigation, the Council shall consider whether:

(a) The crime under investigation involves multiple victims;

(b) The crime resulted in the death or serious bodily injury to one or more victims;

(c) The crime appears to be part of a pattern of serial or interrelated criminal events; or

(d) The crime evidences a heinous, wicked, or grossly disturbing method of commission; and shall consider the nature and extent of complexity and length of the investigative efforts and whether the expenses claimed are beyond the resources of the investigative agency or agencies making the request for funding.

(2) In determining whether requests from state and local law enforcement agencies relate to a violent crime investigation which constitutes a significant emergency within the state, the Council shall consider whether:

(a) The nature and extent of the crime produces a heightened concern within the state for the safety and well-being of Florida's citizens and visitors;

(b) The crime is thought to involve one or more perpetrators who have traveled from one state or local jurisdiction to another committing similar or pattern crimes;

(c) The crime is such that absent successful apprehension and prosecution of the perpetrator, Florida's reputation for being a safe recreational, occupational, and residential location is being jeopardized or is suffering significant deterioration; and the expenses claimed are beyond the resources of the investigative agency or agencies making the request for funding.

(3) In determining whether a county has demonstrated a significant hardship or inability to cover extraordinary expenses associated with a violent crime trial, the Council shall consider whether:

(a) The expenses claimed as extraordinary expenses associated with a violent crime trial are such as to have been reasonably unpredictable as expenses to be incurred by the county in meeting its general obligations to the criminal justice system;

(b) Reasonable witness related expenses associated with a violent crime trial (such as travel and lodging expenses) have exceeded or are anticipated to exceed those incurred for similar trials in the trial's geographic location;

(c) Special security needs associated with a violent crime trial have generated expenses or are anticipated to generate expenses not normally incurred in providing security for similar trials in the geographic location;

(d) A change of venue or jury selection or sequestration needs associated with a violent crime trial have generated expenses or are anticipated to generate expenses not normally incurred for similar trials in the geographic location; and the extraordinary expenses claimed are beyond the resources of the county making the request for funding.

(4) As used herein, beyond the resources means that the expenses claimed by the agency seeking emergency supplemental funding under this section are so extraordinary that they currently and significantly limit the requester's ability to provide the services or duties required by law, and that the requester has demonstrated to the Council that all reasonable alternatives for funding the claimed expenses within the requesting agency's current fiscal year have been exhausted.

Specific Authority 943.03(4), 943.042 FS, Law Implemented 943.031, 943.042 FS, History—New

11N-1.0022 Matching Drug Control Investigative Funding.

(1) In determining whether requests for matching funding:

(a) Relate to multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control;

(b) Represent a significant illicit money laundering investigative effort; or

(c) Otherwise significantly support statewide strategies developed by the Statewide Drug Policy Council, the following criteria shall be considered:

1. Mandatory Factors:

a. The investigative effort focuses on a drug trafficking operation shown to have, or reasonably suspected of having, activities such that involvement of multiple investigative agencies is necessary; and

(I) At least two agencies of the State of Florida, counties, cities, or combination thereof within the State of Florida are involved; and

(II) The investigative effort demonstrates a commitment of participating agencies to cooperate with one another in a collaborative investigative effort;

b. The operation to be investigated has, or is reasonably believed to have, a structure that directs, finances, and engages in illegal drug trafficking and related crimes (such as money-laundering, tax violations, corruption of public officials and employees, illegal immigration, weapons violations, and crimes of violence) that have the same or similar intents, results, accomplices, victims, or methods of commission or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents; and

c. The proposed investigative effort demonstrates a specific strategy;

(I) To achieve successful prosecutions of those within the organization who hold a position of organizer, supervisor, or any other position of management or who obtains substantial assets or resources from the illegal acts of the operation being investigated as they may become identified; and

(II) To utilize a multi-agency and cross-discipline approach to disrupt and dismantle the criminal operation, such as licensure action, charter revocation, regulatory sanctions and tax assessments.

d. The proposed investigative plan demonstrates a level of participating agency resource commitment that suggests a substantial likelihood of investigative and prosecution success; and

e. The proposed effort includes a commitment from one or more State Attorneys in Florida, U.S. Attorneys in Florida, or Florida's Statewide Prosecutor having jurisdiction over the activities of the organization under investigation to assist and support the investigation, through efforts such as issuance of subpoenas, use of grand juries, obtaining search warrants, securing court orders regarding the interception of communications, coordinating multiple prosecutions, assisting in securing plea agreements with those in the organization in return for cooperation and testimony, and certifying witnesses for witness protection under applicable law and a commitment to cooperate with other prosecuting entities having jurisdiction over activities of the organization to maximize the success of the investigative effort.

2. Non-Mandatory Factors Enhancing The Significance of the Proposed Effort:

a. The activities of the operation under investigation are responsible for known specified significant criminal activity in multiple regions of the State;

b. The activities of the operation are primarily associated with, and the investigative plan focuses upon, the illicit trafficking of cocaine, heroin, or other controlled substances of current major state concern, including substances commonly referred to as "rave drugs" or "designer drugs" such as "Ecstasy" (3-4 methylenedioxymethamphetamine "MDMA"), gamma hydroxy butyrate ("GHB"), methamphetamine ("Meth"), lysergic acid diethylamide ("LSD"); and other substances;

c. The proposed investigative plan has identified the types and methods of money laundering violations under state or federal law actually, or suspected to be, occurring, and articulates a dedicated strategy to identify, trace, and address persons, institutions or other entities that are likely involved;

d. The operation under investigation is known to have and identifies, or is reasonably believed to have, assets and property that constitute contraband under Florida or other law that may be seized and forfeited and the investigative plan contains a strategy to identify such assets and property and to use forfeiture options to disrupt the underlying organization;

e. Persons in the operation under investigation are, upon successful prosecution, likely to receive sentences involving substantial terms of incarceration in state or federal prisons, paying a substantial fine, or both;

f. The proposed investigative effort appears to be likely to be lengthy and complex, and will likely require sophisticated electronic, undercover or other investigative techniques;

g. The operation under investigation is such that if investigation and prosecutions are successful it is likely that substantial reductions in the availability of illegal controlled substances within the State of Florida will result; or

h. The proposal presents a significant innovative plan with a substantial likelihood of success for addressing a significant drug trafficking organization.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New

11N-1.003 Limitations on Violent Crime Investigative Reimbursement Funding.

(1) Requests for Violent Crime Investigative Reimbursement Funding.

(a) Requests for violent crime investigative reimbursement funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be limited to case-related investigative expenses and salary overtime payments. This excludes the purchase of equipment or payment of salaries for permanent employees; however, salary payments may be made to temporary employees under contractual agreements.

(b) Because an investigation may involve multiple law enforcement agencies, funds awarded to the requesting agency may be used for expenses incurred by assisting agencies.

(c) Funding provided under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account is available to Florida law enforcement agencies for violent crime investigative purposes. Law enforcement agencies include police departments, sheriffs' offices, and state law enforcement agencies; however, for the purposes of this rule, the term excludes state prosecutors' offices except for criminal investigations.

(d) In order to provide for a rapid investigative response to violent crime incidents, law enforcement agencies may under this section apply for emergency violent crime investigative funding up to a maximum of \$25,000.

(e) In addition to or instead of emergency violent crime investigative funding, law enforcement agencies may make a formal request under this section for violent crime investigative funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. Additional requests may be submitted on a single case if the investigation must be extended.

(f) Funding provided under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account is available only for investigations of violent crime incidents which occurred on or after July 1, 1993. Such funding shall not be used to supplant, take the place of, or substitute for existing appropriations of state and local law enforcement agencies and counties.

(2) Requests for Violent Crime Trial Funding.

(a) Requests under this section for funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be limited to extraordinary violent crime trial-related expenses and salary overtime payments. Such funding shall not include the payment of salaries for permanent employees, or the purchase of furnishings and equipment. Examples of extraordinary trial-related expenses include expert witness fees, travel expenses of witnesses, extraordinary security measures, and salary payments to temporary security personnel under contractual agreements.

(b) Violent crime trial ~~Trial~~ funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account is available only for expenses incurred on or after July 1, 1994. Such funding shall not be used to supplant, take the place of, or substitute for existing appropriations of state and local law enforcement agencies and counties.

(3) Overall Limits to Violent Crime Funding.

(a) The maximum funding limit on the amount that may be disbursed on a single violent crime's investigation for all investigative efforts shall be \$100,000, for each criminal event.

(b) A single agency may receive no more than \$200,000 Violent Crime Investigative Reimbursement funds during an agency's fiscal year.

(c) No reimbursement funding for expenses incurred in an agency's previous fiscal year shall be provided.

(d)(b) The maximum funding available to each county for all trials for which that county is financially responsible of all defendants derived from a criminal event shall be \$100,000. As used herein "a criminal event" means a violent crime or series of violent crimes interrelated to one another in such a way that the crime constitutes a single criminal transaction or related transactional series of crimes, regardless of the number of criminal acts that may have been committed during the event or the number of perpetrators involved in the event. No reimbursement request for trial expenses incurred in a county's previous fiscal year shall be funded.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95,_____.

11N-1.0031 Limitations on Matching Drug Control Investigative Funding.

(1) Requests for matching funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be limited to case-related investigative expenses, salary and overtime for the efforts of officers and employees directly linked to a funded investigation and other expenses related to investigations approved for funding by the Council.

(2) Each matching funding request shall designate a lead investigative agency that will serve as the liaison between the Council and the participating agencies for the purposes of coordinating the collection of information and in disbursing funds approved by the Council. Each participating agency shall agree to promptly provide requested information to the Council, to provide regular performance reports and information related to funded investigations as required by the Council, retain documentation and proof of expenditures or personnel efforts as may be required by the Council, and submit to any audit or review of the use of received funds as may be required by the Council.

(3) Matching funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account is available only to a Florida state or local law enforcement agency, and such funding shall be used for investigative purposes directly linked to the investigative effort approved for funding by the Council. As used herein, "law enforcement agency" includes a Florida police department, a Florida sheriff's office, a regional office of the Florida Department of Law Enforcement or other Florida state law enforcement agency, the Florida Comptroller's Office of Financial Investigations, or a troop of the Florida Highway Patrol. However, the term excludes state attorneys' offices and the Office of Statewide Prosecution except for resources provided by such offices exclusively dedicated to investigative efforts approved for funding by the Council.

(4) Limits Upon Matching Funding.

(a) The maximum matching funding provided by the Council on a single investigation shall be \$100,000. However, an approved investigative effort may consist of multiple investigations, each of which may receive matching funding up to \$100,000.

(b) No law enforcement agency as defined herein may receive more than \$200,000 in Council matching funds during the agency's fiscal year.

(c) In each agency fiscal year, payment of overtime with matching funds shall not exceed \$10,000 per officer or employee dedicated to the funded investigative effort.

(d) The Council may fund all, a portion, or none of a proposed investigative effort seeking matching funding.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New

11N-1.004 Procedures for Emergency Violent Crime Investigative Funding.

(1) Requests for violent crime investigation emergency funding up to the maximum of \$25,000 shall be made by a detailed written request demonstrating how emergency funding criteria established in this rule are satisfied and certifying that the requesting agency cannot initiate or continue the investigation without immediate supplemental funding. The request shall be accompanied by Form FDLE 20-003, Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account Application Cover Sheet, revised _____ 4/99, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address.

(2) The chairperson of the Florida Violent Crime and Drug Control Council, as authorized by the Council, shall review all requests for emergency funding, and approve or disapprove each request based upon the criteria specified in this rule chapter, the needs outlined by the requesting agency, and funds available in the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. In the event the chairperson determines a conflict of interest or becomes unavailable, the vice chairperson shall make the decision.

(3) Agencies receiving emergency violent crime investigative funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report shall be accompanied by Form FDLE 20-004, Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account Quarterly Report, revised _____ effective October 1995, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(4) Within 60 days of the conclusion of the violent crime investigation or 180 days after disbursement of the emergency funding, whichever is sooner, the receiving agency shall return any unexpended funds to the Department of Law Enforcement for deposit back into ~~for re-deposit in~~ the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, unless the Florida Violent Crime and Drug Control Council authorizes an extension of the funding based upon a determination that the receiving agency is

continuing in good faith to utilize such funds or upon a request of the receiving agency that additional time is needed to prepare and submit a final reconciliation and report to the Council.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, 8-22-00, _____.

11N-1.005 Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding.

(1) The Department of Law Enforcement has established in each area of the state served by a Department regional office a Regional Violent Crime Investigative Coordinating Team (Team). All formal funding requests for violent crime investigation or violent crime trial expense reimbursement funding must be submitted to the Team in the region from which the request is made. Upon receipt, the Team shall review the request to determine whether it appears to conform with the requirements of rule and statute. If the request is determined to not conform with such requirements, it shall be returned to the submitting agency, with the deficiencies specifically noted along with suggestions on how the request may be revised to bring it into conformance with requirements. If the request is determined to conform with such requirements, the head of the Regional Violent Crime Investigative Coordinating Team shall signify in writing the Team's review and endorsement for Council consideration, and forward the request to the Council as noted below.

(2) In order to assure careful consideration of requests before presentation to the Council, written requests for funding shall be submitted by the head of the Regional Violent Crime Investigative Coordinating Team so that they are received at least fifteen days prior to the next scheduled Violent Crime and Drug Control Council meeting. Requests shall be mailed to: Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, and shall indicate who will be making the presentation to the Council.

(3)(4) Agencies making formal funding requests under this section, shall submit to the Council via the Regional Violent Crime Investigative Coordinating Team a detailed and itemized written request to the Florida Violent Crime Council and the head of the requesting agency shall certify in writing that the request complies with the requirements established by this rule for funding. The request shall be accompanied by Form FDLE 20-003, as incorporated by reference in rule 11N-1.004(1). The request shall describe the violent crime case in relation to the criteria established in this rule chapter and shall state details and specifics demonstrating that the resources of each requesting agency are insufficient to meet the investigative or trial expenses in the agency's current fiscal year.

~~(2) The formal funding request shall include a written endorsement from the Regional Violent Crime investigation coordinating team in its service area of the need to obtain funding from the Violent Crime Emergency Account.~~

(4)(3) The Florida Violent Crime and Drug Control Council shall review all formal funding requests and approve or disapprove all or part of each request based upon the criteria specified in this rule chapter, the needs outlined by the requesting agency, and funds available in the Violent Crime Emergency Account.

(5)(4) Moneys provided in response to a formal funding request for a violent crime investigation or trial shall be available on a reimbursement basis with written documentation of expenses from cases approved by the Council. When advance funding is necessary in order to continue an investigation or prepare for a trial, moneys provided in response to an approved formal funding request shall be available in advance with documentation of critical need for advance funding.

(6)(5) Agencies receiving advance funding under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report for such advance funding shall be accompanied by Form FDLE 20-004, incorporated by reference in Rule 11N-1.004(3). Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(7)(6) Within 60 days of the conclusion of the violent crime investigation or trial, or 180 days after disbursement of the advance funding, whichever is sooner, the receiving agency shall return any unexpended funds to the Department of Law Enforcement for re-deposit in the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, unless the Florida Violent Crime and Drug Control Council authorizes an extension of the funding based upon a determination that the receiving agency is continuing in good faith to utilize such funds or upon a request of the receiving agency that additional time is needed to prepare and submit a final reconciliation and report to the Council.

(8)(7) If a receiving agency subsequently is reimbursed from another source of funding for the expenditures funded by the Council, the receiving agency shall repay the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account an amount that is the lesser of the subsequent reimbursement or the advance funding.

~~(8) Written requests for funding shall be submitted at least fifteen days prior to the next scheduled Violent Crime Council meeting. Requests shall be mailed to: Florida Violent Crime~~

Council, c/o Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, and shall indicate who will be making the presentation to the Council.

(9) Requests for emergency supplemental funds for extraordinary expenses associated with a violent crime trial shall be accompanied by written documentation from the county's chief financial officer demonstrating the significant hardship or inability to cover extraordinary trial expenses in the county's current fiscal year. Such documentation shall also bear the signature of the head of each agency seeking funds.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, _____.

11N-1.0051 Procedures for Funding Requests for Matching Drug Control Investigative Funding.

(1) The Department of Law Enforcement has established in each area of the state served by a Department regional office a Regional Drug Enforcement Coordinating Team (Team) to coordinate the identification and development of multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333, F.S. Each Team will be under the direction of the Florida Department of Law Enforcement Regional Director for the area of the state in which the Team operates. The Team should be made up of representatives of state, local, and federal law enforcement and prosecuting entities working within the area.

(2) All requests for matching drug investigative effort funds from the Violent Crime and Drug Control Council must be developed in conjunction with, and approved by, the Team in the region from in which the lead requesting agency is located. No request submitted without the endorsement of the Team will be considered by the Council.

(3) Prior to submitting a request for matching funds to the Department of Law Enforcement for review and consideration for Council funding, the Team shall assure that the various requirements of this rule have been satisfied. The Team shall discuss each mandatory criteria element stated in this rule, explaining in detail how the criteria is met. In addition, the Team shall identify and discuss each non-mandatory criteria identified in this rule reasonably applicable to the request. The Team shall assure that the funding proposal has been explained in sufficient detail to promote a fair review and evaluation of the request by the Department and the Council.

(4) All submissions to the Department from a Regional Drug Enforcement Coordinating Team must be approved by the Team and deemed complete, as indicated by the written certification of the head of the Team.

(5) Submissions from a Regional Drug Enforcement Coordinating Team shall be made to the Department of Law Enforcement's Office of Statewide Intelligence. Materials being submitted shall be secured and transmitted in a manner to assure that the criminal investigative and criminal intelligence information contained is not compromised.

(6) The Office of Statewide Intelligence will receive and review all submissions from the various Regional Drug Enforcement Coordinating Teams utilizing the criteria of this rule, and shall prioritize from the pending submissions those proposals that best meet the criteria of this rule and are determined to be multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that are most likely to significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent the most significant of proposed illicit money laundering investigative efforts, or are cases that are best believed to otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333, F.S.

(7) The Office of Statewide Intelligence (OSI) shall present to the Council all cases forwarded to it by the regional Teams, indicating its prioritization determinations at a meeting of the Council. The presentation must include a recommendation of which cases OSI believes should receive funding priority and the amount of matching funding recommended and may identify the relative strengths and weaknesses of the cases under consideration in meeting the underlying goals of Council matching funding.

(8) The Council will make its matching funding decisions based upon the information presented to it by OSI, or otherwise made available at a Council meeting, and the availability of funds for use by the Council. The Council may direct that approved funding shall be paid in a lump sum or in installments. The Council may fund all, a portion, or none of a request presented to it.

(9) Denial of all or a part of a request shall not disqualify the request from future consideration by the Council. However, any such request will be considered a new funding request and must be evaluated and approved through the process set forth in this Rule, beginning with consideration and approval by the Regional Drug Enforcement Coordinating Team.

(10) Council-provided matching funds shall be expended in a manner consistent with the investigative purposes approved by Council, and may not be utilized to pay any part of the commitment made by the recipient agencies in determining the amount of funds to be matched by the Council-provided funds.

(11) If after receipt of funds, it appears that a funded investigative effort will substantially depart from the focus and effort originally approved by the Council, the agencies

receiving Council funds shall suspend use of such funds and shall contact the Regional Drug Enforcement Coordinating Team leader and describe the change of focus and effort.

(a) If the new focus and effort is of a type that could be considered for Council funding, the Team and the participating agencies shall secure Council approval for the continued use of Council funds by the funded agencies. Any such request shall be evaluated and approved through the process set forth in this Rule, beginning with consideration and approval by the Regional Drug Enforcement Coordinating Team, but shall be expedited to minimize any negative effect the suspension of spending of Council funds may have on the ongoing investigation.

(b) If authorization for continued use of Council funds must be considered prior to the next regular meeting of the Council, the Council may consider such requests at a special meeting by phone or videoconference.

(c) The Council may endorse changes of focus or efforts and authorize the continued use of Council funds when receiving progress reports during regularly scheduled meetings provided that the Team and the Office of Statewide Intelligence endorse the new focus or efforts for such continued funding.

(12) In order to assure careful consideration of original requests for matching funding and resubmitted requests for funding that have been previously denied, the written requests and approvals shall be submitted by the head of the Team to the Office of Statewide Intelligence no later than 30 days prior to the meeting of the Council in which the request for matching funding might be considered.

(13) Agencies seeking matching funding under this section shall cooperate with the Team in the agencies' area, and provide all information as requested by the Team to assist in the preparation of a funding request, including information to identify the amounts of funds being committed by each participating agency to be matched by Council matching funds. The head of each requesting agency that seeks to receive Council matching funds shall include in the submission to the Team a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded investigative effort as may be performed. The request shall be accompanied by Form FDLE 20-003.

(14) Funding Calculations.

(a) In calculating the amount being provided by a requesting agency for which matching Council funds may be provided, the Council shall consider:

1. The base salary (excluding benefits and taxes) and overtime compensation pledged (excluding benefits and taxes) of agency employees for that portion of the employees' efforts dedicated exclusively to the proposed investigative effort, and

2. Normal operating costs directly attributable to the proposed investigative effort as specifically identified by the requesting agency, subject to the exclusions listed below.

(b) In calculating the amount being provided by a requesting agency for which matching Council funds may be provided, the Council shall not consider:

1. Funding received by the agencies from federal sources; or

2. Funding utilized for:

a. Purchases of equipment that will be retained in a participating agency's inventory;

b. The cost of purchased vehicles, vessels, aircrafts, or conveyances;

c. Any expense or purchase that appears to be incidental to, or otherwise failing to be shown to substantially support, the proposed investigative effort;

d. Seminar and training expenses for employees or officers assigned to the proposed effort; and

e. Rental or purchases of buildings and costs associated with the use or operation of such buildings, such as utilities and maintenance.

(15) Council-provided funds shall not be used for any purposes used by the requesting agency in calculating its contribution to be matched by Council Funds. Where an employee's overtime has been pledged by an agency as a contribution to be matched by Council funds, no Council-provided funds may be used for the employee's overtime until such time as the agency's pledged overtime funding has been completely expended. Matching funds shall not be used to purchase or lease vehicles, vessels, aircrafts or conveyances, computer equipment, or buildings or the maintenance or repair of any such property or equipment. Matching funds shall not be used to pay employee base salaries. In each agency's fiscal year, up to \$10,000 in matching funds may be applied to an employee's overtime (excluding benefits and taxes) for efforts dedicated exclusively to the funded investigative effort. Matching Council funds may be used for the temporary rental of property or equipment for an undercover operation in support of the investigative effort, or for use in surveillance activities tied to the investigative effort. Matching Council funds may be utilized to pay overtime of agency employees' efforts directly in support of the funded investigative effort, limited to \$10,000 per employee in the employee's agency's fiscal year.

(16) Matching Funding Documentation.

(a) Agencies receiving matching funding under this section shall provide a written quarterly report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the Regional

Drug Enforcement Coordinating Team and submitted by that Team through the Office of Statewide Drug Intelligence for compilation and presentation to the Council at a quarterly meeting. Form FDLE 20-004 shall be utilized to make the report. In addition, the Council may require oral progress reports to be made at Council meetings by a representative of the Regional Drug Enforcement Coordinating Team or a designee of the lead investigative agency in a funded investigative effort.

(b) Agencies receiving matching Council funding shall retain documentation supporting the amounts and purposes of expenditures made from matching Council funds, the amounts and purposes of expenditure of funds pledged as the basis for the amount of funds to be matched by the Council, the performance and accomplishments of the investigative efforts, and shall make these available to the Council upon request. With regard to agency personnel assigned to investigative efforts receiving Council funds, each agency shall retain, and make available to the Council as requested, each employee's official time and leave records and such other documentation demonstrating the time devoted by the employee to the funded investigative effort.

(c) Agencies receiving matching Council funding shall provide such other information as may be required by the Council to assist the Council in preparing its annual report to the Legislature, to assist audits of Council activities, or to assist the Council in fulfilling its role to monitor the performance of funded investigations.

(17) If funds provided by the Council remain unexpended upon the conclusion of any investigative effort, the participating agencies shall return unexpended Council funds to the Council within 90 days of the conclusion of the investigative effort.

(18) If an agency receiving Council matching funds is subsequently reimbursed or funded from another source of funding for the expenditures funded by the Council, the receiving agency shall return to the Council an amount that is the lesser of the subsequent reimbursement or the matching funding received from the Council.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New _____.

11N-1.006 Contributions.

Local law enforcement agencies may contribute to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account by submitting funds to the executive director of the Department of Law Enforcement. Contributions should be accompanied by a written statement designating the funds to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. Agencies receiving forfeiture proceeds by reason of an investigative effort receiving matching Council funds may contribute a portion of those proceeds to the Department of Law Enforcement for use by the Council in further matching funding efforts.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, _____.

11N-1.007 Annual Audit.

The Department of Law Enforcement will annually arrange for an independent evaluation of the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account to ensure expenditures are consistent with provisions of this rule chapter, and annually arrange for an independent audit of the financial statement.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, _____.

11N-1.008 Active Criminal Investigative and Active Criminal Intelligence.

All sessions of meetings of the Council in which active criminal investigative or active criminal intelligence information is discussed shall be closed to the public as authorized at s. 943.031(7), F.S. All documents and information in the custody of the Council revealing active criminal intelligence or active criminal investigative information are exempt from public disclosure as provided by law. Only members of the Council or members of the Department of Law Enforcement assisting the Council, and persons whose presence has been specifically authorized by the Council shall be allowed to attend sessions of the Council's meetings otherwise closed to the public.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael R. Ramage, General Counsel, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael R. Ramage, General Counsel, Florida Department of Law Enforcement

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May18, 2001

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water

RULE TITLE: Personnel Rule Manual Incorporated
by Reference

RULE NO.: 49B-2.038

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to incorporate by reference Tampa Bay Water's revised Personnel Rule Manual dated July 15, 2001. The revised Manual contains the rules and regulations concerning the activities of personnel of Tampa Bay Water.

SUMMARY: This rule amendment incorporates by reference the most recent Personnel Rule Manual concerning the various activities of personnel and employees of Tampa Bay Water.

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: 163.01(5)(g) FS.

LAW IMPLEMENTED: 120.54(1)(i), 163.01, 373.1962, 373.1963 FS.

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

TIME AND DATE: 9:00 a.m., August 20, 2001

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, Florida 33761-3930

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donald C. Conn, General Counsel, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, Florida 33761-3930

THE FULL TEXT OF THE PROPOSED RULE IS:

49B-2.038 Personnel Rule Manual Incorporated by Reference.

The "Tampa Bay Water "Personnel Rule Manual," dated July 15, 2001 1997, is hereby incorporated by reference into this Chapter and is available from Tampa Bay Water upon request.

Specific Authority 163.01(5)(g)(h) FS. Law Implemented 120.54(1)(i), 163.01, 373.1962, 373.1963 FS. History--New 7-29-97, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Holly Wells, Human Resources Manager

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry L. Maxwell, General Manager

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Certification for Multiple Inspection Classes RULE NO.: 61G19-6.002

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

SUMMARY: The purpose of the rule amendments is to update the rule text with regard to Certification for Multiple Inspection Classes.

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

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

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 468.607, 468.609 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.002 Certification for Multiple Inspection Classes.

The Board shall issue a single certificate valid for multiple inspection classes to:

(1) Persons holding multiple certificates under one of the ~~five~~ voluntary certification programs defined in Section 61G19-6.016 ~~61G19-1.008~~, Florida Administrative Code;

(2) Persons holding multiple certificates under a voluntary certification program not defined in Section 61G19-6.016 ~~61G19-1.008~~, Florida Administrative Code, which has been accepted for endorsement by the Board; and

(3) Persons qualifying by examination for multiple inspection classes under the provisions of this part.

Specific Authority 468.606 FS. Law Implemented 468.607, 468.609 FS. History--New 5-23-94, Amended 11-28-95, _____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of Secretary

DOCKET NO.: 01-09R

RULE CHAPTER TITLE: Marjorie Harris Carr Cross Florida
Greenway State Recreation and
Conservation Area

RULE CHAPTER NO.: 62S-3
62S-3.001
62S-3.002
62S-3.003

RULE TITLES: Definitions
Operations, Activities and Recreation on the
Marjorie Harris Carr Cross Florida Greenway
Determinations and Applicability of Fines

PURPOSE AND EFFECT: This new rule establishes definitions; operations, activities and recreation that is allowed, prohibited or restricted on the Marjorie Harris Carr Cross Florida Greenway; and fine ranges for violations of the rules. The purpose of the rule is to assist the Office of Greenways and Trails in management of visitors to and resources of the Greenway. The rule will have the effect of advising the public what they can and cannot do on the Greenway and how and when they could be fined for violations of the rule.

SUMMARY: The first section of the rule establishes definitions of terms used in the second section of the rule. The second section of the rule provides for allowed, prohibited, or restricted operations, activities and recreation on the Greenway. It establishes rules for treating plants and animals on the Greenway; camping, swimming, boating, hunting and fishing within the Greenway; conducting special events or other activities needing authorization from the Office of Greenways and Trails; human activities on the Greenway; pets within the Greenway; and other uses of Greenways lands, such as for utility easements. The third section of the rule provides fine ranges of \$1 to \$500 for violations of the second section, and payment of such fines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 260.016 FS.

LAW IMPLEMENTED: 253.7821, 260.016, 260.017 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., August 21, 2001

PLACE: 3900 Commonwealth Boulevard, Conference Room A, Tallahassee, FL

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Samantha Browne, MS 795, Office of Greenways and Trails, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)488-3701

THE FULL TEXT OF THE PROPOSED RULES IS:

62S-3.001 Definitions.

The terms used in this chapter are defined as follows:

(1) “DEPARTMENT” means the Department of Environmental Protection.

(2) “Facility” means Greenway property consisting of one or more of the following: a building, a structure, trails, pavement, or other similar improvements.

(3) “FFWCC” means Florida Fish and Wildlife Conservation Commission.

(4) “Greenway management practices” means specific practices as outlined in the Management Plan.

(5) “Greenway waters” means any sovereign submerged land or water on state-owned land within the Marjorie Harris Carr Cross Florida Greenway boundary.

(6) “Holiday” means:

New Year’s Day.

Birthday of Martin Luther King, Jr., the third Monday in January.

Memorial Day.

Independence Day, the Fourth of July.

Labor Day.

Columbus Day.

Veterans’ Day.

Thanksgiving Day.

Friday after Thanksgiving.

Christmas Day.

If any of these above-referenced holidays falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.

(7) “Management Plan” means the Greenway Management Plan prepared by the University Planning Team of the University of Florida and approved by the Governor and Cabinet on December 15, 1992.

(8) “Managing entity” means the agency, governmental entity, corporation, organization or other authority that has undertaken and is responsible for the day-to-day operation, protection, maintenance and stewardship of a specified greenway or trail, or network of greenways or trails, or facility, under a management plan or written agreement with owner of the property.

(9) “Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area” or “Greenway” means the network of greenways and trails created by Section 253.781, Florida Statutes, including those portions of the Ocklawaha

River Valley and other lands and interests previously acquired by the state or federal government for construction and operation of the Cross Florida Barge Canal, the original corridor of which is specified in the Greenway Management Plan (plan) prepared by the University Planning Team of the University of Florida and approved by the Governor and Cabinet in December, 1992. A copy of this plan is located at the Office of Greenways and Trails, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399.

(10) “Natural area” means an area of land or water that either retains or has re-established the characteristics of native communities and provides environmental, scientific, recreational or aesthetic benefits.

(11) “Natural community” means a distinct and recurring assemblage of populations of plants, animals, fungi and microorganisms naturally occurring with each other and their physical environment.

(12) “Office” means the Office of Greenways and Trails of the Department.

(13) “Person” means any individual, corporation, partnership, firm, association, joint venture, estate, trust, business trust, syndicate, fiduciary, commission, county, municipality or political subdivision of a state, any interstate body, the federal government or any subdivision thereof and all other groups or combinations, whether public or private.

(14) “Reasonable notice” means any of the following: newspaper advertisements, radio advertisements, written or oral notice, posters or postings in public areas in the immediate vicinity, or any other means which are reasonable under the circumstances.

(15) “Special Event” means an occurrence which does not recur, or only recurs at long intervals, such as every year; which does not last longer than 30 days; which may involve the installation and use of temporary structures, such as tents, vendor booths, movie sets, corrals and other such items, on the Greenway; and which is of such a magnitude that extra management measures are required for such things as crowd control or law enforcement.

(16) “USFWS” means the United States Fish and Wildlife Service.

(17) “Vehicle” means every device, in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks or vessels.

(18) “Vessel” means any type of boat or floating craft regardless of means of propulsion.

Specific Authority 260.016 FS, Law Implemented 253.7821, 260.016, 260.017 FS, History—New

62S-3.002 Operations, Activities and Recreation on the Marjorie Harris Carr Cross Florida Greenway.

The provision of this rule may be enforced by any local, state or federal law enforcement officer acting within their jurisdiction. Fines will be imposed under Section 62S-3.003, F.A.C., on persons who fail to comply with these rules. The following shall govern operations, activities and such recreation on the Greenway.

(1) Removal or Destruction of Greenway Property and Resources. Except as authorized by the Office for the purposes of establishment and maintenance of trails, no person shall destroy, injure, deface, mar, move, dig, harmfully disturb or remove from the Greenway, Greenway waters, or facilities any archaeological or historical resources, equipment, soil, sand, gravel, rocks, stones, minerals, plants or animals, or other materials. No person shall cut, carve, injure, mutilate, move, displace, or break off any water bottom formation or growth. Nor shall any person possess, break off, or in any way damage any stalactites, stalagmites or other cave formations. No rope, wire, or other contrivance whether permanent or temporary, shall be attached to any natural feature or property within the Greenway boundary.

(2) Fires. No person shall ignite or attempt to ignite any fire against or on any vegetation or facility, except in designated fireplaces or grills. No person shall dispose of burning matches, smoking materials or other flammable items except in designated receptacles. The Office shall conduct prescription burning for the restoration, maintenance and preservation of certain plant and animal communities in accordance with the management plan.

(3) Plant Life. The following shall apply to all plant life within the Greenway.

(a) All plant life, terrestrial, aquatic, and aerial, is the property of the State of Florida or other owner of land located within the greenway by agreement. No person, except as authorized by the Office for the purposes of establishment and maintenance of trails, shall cut, carve, or damage the bark, or break off limbs or branches or mutilate in any way, or pick the flowers or seeds of any plant or tree; nor shall any person dig in or otherwise disturb grass areas or in any other way impair the natural condition of any area; nor shall any person place debris or materials of any kind on or about any tree or plant.

(b) No person shall transplant or remove any plant life, except as provided herein. The Office shall control invasive exotic plants for the restoration, maintenance, and preservation of native plant communities.

(4) Animal Life. The following shall apply to all animal life within the Greenway.

(a) No person shall take, possess, molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw any object at any mammal, bird, reptile, or amphibian, or any other animal except as provided for in subsection (7) below; nor shall any person remove the eggs, nest or young of any such animal; nor shall any person collect, remove, possess, give away, sell or offer to sell, buy or offer to buy, or accept as gift, any specimen, alive or dead, of the groups of tree snails. The public is prohibited from killing, capturing, or molesting venomous snakes. The Office shall remove venomous snakes from public areas.

(b) No person shall feed or attempt to feed or pet or attempt to pet any wild animal.

(c) No person shall capture, collect, or in any way harm any animal life, except fish commonly referred to as edible or game species or as otherwise provided herein.

(5) Hunting, Firearms and Fishing. The following shall apply to hunting, firearms and fishing with the Greenway boundary. Any person who is present in an area that has been established under Chapter 68A, F.A.C., is subject to all rules established by the FFWCC in addition to the rules established under Chapter 62S-3, F.A.C.

(a) Hunting, trapping, taking or the pursuit of wildlife is prohibited except as authorized by the FFWCC under Chapter 68A, F.A.C.

(b) Hunting on the Greenway is allowed only in areas designated by the FFWCC as hunting areas established under Chapter 68A, F.A.C. All persons who are present in established hunting areas are subject to all rules established by the FFWCC in addition to the rules established under Chapter 62S-3, F.A.C.

(c) Unless in, or enroute to an area designated or established as a hunting area under Chapter 68A, F.A.C., no person shall use, carry, or possess in any Greenway, weapons such as firearms of any type, air rifles, spring guns, bows and arrows (except in areas where bows may be legally used for freshwater and saltwater fishing), gigs (except in areas where gigs may be legally used for freshwater and saltwater fishing), sling shots, or any other forms of weapons or trapping devices potentially dangerous to wildlife or human safety except when such weapons or traps are used for resource management purposes as authorized in this paragraph. Shooting into or across the Greenway from beyond Greenway boundaries is prohibited. Any device that is employed to kill, immobilize, or capture any wildlife or any device otherwise used in violation of this chapter shall be seized by law enforcement officers. The Office shall authorize the control of nuisance animals and removal of exotic animals from the Greenway by trapping and other necessary means if required for Greenway resource management purposes or health or human safety.

(d) Migratory waterfowl hunting is allowed within the Greenway on all sovereign submerged lands, Rodman Reservoir and Lake Rousseau. All waterfowl hunting is subject to all laws of the USFWS and the FFWCC.

(e) Fishing is allowed in the Greenway waters unless otherwise posted as "No Fishing", in accordance with all federal and state laws. Any device which is employed to remove, capture, or attempt to remove or capture fish in any waters closed to fishing or any device otherwise used in violation of this rule shall be seized by law enforcement officers.

(f) Commercial fishing for food and baitfish is allowed in any Greenway waters. All persons participating in this activity shall be subject to all federal and state fishing laws.

(6) Introduction of Species. No person shall introduce into any part of the Greenway any plant or animal species by willful abandonment, negligence or for any other reason without authorization of the Office. Authorization shall be granted when the Office determines that the activity is consistent with Greenway management practices, and in keeping with protection, restoration, and maintenance of natural resources. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(7) Collection of Specimens. Authorization must be obtained for the collection of natural objects, including plant and animal life and minerals. Authorization may be granted if such collection is for scientific or educational purposes, and the Office determines that it provides some benefit to the Office for management purposes (such as provision of a copy of the scientific report generated to the Office); that it is not harmful to Greenway resources; and that it is consistent with Greenway management practices. Collection shall be conducted in compliance with the written authorization. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(8) Construction Activity. No person shall commence or conduct any construction activities upon any land or water areas within the Greenway, without first obtaining authorization from the Office. Authorization shall be granted only in cases where the construction activity is consistent with Greenway management practices, and in keeping with protection, restoration, and maintenance of natural resources. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(9) Public Utilities. Public utilities serving Greenway property or traversing the Greenway shall be designed, constructed and maintained as follows:

(a) Rights-of-way shall be as narrow as utility regulations permit, and shall be kept free of invasive non-native plant species;

(b) Maintenance (trimming or removal) of vegetation shall occur no more often than minimally required for safe utilities transmission;

(c) Small trees, shrubs and other vegetation shall be left undisturbed except that a minimal service road may be mowed, within the right-of-way;

(d) Trees that will interfere with power lines shall be cut or trimmed only as authorized by the Greenway manager;

(e) Large volunteer trees that are threatening buried gas lines shall be cut only as authorized by the Greenway manager;

(f) Easements crossing fire adapted plant communities shall be burned the same as the adjacent community;

(g) The utility company maintenance foreman shall consult with the Greenway manager prior to undertaking routine maintenance to insure that only minimum trimming is accomplished; and

(h) Only herbicides approved by the Office shall be used. The application of herbicides shall be confined to the utility easement and shall not adversely affect adjacent Greenway resources. Approved herbicides shall be listed and the list may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(10) Designated Public Areas. The Office, in accordance with Chapters 253 and 260, F.S., may prohibit or regulate any activity that lessens the health, safety, or recreational experience of the visiting public, lessens the natural or cultural value of the Greenway or damages the Greenway or any facility thereof. Except as provided herein, all recreational activities will occur at locations designated for such activities by the Office. When utilizing recreational trails, users shall stay on the trails designated for that purpose.

(11) Designated Access Points. If an access point has been established for a facility on the Greenway, entering or leaving the Greenway property except through the designated access points (except in emergency cases) is prohibited. No person can enter the Greenway property for the purpose of using the facilities therein without paying the appropriate fee, if any is in effect at the time.

(12) User Fees. User fees shall be established as follows.

(a) User fees for campground facilities shall be \$10 per night. A 50% discount will be allowed for Florida senior citizens and Florida citizens with proof of 100% disability.

(b) The Office shall establish standard user fees for boat ramp facilities, after consideration of user demand, cost of managing and operating the facility, type of facilities available, and season. User fees for boat ramp facilities shall be established for and posted at each site.

(c) User fees shall be waived by the Office or the Greenway manager or designee as follows.

1. Representatives of any government agency or other individuals who are conducting official business on the Greenway and who present proper identification.

2. Children under six years of age.

3. Patients of Florida State Mental Institutions and clients of the Department of Juvenile Justice and the Department of Children and Families, and other similar institutions. Such patients or clients shall be part of an organized group or program sponsored and under the immediate supervision of their respective institutions or parent agencies at all times while on the Greenway.

4. Florida school groups, including vocational schools, colleges and universities, accompanied by one or more teachers or chaperones at all times while on the Greenway, and bearing a letter from the school principal, professor or other appropriate official, certifying that the visit is related to a specific school curriculum and is for educational purposes rather than a purely recreational outing.

5. Organized volunteer groups who will provide a benefit to the Greenway, such as litter collection, tree planting, trail blazing, and trail maintenance. All volunteer activities shall be pre-arranged and authorized by the Office, Greenway manager or designee. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(13) Traffic Control and Parking. Traffic and parking on the Greenway shall be controlled as follows.

(a) Authorized law enforcement officers and Greenway staff shall direct traffic on the Greenway and at entrances thereto as conditions warrant. All persons shall comply with lawful orders, signals, and direction of such officers and staff. All persons shall observe and comply with posted traffic control devices and signs.

(b) No person shall drive a vehicle or travel by other means, such as bicycle, skateboard, electric-bike, in-line skates, roller skates or scooters at a speed greater than is reasonable or prudent, having due regard for weather conditions, the surface, width and condition of paving and the traffic thereon, particularly when near children or recreational users. Vehicles shall not exceed 25 miles per hour, except as otherwise posted. At the more congested centers and near facilities, vehicles shall not exceed 15 miles per hour or as otherwise posted.

(c) No person shall drive any vehicle in any area except designated roads, and parking areas. In the event motorized trails or motorized use areas are established, vehicles must stay on trails or in designated areas. Exceptions will be made for those persons who are physically impaired and have the proper permits.

(d) All vehicles shall be parked only in established parking areas or in such other areas and at such times as the Office may designate by signs, maps or other reasonable notice.

(14) Swimming and Bathing. No person shall swim, bathe, wade or dive in any waters at such places designated as prohibited for such activity by the Office by signs, maps or other reasonable notice.

(15) Proper Attire. No person shall expose the genitals, pubic area, the buttocks cleavage, or female breasts below the top of the nipple, with less than a fully opaque covering.

(16) Camping. Camping is prohibited on the Greenway except in designated camping areas and sites authorized by the Office and shown by Greenway signs, maps or other reasonable notice.

(17) Boating and Vessels. Boating and operation of vessels in the Greenway shall be conducted as follows.

(a) No person shall operate vessels upon any Greenway waters in places designated by the Office as closed for such purposes by signs, maps, or other reasonable notice.

(b) No person shall launch or remove any vessel by trailer, in any Greenway waters, except at places designated for such purpose by the Office by signs, maps or other reasonable notice.

(c) No person operating passenger vessels or excursion boats from outside the Greenway that are for rent or hire or carrying passengers for money shall land or anchor or tie up at any Greenway facility without first having applied for and received authorization from the Office. Authorization shall be issued when it is determined by the Office that the request to provide this service would not adversely affect Greenway resources, would be consistent with Greenway management practices and would provide a needed visitor service. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. All persons operating such vessels shall be subject to all federal and state boating rules and regulations.

(18) Alcoholic Beverages. Possession of alcoholic beverages within the Greenway or on any Greenway facility is prohibited except by authorization. Authorization shall be issued only when special events occur and the licensed concessionaire makes reasonable provisions to ensure that minors are not served and are not able to acquire alcohol, such as an over-21 area with no liquor to be taken outside such areas. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Authorization under this rule is not necessary for riparian upland owners on Lake Rousseau and their invitees when they are performing or engaging in normal riparian rights activities, such as fishing, swimming or boating, or when they are engaged in navigation, including anchoring or trolling. However, when such riparian upland owners or invitees are landing at a public boat ramp or other public area within the Greenway, other than in an emergency, possession of alcoholic beverages shall be prohibited.

(19) Domestic Animals. Domestic animals shall be controlled as follows.

(a) Domestic animals shall be regulated on the Greenway at any time as required for public safety, to enhance the recreational experience of other visitors, or to protect the Greenway resources.

(b) Domestic breeds of dogs, cats and horses, except for those that are trained and registered for assisting the physically challenged, shall be excluded from the following areas: food-service and preparation areas, bathing and swimming areas including land and water portions, buildings, playgrounds, and other areas designated by the Office on maps, signs or by other reasonable notice. Dogs, cats and horses are permitted in all other areas subject to the following restrictions.

1. All dogs, cats and horses must be confined, leashed, tied, or otherwise under the physical control of a person at all times. Leashes for dogs may not exceed six feet in length. Hunting dogs being used for hunting within designated hunting areas as established and allowed by the FFWCC under Chapter 68A, F.A.C. are not required to be leashed after their release to begin hunting. However, hunting dogs being transported or not actively hunting must be confined, leashed, tied, or otherwise under the physical control of a person at all times, as stated above.

2. Dogs, cats and horses must be well behaved at all times. Dogs and cats must be confined in the owner's camping unit and be quiet during quiet hours designated by the Office on maps, signs or by other reasonable notice. During non-quiet hours, designated by the Office on maps, signs or by other reasonable notice, unconfined dogs and cats may not be left unattended for more than 30 minutes and must be tied securely or on a leash not exceeding six feet in length.

3. Within campgrounds or on public roads or trails, owners of dogs and cats shall pick up after their animals and properly dispose of all droppings in trash receptacles. Failure to do so shall result in the owner's expulsion from the campgrounds, public roads or trails and revocation of all further privileges.

4. Owners shall be responsible for mucking out the stalls when horses are kept in horse stalls or corrals on the Greenway.

5. Dogs, cats and horses that are noisy, vicious, dangerous, disturbing, or act in a threatening manner to other persons or animals, or that damage Greenway resources are considered to be nuisances and will not be permitted to remain on the Greenway.

6. Dogs and cats are required by Florida law to be vaccinated against rabies every year. Owners must provide proof of current rabies vaccination when registering to camp or entering the Greenway.

7. Horses are required by Florida law to have proof of negative Coggins test every year. Owners of horses utilizing facilities on the Greenway must provide proof of current negative Coggins test.

8. Camping areas and other Greenway areas will be evaluated, as to the suitability of pets, on a periodic basis as part of the unit management planning process. Areas of the Greenway designated as prohibited for pets shall be determined based on the natural and cultural resources, primary recreational activities, camper and pet health and safety, geographical location and layout of camping areas, and the ability to provide a quality recreational experience for all visitors. Prohibited areas will be shown on signs, maps or by other reasonable notice.

(20) Merchandising and Food. No person shall offer for sale any article, food or material, nor place any stand, cart, or vehicle for the transportation, sale or display of any article, food or material for sale within the Greenway unless authorized by the Office. Authorization shall be issued when Greenway resources are not adversely affected, existing contractual relationships are not impaired, a needed visitor service is provided, and the activity would be consistent with Greenway management practices. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. All such vendors must have all current licenses required by the state and local governments.

(21) Hours. Hours for the Greenway shall be as follows.

(a) The opening and closing hours for each Greenway facility shall be posted. Greenway facilities may be closed on Holidays listed in subsection 62S-3.001(6), F.A.C., of this rule. No person shall remain at any Greenway facility after closing unless properly registered as an overnight visitor or in possession of valid authorization from the Office. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(b) The Department may close any Greenway facility or portion of the Greenway to the public at any time and for any interval of time, either temporarily or at regular stated intervals, and either entirely or only for certain uses. Closed areas will be posted by the Office on maps, signs, or by other reasonable notice. Greenway closures will be used to assure visitor and employee safety, resource protection, operational efficiency, and facility maintenance. No person shall remain in any closed area unless authorized by the Office. Authorization may be granted by the Office, when it is necessary for safety, protection, construction, or restoration purposes. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(22) Commercial Photography. All commercial photography, motion pictures, and other media production activities are prohibited without authorization from the Office. All private photography involving special settings or structures (such as construction of sets or use of exotic animals), which

could adversely impact Greenway resources or public recreational activities, is prohibited without authorization by the Office. Authorization for these activities may be issued if the activity is consistent with this rule and the activity would not disrupt normal Greenway operations, adversely impact Greenway resources, or disrupt the public's normal enjoyment of the Greenway. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. All other private photography is encouraged so long as it is consistent with this rule.

(23) Free Speech Activities. Free speech activities are allowed and encouraged on the Greenway. Such activities include public speaking, performances, distribution of printed material, protests, marches, displays, and signs. Such activities do not include obscene or commercial materials or activities. Any person planning a free speech activity, which meets the definition of "special event" under Rule 62S-3.001, F.A.C., is encouraged to contact the Greenway manager or designee to discuss plans for such an event. There is no requirement for a permit. Restrictions shall only be placed on free speech activities if the Greenway manager or designee determines that any of the following exists: staff, including law enforcement, is not immediately available to protect public safety during the planned event, and such staff or law enforcement are required for public safety given the size or manner of the event; the activity planned would cause significant or unreasonable damage to the resource; the activity would unreasonably interfere with the normal use or flow of the Greenway; free speech participants or other Greenway users would likely be injured or endangered by the planned event; or another group activity has already been approved for the area and the time of the planned free speech activity. Free speech activities shall only be performed in accordance with all other rules of this chapter.

Specific Authority 253.016 FS, Law Implemented 253.7821, 260.016, 260.017 FS. History--New

62S-3.003 Determination and Applicability of Fines.

The following shall govern how fines are determined and applied on the Greenway when persons violate any of the rules in this chapter.

(1) Violations. It shall be a violation of this rule for any person or the agent of any person to refuse to comply with any provisions of Rule 62S-3.002, F.A.C., violate any provision of said rule, or damage any Greenway land, facilities or resources. Fines shall be imposed for such violations.

(2) Determination of fines. A person or agent of a person who damages Greenway land, facilities, or resources in violation of state law or this chapter, or refuses to comply with or violates the provisions of this chapter shall incur a civil fine of up to \$500 per offense. When determining the amount of the fine to be imposed, the Office shall consider the following:

(a) The value of the resources removed from the Greenway;

(b) The diminished value of the land or facility on the Greenway;

(c) The cost of restoring the affected Greenway land or facilities;

(d) Lost revenue from impaired use of the affected land or facilities on the Greenway;

(e) The need to deter future violations by removing any economic benefits to the violator from failure to comply with this rule;

(f) Aggravating or mitigating circumstances specific to the violation, including things such as the nature and extent of the violation, the violator's degree of cooperation in correcting the violation, and the violator's good faith efforts to resolve the violation before formal legal proceedings begin; and

(g) Lost or impaired opportunities for public use of the affected land or facilities on the Greenway.

(3) Waiver of fines. Payment of all or part of a fine may be waived when purposes of this rule are not frustrated; when no economic or resource loss has occurred; when it would not deter future violations; when the violator has already corrected the violation; and when fairness would result.

(4) Fines. Fines imposed pursuant to this rule shall be determined by the Office after consideration of all the facts and the factors listed in subsection (2) of this section. Fine ranges shall be \$1-\$500.

(5) Applicability of fines on the Greenway. For purposes of imposing a fine pursuant to this rule chapter, an activity conducted on the Greenway shall not be considered a violation of Chapters 253, 260, F.S., or this rule chapter, when the activity is authorized by and conducted according to a management plan, easement, consent of use, lease or other authorization approved by the Office or by an authorized agent of the Office who has been expressly delegated the authority to approve such management plan, easement, consent of use, lease or other authorization.

(6) Payment of Fines. Fines shall be paid within 30 days after formal, written notice of such fine is received by the alleged violator. If the violator does not request a hearing pursuant to s. 120.569, Florida Statutes, within 21 days of the date the alleged violator has received the Office's written notice of the fine, the violator shall be considered to have waived all rights to a Chapter 120, F.S., proceeding thereon, and the fine shall be due and payable by the end of the 30-day period described above. Petitions for hearing shall be filed with the Agency Clerk, Department of Environmental Protection, MS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)488-9314. Petitions must be complete and in the form prescribed by Rule 28-101.006, F.A.C., of the Uniform Rules. Unpaid fines shall result in further enforcement action in accordance with s. 260.017, Florida

Statutes, and unless the violator has petitioned for hearing, the violator shall not be allowed to use the Greenway until all fines are paid.

Specific Authority 260.016 FS. Law Implemented 253.7821, 260.016, 260.017 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Samantha Browne, address above

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jena Brooks, Director, Office of Greenways and Trails, MS 795, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)488-3701

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

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

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Continuing Education During Initial Licensure Period

RULE NO.: 64B2-13.007

PURPOSE AND EFFECT: The Board proposes to reduce the continuing education required of practitioners during their first biennium of licensure.

SUMMARY: The Board proposes to eliminate continuing education within the biennium of the initial licensure.

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: 460.405 FS.

LAW IMPLEMENTED: 456.013(6) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.007 Continuing Education During Initial Licensure Period.

Licensed practitioners shall not be required to complete the continuing education requirements during the biennium in which they receive initial licensure.

~~(1) Any person who is initially licensed in the first 12 months of the biennium shall be required to demonstrate, for the first renewal of licensure, completion of at least forty (40) hours of continuing education, five (5) of which shall concern risk management, during the biennium in which licensure was obtained.~~

~~(2) Any person who is initially licensed in the second 12 months of the biennium shall be required to demonstrate, for the first renewal of licensure, completion of at least twenty (20) hours of continuing education, three (3) of which shall concern risk management, during the biennium in which licensure was obtained.~~

Specific Authority 460.405, 460.408, 456.013(6) FS. Law Implemented 456.013(6) FS. History--New 1-25-88, Formerly 21D-13.007, 61F2-13.007, 59N-13.007, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2001

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: COURSES REQUIRED FOR INITIAL LICENSURE, RENEWAL, OR REACTIVATION
RULE NO.: 64B5-12.019

PURPOSE AND EFFECT: The Board proposes to amend this rule to allow licensees to take an alternative course rather than the standard Board approved HIV/AIDS in order to satisfy course requirements.

SUMMARY: The Board is amending this rule to add new rule text which will allow licensees to take an end-of-life palliative health care course rather than HIV/AIDS or domestic violence in order to meet the course requirements.

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

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

SPECIFIC AUTHORITY: 456.031, 456.033 FS.

LAW IMPLEMENTED: 456.031, 456.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.019 Courses Required for Initial Licensure, Renewal, or Reactivation.

(1) through (8) No change.

(9) In lieu of completing a Board approved HIV/AIDS or domestic violence course, a licensee who has completed either such approved course in the immediately preceding biennium may complete a course in end-of-life care and palliative health care, or any other course approved under the provisions of this rule chapter, as substitute for the course so completed in the immediately preceding biennium.

Specific Authority 456.033 FS. Law Implemented 456.031, 456.033 FS. History--New 1-18-89, Amended 10-28-91, 2-1-93, Formerly 21G-12.019, Amended 6-14-94, Formerly 61F5-12.019, Amended 11-15-95, 2-10-97, Formerly 59Q-12.019, Amended 10-29-00, 8-2-01, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 5, 2001

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: COURSES REQUIRED OF LICENSEES FOR RENEWAL AND REACTIVATION
RULE NO.: 64B5-12.020

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to the requirements for continuing education.

SUMMARY: The Board proposes to amend the rule text by further clarifying the continuing education requirements required for licensed dentists and dental hygienists during each license renewal biennium.

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

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

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.013(6),(8), 466.0135, 466.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.020 Courses Required of Licensees for Renewal and Reactivation.

Licensed dentists and dental hygienists are required to complete the following continuing education during each license renewal biennium.

- (1) No change.
(2) Instruction in laws, rules and ethics and rules governing the practice of dentistry and dental hygiene consisting of at least 2 hours of instruction in relevant topics including: Chapter 456 and 466, Florida Statutes, Rule Chapter 64B5, Florida Administrative Code, professional responsibility and competence; legal standards, confidentiality; professional relationships; recordkeeping; common malpractice complaints; commonly reported violations reported to the Department; and relevant case studies. The requirements of this paragraph may be met by completion of a correspondence course.

Specific Authority 466.004 FS. Law Implemented 456.013(6), (8), 466.0135, 466.014 FS. History--New 4-11-94, Amended 7-18-94, Formerly 61F5-12.020, 59Q-12.020, Amended 1-23-01, 6-7-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2001

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Determination of Probable Cause RULE NO.: 64B5-13.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to add new rule text with regard to the probable cause panel.

SUMMARY: The Board is amending this rule by updating the rule text in Subsection (2) which will set forth the requirements required in order to constitute a quorum.

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(4), 466.004(4) FS.

LAW IMPLEMENTED: 456.073(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-13.001 Determination of Probable Cause.

- (1) No change.
(2) The probable cause panel shall be appointed by the Chairman and shall be composed of three members, two of which must be dentists who hold valid and active dental licenses in this State. At least two members of the probable cause panel must be present to constitute a quorum. If only two members are present, the determination of probable cause shall require the affirmative vote of both members present.

- (a) through (e) No change.
(3) No change.

Specific Authority 456.073(4), 466.004(4) FS. Law Implemented 456.073(4) FS. History--New 11-11-79, Amended 12-7-81, 7-13-82, Formerly 21G-13.01, Amended 1-18-89, Formerly 21G-13.001, Amended 11-22-93, Formerly 61F5-13.001, 59Q-13.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: RULE NOS.:

- Fee for Renewal of Inactive License 64B5-15.008
Fee for Reactivation of Inactive License 64B5-15.009
Fee for Inactive Status 64B5-15.010
Delinquency Fee 64B5-15.011
Change of Status Processing Fee 64B5-15.012

PURPOSE AND EFFECT: The purpose of the rule amendments is to increase the fees listed in each of the rules listed above.

SUMMARY: The Board is amending Rule 64B5-15.008 to increase the fee for renewal of an inactive dental license to \$300, and increase the fee to \$130 for an inactive dental hygiene license. The Board proposes to amend Rule 64B5-15.009 to increase the fees for reactivation of a dental license to \$300 and the fee for reactivation of an inactive dental hygiene license to \$135. The Board proposes to amend Rule 64B5-15.010 to increase the fees for dental to \$300 and dental hygiene to \$135 for inactive status. The Board proposes to amend Rule 64B5-15.011 to increase the delinquency fees for dentists and dental hygienists. The Board proposes to amend Rule 64B5-15.012 to increase the change of status processing fee for a dental license and a dental hygiene license.

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: 456.036, 466.004, 466.015 FS.

LAW IMPLEMENTED: 466.015, 456.036, 456.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-15.008 Fee for Renewal of Inactive License.

The fee for renewal of an inactive dental license shall be ~~\$300~~ \$200. The fee for renewal of an inactive dental hygiene license shall be ~~\$135~~ \$90.

Specific Authority 466.004, 466.015 FS. Law Implemented 466.015 FS. History--New 4-2-84, Formerly 21G-15.08, Amended 1-18-87, 11-16-89, 8-13-92, Formerly 21G-15.008, 61F5-15.008, Amended 5-6-96, Formerly 59Q-15.008, Amended.

64B5-15.009 Fee for Reactivation of Inactive License.

The fee for reactivation of an inactive dental license shall be ~~\$300~~ \$200. The fee for reactivation of an inactive dental hygiene license shall be ~~\$135~~ \$90.

Specific Authority 466.004, 466.015 FS. Law Implemented 466.015 FS. History--New 4-2-84, Formerly 21G-15.09, Amended 1-18-87, 11-16-89, 8-13-92, Formerly 21G-15.009, 61F5-15.009, Amended 5-6-96, Formerly 59Q-15.009, Amended.

64B5-15.010 Fee for Inactive Status.

The fee to place a dental license on inactive status shall be ~~\$300~~ \$200. The fee to place a dental hygiene license on inactive status shall be ~~\$135~~ \$90.

Specific Authority 466.004, 466.015 FS. Law Implemented 456.036, 466.015 FS. History--New 1-18-87, Amended 11-16-89, 8-13-92, Formerly 21G-15.010, 61F5-15.010, Amended 7-12-95, 5-6-96, Formerly 59Q-15.010, Amended.

64B5-15.011 Delinquency Fee.

The fee for delinquent status of a dental license shall be ~~\$300~~ \$200. The fee for delinquent status of a dental hygiene license shall be ~~\$135~~ \$90.

Specific Authority 456.036, 466.004(4) FS. Law Implemented 456.036 FS. History--New 7-12-95, Amended 5-6-96, Formerly 59Q-15.011, Amended.

64B5-15.012 Change of Status Processing Fee.

The fee for processing a licensee's request to change status at any time other than at the beginning of a licensure cycle shall be ~~\$300~~ \$200 for a dental license and ~~\$135~~ \$90 for a dental hygiene license.

Specific Authority 456.036, 466.004(4) FS. Law Implemented 456.036 FS. History--New 7-12-95, Amended 5-6-96, Formerly 59Q-15.012, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Remediable Tasks Delegable to a

RULE NO.:

Dental Hygienist

64B5-16.006

PURPOSE AND EFFECT: The Board proposes to amend this rule to further clarify the remediable tasks delegable to a dental hygienist.

SUMMARY: The Board is amending this rule to expand the remediable tasks delegable to a dental hygienist under direct supervision.

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

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

SPECIFIC AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.006 Remediable Tasks Delegable to a Dental Hygienist.

(1) The following remediable tasks may be performed by a dental hygienist who has received formal training and who performs the tasks under direct supervision:

- (a) through (n) No change.
- (o) Placing subgingival resorbable chlorhexidine, doxycycline hyclate, or minocycline hydrochloride.
- (2) through (5) No change.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024 FS. History—New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.006, Amended 3-30-94, Formerly 61F5-16.006, Amended 1-9-95, 6-12-97, Formerly 59Q-16.006, Amended 1-25-98, 9-9-98, 3-25-99, 4-24-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Requirement for Physician Office Registration; Inspection or Accreditation
RULE NO.: 64B8-9.0091

PURPOSE AND EFFECT: The proposed rule amendment is intended to reference the Department’s rule with regard to the fee for office surgery inspections.

SUMMARY: The proposed rule amendment references the Department’s office surgery inspection fee.

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

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

SPECIFIC AUTHORITY: 458.309(1),(3) FS.
LAW IMPLEMENTED: 458.309(3), 456.069 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., August 22, 2001
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0091 Requirement for Physician Office Registration; Inspection or Accreditation.

- (1) No change.
- (2) Inspection.

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

(b) The office surgery inspection fee set forth in the Department’s Rule 64B-4.002, F.A.C., shall be remitted for each practice location.

- (b) through (f) renumbered (c) through (g) No change.
- (3) No change.

Specific Authority 458.309(1),(3) FS. Law Implemented 458.309(3), 456.069 FS. History—New 5-15-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fluoride Containing Products
RULE NO.: 64B8-36.004

PURPOSE AND EFFECT: The proposed rule amendment is designed to make the rule consistent with the Board of Pharmacy’s rule on the same subject.

SUMMARY: The proposed rule amendment clarifies the oral medicinal drug products containing fluoride which may be ordered by pharmacists for their patients who do not have fluoride supplement in their drinking water.

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

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

SPECIFIC AUTHORITY: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 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., August 22, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B8-36.004 follows. See Florida Administrative Code for present text.)

64B8-36.004 Fluoride Containing Products.

Oral medicinal drug products containing fluoride may be ordered by pharmacists for their patients who do not have fluoride supplement in their drinking water, pursuant to the following limitations:

(1) The fluoride content of drinking water does not exceed 0.5 ppm.

(2) Once a fluoride treatment has been initiated with one specific fluoride medicinal drug product it should not be interchanged with a product of a different manufacturer for the course of the treatment.

(3) If the fluoride content is less than 0.5 ppm then the following dosage schedule for oral usage shall be followed.

(a)1. For ages 0 – 6 months

a. Less than 0.3 ppm in water – no supplementation

b. 0.3 – 0.6 ppm in water – no supplementation

c. 0.6 ppm in water – no supplementation

2. For ages 6 months – 3 years

a. Less than 0.3 ppm in water – supplement with 0.25 mg.

F/day

b. 0.3 – 0.6 ppm in water – no supplementation

c. 0.6 ppm in water – no supplementation

3. For ages 3 – 6 years

a. Less than 0.3 ppm in water – supplement with 0.5 mg. F/day

b. 0.3 – 0.6 ppm in water – supplement with 0.25 mg. F/day

c. 0.6 ppm in water – no supplementation

4. For ages 6 – 16 years

a. Less than 0.3 ppm in water – supplement with 1.00 mg. F/day

b. 0.3 – 0.6 ppm in water – supplement with 0.5 mg. F/day

c. 0.6 ppm in water – no supplementation

(b) No more than 264 mg. of sodium fluoride may be dispensed at any one time to a patient.

(c) Notwithstanding the provisions of Section 64B8-36.002(3), F.A.C., a pharmacist may continue a course of therapy with fluoride products until appropriate referral to another health care practitioner is indicated or in no event shall the course of therapy be more than one (1) year.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History– New 5-1-86, Formerly 21M-39.004, 61F6-39.004, 59R-36.004, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE:

RULE NO.:

Fees

64B8-41.001

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

SUMMARY: These amendments serve to address fees and establish procedures.

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: 456.036, 468.507, 468.508 FS.

LAW IMPLEMENTED: 456.036, 456.065, 468.508 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-41.001 Fees.

(1) The application fee for licensure shall be ~~\$100.00~~ \$75.00.

(2) The endorsement fee for an applicant seeking licensure by endorsement shall be ~~\$75.00~~ \$25.00.

(3) No change.

(4) The fee for initial licensure shall be ~~\$175.00~~ \$150.00 of which \$5.00 is specifically earmarked for the fund to combat unlicensed activity pursuant to Section 455.641, Florida Statutes.

(5) No change.

(6) The biennial renewal fee shall be ~~\$100.00~~ \$50.00 of which \$5.00 is specifically earmarked for the fund to combat unlicensed activity pursuant to Section 456.065, Florida Statutes.

(7) No change.

(8) A delinquent status licensee shall pay a delinquency fee of ~~\$100.00 fifty dollars (\$50.00)~~ when the licensee applies for inactive status or for reactivation.

(9) No change.

(10) The fee for renewal of inactive status shall be ~~\$95.00~~ \$25.00, \$5.00 of which shall be earmarked for the fund to combat unlicensed activity pursuant to Section 456.065, Florida Statutes.

(11) The change of status processing fee shall be ~~\$50.00~~ \$25.00.

Specific Authority 456.036, 468.507, 468.508 FS. Law Implemented 456.036, 456.065, 468.508 FS. History--New 4-9-89, Amended 8-28-90, 11-9-92, Formerly 21M-47.001, Amended 9-21-93, 11-4-93, 1-3-94, Formerly 61F6-47.001, Amended 12-28-94, 5-2-95, Formerly 59R-41.001, Amended 11-24-97, 6-22-99, 8-19-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practice Council

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Disciplinary Guidelines Citations

RULE NOS.: 64B8-44.003 64B8-44.005

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

SUMMARY: These amendments serves to address disciplinary guidelines; citations and establishes procedures.

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, 458.309, 468.507, 456.077 FS.

LAW IMPLEMENTED: 456.079, 468.517, 468.518(2), 456.077, 468.518 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-44.003 Disciplinary Guidelines.

(1) No change.

(2) Among the range of disciplinary actions ~~in increasing severity~~ are:

(a) Reprimand and a minimum administrative fine of \$100.

(b) Probation with conditions to include limitations on the type of practice or practice setting, requirement of supervision by a licensee of the Council as approved by the Board, employer and self reports, periodic appearances before the Board, counseling or participation in the Physician's Recovery Network, payment of administrative fines, and such conditions to assure protection of the public.

(c) Restriction of practice.

~~(d)(e)~~ Suspension for a minimum of ninety days and thereafter until the licensee appears before the Board to demonstrate current competency and ability to practice safely in compliance with any previous Board orders.

~~(e)(d)~~ Denial of licensure with conditions to be met prior to any reapplication.

~~(f)(e)~~ Permanent Revocation.

(3) No change.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the

violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION	RECOMMENDED RANGE OF PENALTY
(a) through (n) No change.	
(o) Sexual misconduct in the practice of the profession (456.063, 456.072(1)(u) 455.567)	(o)1. From <u>one year</u> probation with conditions to revocation or denial of licensure, and an administrative fine from \$500.00 \$400.00 to \$1,00.00. Evaluations shall be required to determine the need for referral to PRN. (o)2. For a second offense, from one year suspension followed by a minimum of one year probation with conditions to revocation or denial of licensure, and an administrative fine from \$800.00 to \$1,000.00. Evaluations shall be required to determine the need for referral to PRN. (o)3. After the second offense, revocation of license and a fine of \$1,000.00.
(p) No change.	
(q) Testing positive for drugs on employment drug screening (456.072(1)(z))	(q) From submission to a mental or physical examination directed towards the problem and one year probation with conditions, to revocation or denial, and administrative fine from \$100.00 to \$1,000.00

Specific Authority 456.079, 458.309, 468.507 FS. Law Implemented 456.079, 468.517, 468.518(2) FS. History—New 12-4-90, Formerly 21M-50.003, Amended 6-22-94, Formerly 61F6-50.003, 59R-44.003, Amended 3-16-98, 8-19-99, 9-28-00, _____.

64B8-44.005 Citations.

- (1) through (3) No change
- (4) The Board designates the following as citation violations, which shall result in a penalty of \$100:
 - (a) through (c) No change.
 - (d) 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; penalty of \$100 per contact hour wrongfully claimed.
 - (e) Failure to respond to a continuing education audit within thirty days.
- (5) through (6) No change.

Specific Authority 468.507, 456.077 FS. Law Implemented 456.077, 468.517, 468.518 FS. History—New 1-1-92, Formerly 21M-50.005, 61F6-50.005, 59R-44.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practice Council
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Organization
 RULE NO.: 64B8-50.002
 PURPOSE AND EFFECT: The Board proposes to update the existing rule.
 SUMMARY: The proposed rule deletes the mailing address and telephone number of the Electrolysis Council.
 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: 456.011, 478.43(1) FS.

LAW IMPLEMENTED: 456.011 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B8-50.002 Organization.
 - (1) No change.
 - (2) Principal office, mailing address, telephone number, normal hours, service of process.
 - (a) The principal office of the Council is in Tallahassee.
 - (b) ~~The mailing address and telephone number for the Council is as follows: Electrolysis Council, 1940 North Monroe Street, Tallahassee, Florida 32399 2203; (850)487-3372.~~
 - (b)(e) The office is open from 8:00 a.m. to 5:00 p.m. on weekdays, excluding holidays.
 - (c)(d) The Executive Director of the Council, at the Council's address, is the Council's agent for service of process for all matters relating to the Council.

Specific Authority 456.011(3), 478.43(1) FS. Law Implemented 456.011(3) FS. History--New 5-31-93, Formerly 21M-75.002, Amended 11-16-93, Formerly 61F6-75.002, 59R-50.002, Amended 5-18-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Inactive Licensure Status; Reactivation of Licensure, Delinquent Renewal
RULE NO.: 64B8-54.002

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

SUMMARY: This amendment serves to address specific requirements for Inactive licensure Status; Reactivation of Licensure and Delinquent Renewal.

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: 456.036, 478.43(1),(4), 478.50 FS.
LAW IMPLEMENTED: 456.036, 478.50 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-54.002 Inactive Licensure Status; Reactivating of Licensure, Delinquent Renewal.

(1) No change.

(2) Any person holding an inactive license eligible for reactivation may return his license to active status upon submission of a complete application as set out below in subsection (3) to the Department, payment of the fees indicated in Section 456.036, Florida Statutes, in the amounts indicated in Rule 64B8-54.004, F.A.C., ~~reactivation fee, payment of the~~

~~biennial renewal fee, payment of the change of status fee if reactivated at any time outside of the renewal period and compliance with the following:~~

(a) through (b) No change.

(3) Any person holding an active license may change the license to inactive status upon submission of a letter to the Electrolysis Council, stating the licensee's intention to change the license to inactive status. If the change is made at the time of license renewal, the licensee must pay the inactive status renewal fee, the delinquency fee if applicable, and the fee to change licensure status, in the amounts indicated in Rule 64B8-54.004, F.A.C. Active status licensees choosing inactive status at any other time than at the time of license renewal must pay the fee to change licensure status. Failure to renew the license by the expiration date will result in the license becoming delinquent. In order to renew the delinquent inactive license, the licensee must submit a complete inactive renewal form, which is defined to include the licensee's name, current mailing address, other licenses held pursuant to Sections 456.001(4) and 456.001(5), Florida Statutes, the required renewal fee and the delinquency fee; or reactivate the license to active status as outlined above with the additional payment of the delinquency fee and submission of proof of completion of continuing education requirements as set out above in Subsection (2)(a),(b).

(4) No change.

Specific Authority 456.036, 478.43(1),(4), 478.50 FS. Law Implemented 456.036, 478.50 FS. History--New 9-29-93, Formerly 61F6-79.002, 59R-54.002, Amended 4-2-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Negative Drug Formulary
RULE NO.: 64B16-27.500

PURPOSE AND EFFECT: The purpose of the amendments is to remove certain drugs from the negative drug formulary.

SUMMARY: The Board has determined that the removal of Digoxin, Warfarin, Quinidine Gluconate, and Phenytoin should be removed from the rule text as required by Ch. 2001-146, Laws of Florida.

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

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

SPECIFIC AUTHORITY: 465.005 FS., Ch. 2001-146, Laws of Florida.

LAW IMPLEMENTED: 456.036, 456.064, 465.008 FS., Ch. 2001-46, Laws of Florida.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.500 Negative Drug Formulary.

The negative drug formulary is composed of medicinal drugs which have been specifically determined by the Board of Pharmacy and the Board of Medicine to demonstrate clinically significant biological or therapeutic inequivalence and which, if substituted, could produce adverse clinical effects, or could otherwise pose a threat to the health and safety of patients receiving such prescription medications. Except where certain dosage forms are included on the negative drug formulary as a class, all medicinal drugs are listed by their official United States Pharmacopoeia Non-Proprietary (generic) name. The generic name of a drug shall be applicable to and include all brand-name equivalents of such drug for which a prescriber may write a prescription. Substitution by a dispensing pharmacist on a prescription written for any brand name equivalent of a generic named drug product listed on the negative formulary or for a drug within the class of certain dosage forms as listed, is strictly prohibited. In cases where the prescription is written for a drug listed on the negative drug formulary but a brand name equivalent is not specified by the prescriber, the drug dispensed must be one obtained from a manufacturer or distributor holding an approved new drug application or abbreviated new drug application issued by the Food and Drug Administration, United States Department of Health and Welfare permitting that manufacturer or distributor to market those medicinal drugs or when the former is non-applicable, those manufacturers or distributors supplying such medicinal drugs must show compliance with other applicable Federal Food and Drug Administration marketing requirements. The following are included on the negative drug formulary:

- ~~(1) Digoxin.~~
- ~~(1)(2) Digitoxin.~~
- ~~(3) Warfarin.~~

~~(2)(4) Conjugated Estrogen.~~

~~(5) Quinidine Gluconate.~~

~~(3)(6) Dicumarol.~~

~~(7) Phenytoin.~~

(8) through (11) renumbered (4) through (7) No change.

Specific Authority 465.005, 465.025(6) FS., Ch. 2001-146, Laws of Florida, Law Implemented 465.025(6) FS., Ch. 2001-146, Laws of Florida, History--New 12-14-76, Amended 3-17-77, 7-2-79, 4-9-81, 9-14-82, 9-26-84, Formerly 21S-5.01, Amended 3-30-89, 7-1-90, Formerly 21S-5.001, Amended 12-25-90, 10-1-92, Formerly 21S-27.500, Amended 2-21-94, Formerly 61F10-27.500, 59X-27.500, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Denial of Licensure

RULE NO.: 64B19-11.009

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

SUMMARY: The Board is changing the title from "Application Guidelines" to "Denial of Licensure".

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

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

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.009, 490.0111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howertron, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.009 Denial of Licensure Application Guidelines.

(1) through (4) No change.

Specific Authority 490.004(4) FS. Law Implemented 490.009, 490.0111 FS. History--New 4-26-93, Formerly 21U-11.011, Amended 6-14-94, Formerly 61F13-11.011, 59AA-11.009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Fee for Provisional Licensure
RULE NO.: 64B19-12.012
PURPOSE AND EFFECT: The Board proposes to update the above rule.
SUMMARY: The rule amendment is for the purpose of updating the Fee for Provisional Licensure.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 453.013, 490.003(6), 490.004(4), 490.0051 FS.

LAW IMPLEMENTED: 456.013, 490.003(6), 490.004(4), 490.0051 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.012 Fee for Provisional Licensure.

The non-refundable application fee for a provisional license shall be two hundred fifty dollars (\$250.00). The initial licensure fee for a provisional license shall be five hundred dollars (\$500.00).

Specific Authority 456.013, 490.003(6), 490.004(4), 490.0051 FS. Law Implemented 490.013, 490.003(6), 490.004(4), 490.0051 FS. History--New 4-26-93, Formerly 21U-11.011, Amended 6-14-94, Formerly 61F13-11.011, 59AA-11.009, Amended.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2001

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.

SUMMARY: The Board is rewording this rule to update the Disciplinary Guidelines.

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, 490.004(4) FS.

LAW IMPLEMENTED: 456.079, 456.072, 490.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant or a licensee has committed any of the acts set forth in Section 490.009(2) or 456.072, F.S., it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) Attempting to obtain, obtaining, or renewing a license under Chapter 490, Florida Statutes, by bribery or fraudulent misrepresentation or through an error of the Board or the Department. The usual-recommended penalty shall be revocation or permanent denial of license, and an administrative fine not to exceed \$10,000.

(b) Having a license to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country. The usual-recommended penalty against a licensee shall be a penalty generally concurrent with that of the other jurisdiction with the addition of appropriate safeguards as determined by the Board, and an administrative fine not to exceed \$10,000. In the case of an applicant, the penalty shall

range from probation to permanent denial of license, and an administrative fine not to exceed \$10,000. If the violation included sexual misconduct, the penalty shall be permanent denial of license.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, ~~of~~ a crime in any jurisdiction which directly relates to the practice of the licensee's profession or the licensee's ability to practice that profession. ~~The Generally the usual recommended~~ penalty shall be suspension of license until such time as the licensee can, to the Board's satisfaction, demonstrate rehabilitation, and an administrative fine not to exceed \$10,000. In the case of an applicant, the penalty shall be from probation to permanent denial of license, and an administrative fine not to exceed \$10,000.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value upon the licensee's representation that beneficial results from any treatment will be guaranteed. The ~~usual recommended~~ penalty shall be a public reprimand, an administrative fine of from \$1,000 to \$10,000, and probation with ~~such~~ terms and conditions ~~as~~ set by the Board.

(e) Advertising, practicing, or attempting to practice under a name other than one's own. The ~~usual recommended~~ penalty shall be a public reprimand, an administrative fine of from \$1,000 to \$10,000, and probation with ~~such~~ terms and conditions ~~as~~ set by the Board.

(f) Maintaining a professional association with any person ~~who whom~~ the licensee knows, or has reason to believe, is in violation of Chapter 490, F.S., or of a rule of the Department or the Board. The ~~usual recommended~~ penalty shall be a public reprimand, an administrative fine of from \$1,000 to \$10,000, and probation with ~~such~~ terms and conditions ~~as~~ set by the Board.

(g) Knowingly aiding, assisting, procuring, or advising a non-licensed person to practice psychology or hold himself or herself out as a psychologist. The ~~usual recommended~~ penalty shall be an administrative fine of from a \$1,000 to \$10,000 fine and six months suspension followed by probation with ~~such~~ terms and conditions ~~as~~ set by the Board.

(h) Failing to perform any statutory or legal obligation placed upon the licensee under Chapter 490, F.S., Chapter 456, F.S., or any rules promulgated pursuant to those chapters. The ~~usual recommended~~ penalty shall be a public reprimand, an administrative fine of from \$1,000 to \$10,000, and probation with ~~such~~ terms and conditions ~~as~~ set by the Board.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or

record. The ~~usual recommended~~ penalty shall be a public reprimand, six months suspension, and an administrative fine of from \$1,000 to \$10,000.

(j) Paying or receiving a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement. The ~~usual recommended~~ penalty shall be a public reprimand and an administrative fine of from \$1,000 to \$10,000.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined in Section 490.0111, F.S. The ~~usual recommended~~ penalty shall be an administrative fine of from \$1,000 to \$10,000 and revocation.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of psychology. The ~~usual recommended~~ penalty shall be a public reprimand and an administrative fine of from \$1,000 to \$10,000.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or any form of overreaching or vexatious conduct. The ~~usual recommended~~ penalty shall be a public reprimand and an administrative fine of from \$1,000 to \$10,000.

(n) Failing to make available a report of examination or treatment upon written request from the service user and upon the service user's payment of the costs set out in Chapter 64B19-19, F.A.C. The ~~usual recommended~~ penalty shall be an administrative fine of from \$1,000 to \$10,000.

(o) Failing to respond within 30 days to a written communication from the Department concerning any investigation by the Department or to make available any relevant records with respect to the investigation about the licensee's conduct or background. The ~~usual recommended~~ penalty shall be an administrative fine of from \$1,000 to \$10,000 and a suspension until such time as the licensee demonstrates, to the Board's satisfaction, that an appropriate response has been made by the licensee.

(p) Being unable to practice psychology or school psychology with reasonable skill or competence as a result of any physical or mental condition, including sexual misconduct, or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. The ~~usual recommended~~ penalty shall be suspension until such time as the licensee demonstrates rehabilitation that is satisfactory to the Board, then ~~a one year~~ probation with ~~such~~ terms and conditions ~~as~~ set by the Board, ~~monitoring by another licensee approved by the Board with quarterly reports to the Board, and~~

~~appropriate~~ mental or physical evaluations by Board approved professionals, and an administrative fine not to exceed \$10,000.

(q) Violating provisions of Chapter 490, F.S., or of Chapter 456, F.S., or any rule adopted pursuant thereto. The ~~usual recommended~~ penalty shall be a public reprimand and an administrative fine of from \$1,000 to \$10,000.

(r) Performing any treatment or prescribing any therapy which, by prevailing standards of the profession of psychology, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent. The ~~usual recommended~~ penalty shall be a public reprimand and an administrative fine of from \$1,000 to \$10,000.

(s) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in the profession of psychology, including the undertaking of activities for which the licensee is not qualified by training or experience. The ~~usual recommended~~ penalty shall be an administrative fine of from \$1,000 to \$10,000 and suspension until such time as licensee demonstrates to the Board's satisfaction competence in the performance of the licensee's profession, then a probation from one to four years with ~~such~~ terms and conditions ~~as~~ set by the Board.

(t) Delegating professional responsibilities to a person ~~or persons~~ whom the licensee knows or has reason to know ~~is are~~ not qualified by training or experience to perform such responsibilities. The ~~usual recommended~~ penalty shall be a six month suspension immediately followed by a six month probation with ~~such~~ terms and conditions as set by the Board, and an administrative fine of from \$1000.00 to \$10,000.

(u) Violating any provision of Chapter 456 or 490, F.S., a rule relating to the regulation of the profession or a lawful order of the Department or the Board, or failing to comply with a lawfully issued subpoena of the Department. The ~~usual recommended~~ penalty shall be an administrative fine of from \$1,000 to \$10,000 and revocation.

(v) Failing to maintain in confidence any communication made by a patient or client in the context of services, except ~~as provided by Section 490.0147, F.S. by written permission or in the face of clear and immediate probability of bodily harm to the patient or client or to others.~~ Generally, the ~~The recommended~~ penalty shall be:

1. First offense – public reprimand and an administrative fine of from \$1000 to \$5,000.
2. Second offense – public reprimand and an administrative fine of from \$2500 to \$10,000.
3. Third offense – revocation.

(w) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients. The ~~usual recommended~~ penalty shall be a public reprimand and an administrative fine of from \$1,000 to \$10,000.

(x) Failing to comply with the continuing psychological education requirement for domestic violence. The ~~usual recommended~~ penalty shall be \$250, and suspension until compliance.

(y) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party. The ~~usual recommended~~ penalty shall be suspension or revocation and a fine of from \$5,000 to \$10,000.

(z) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. The ~~usual recommended~~ penalty shall be a reprimand and a fine of from \$2,500 to \$10,000.

(2) through (3) No change.

Specific Authority 456.079, 490.004(4) FS. Law Implemented 456.079, 456.072, 490.009 FS. History--New 11-24-86, Amended 7-18-88, 4-26-93, Formerly 21U-18.003, Amended 6-14-94, Formerly 61F13-18.003, Amended 1-9-96, Formerly 59AA-17.002, Amended 9-18-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2001

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLES:	RULE NOS.:
Definitions	64E-5.101
Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas	64E-5.214
Radiological Criteria for License Termination	64E-5.221
Radiological Criteria for Unrestricted Use	64E-5.222
Criteria for License Termination Under Restricted Conditions	64E-5.223
Alternate Criteria for License Termination	64E-5.224
Public Notification and Public Participation	64E-5.225
Minimizing Contamination	64E-5.226
Posting of Notices to Workers	64E-5.901

PURPOSE AND EFFECT: The purpose of the proposed rules is to establish safety measures to terminate a radioactive materials license. The effect of the proposed rules is protection of the public from unnecessary radiation exposure from radioactive materials in facilities of former radioactive materials licensees.

SUMMARY: The proposed rule amends the requirements to terminate a license to use radioactive materials to assure that the public and workers are protected from unnecessary exposure. It establishes dose limits for the release of facilities and specifies requirements for public notice.

SPECIFIC AUTHORITY: 404.042, 404.051, 404.061, 404.081 FS.

LAW IMPLEMENTED: 404.051, 404.061, 404.081 FS.

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

TIME AND DATE: 9:00 a.m., August 21, 2001

PLACE: Room 210J, 4042 Bald Cypress Way, Tallahassee, FL 32311

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William A. Passetti, Chief, Bureau of Radiation Control, (850)245-4266

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-5.101 Definitions.

As used in these rules, these terms have the definitions set forth below. Additional definitions used only in a certain part are defined in that respective part.

(1) through (16) No change.

(17) “Background radiation” means radiation from cosmic sources; naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material, and including global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation. Background radiation does not include sources of radiation from radioactive materials regulated by the department.

(18) through (34) No change.

(35) “Decommission” means to remove a facility safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of license or release of the property under restricted conditions and the termination of the license.

(36) through (177) No change.

(178) “Critical Group” means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

(179) “Distinguishable from background” means that the detectable concentration of a radionuclide is statistically different from the background concentrations of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.

(180) “Residual radioactivity” means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee’s control. This includes radioactivity from all licensed and unlicensed sources used by the licensee but excludes background radiation. It also includes radioactive material as a result of routine or accidental releases of radioactive material at the site and previous burials at the site even if those burial sites were made as specified in Part III of this Chapter.

Specific Authority 404.042, 404.051, 404.061 FS. Law Implemented 404.051 FS. History—New 7-17-85, Amended 4-4-89, 5-12-93, 1-1-94, 5-15-96, Formerly 10D-91.102, Amended 5-18-98, 10-8-00,_____.

64E-5.214 Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas.

(1) through (3) No change.

(4)(a) If a licensee does not submit an application for license renewal under Part II, the licensee shall, on or before the expiration date specified in the license:

1. Terminate the use of radioactive material;
2. Remove radioactive contamination to the extent acceptable to the Department;

3. Properly dispose of the radioactive material;

4. Submit a properly completed DH Form 1059, which is herein incorporated by reference effective 7-17-85; and

5. Submit a radiation survey report to confirm the absence of radioactive materials or to establish the levels of residual radioactive contamination, unless the licensee demonstrates the absence of residual contamination in some other manner. The licensee shall, as appropriate:

- a. For gamma radiation, report levels of radiation in units of microrentgens per hour at 10 centimeters and at 1 meter from surfaces.

- b. For alpha and beta radiation, report levels of radioactivity in units of transformations per minute or microcuries per 100 square centimeters removable and fixed on surfaces, microcuries per milliliter in water, and picocuries per gram in contaminated solids such as soils or concrete; and

- c. Specify the instruments used and certify that each instrument is properly calibrated or tested.

(b)1. If no residual radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found.

2. Specific licenses including expired licenses will be terminated by written notice to the licensee when the department determines that:

- a. Radioactive material has been properly disposed; and

- b. A radiation survey has been performed which demonstrates that the premises are suitable for release for unrestricted use or satisfies the requirements specified in Rules 64E-5.221, 64E-5.222, 64E-5.223, or 64E-5.224, F.A.C.; or

c. Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release for unrestricted use or satisfies the requirements specified in Rules 64E-5.221, 64E-5.222, 64E-5.223, or 64E-5.224, F.A.C.

d. Department has received the following records, if requested:

- (I) Disposal records specified in Rule 64E-5.330, 64E-5.331(1)(a), (c), (2), (3), or 64E-5.336(2)(d), F.A.C.; and
- (II) Records specified in Rule 64E-5.214(6), F.A.C.

(c)1. If detectable levels of residual radioactive contamination attributable to activities conducted under the license are found or licensee possesses other radioactive materials, the license continues in effect beyond the expiration date, if necessary, with respect to possession of residual radioactive material present as contamination or possession of radioactive material, until the Department notifies the licensee in writing that the license is terminated. During this time, the licensee is subject to the provisions of (5), below.

2. In addition to the information submitted under (4)(a)4. and 5., above, the licensee shall submit a plan for decommissioning if decommissioning procedures have not been approved previously by the department and could impact the health and safety of workers or the public as follows:

- a. More than routine cleanup and maintenance is required;
- b. Workers will be in areas with significantly increased surface contamination or radiation levels;
- c. Procedures will result in significantly greater airborne concentrations of radioactive materials; or
- d. Procedures will result in significantly greater releases of radioactive material to the environment.

3. Procedures which could potentially impact health, safety and the environment may not be performed until the decommissioning plan has been approved.

4. The proposed decommissioning plan must include:

- a. A description of the planned decommissioning activities;
- b. A description of the methods used to assure protection of workers and the environment against radiation hazards during decommissioning;
- c. The time required to complete the decommissioning plan; and
- d. A description of the planned final radiation survey.

5. The proposed decommissioning plan will be reviewed by the department and approved or additional information will be requested within 60 days.

6. Upon approval of the decommissioning plan by the department, the licensee shall complete decommissioning in accordance with the approved plan. As a final step in decommissioning, the licensee shall again submit the information required in (4)(a)5., above, of this section and shall certify the disposition of accumulated wastes from decommissioning.

7. If the information submitted as specified in (4)(a)5. or (4)(c)6. of this section does not adequately demonstrate that the premises are suitable for release for unrestricted use, the department will inform the licensee of the appropriate further actions required for termination of the license.

(5) No change.

(6) Each licensee shall keep records of the decommissioning of the facility in an identified location until the license is terminated by the department. If records of relevant information are kept for other purposes, reference to these records and their location can be used. Records which must be kept include:

(a) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records can be limited to instances when contamination remains after cleanup procedures or when contaminants have spread to inaccessible areas such as possible seepage into porous materials such as concrete. These records must include any known information on identification of involved nuclides, quantities, forms, and concentrations;

(b) Drawings of structures as originally built, of modifications, and of equipment in restricted areas where radioactive materials are used or stored, and of locations of possible inaccessible contamination such as buried pipes which can be subject to contamination. Drawings and their location can be referenced if not on site. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.

(c) Except for areas containing only radioactive materials having half-lives of less than 65 days or sealed sources that either have not leaked or no contamination remains after any leak, a list contained in a single document and updated every 2 years, of the following:

- 1. All areas designated and formerly designated restricted areas as defined in Rule 64E-5.101, F.A.C.;
- 2. All areas outside of restricted areas that require documentation under Rule 64E-5.214(6)(a), F.A.C.;
- 3. All areas outside of restricted areas where current and previous wastes have been buried as documented under Rule 64E-5.340, F.A.C.; and
- 4. All areas outside of restricted areas which contain material such that, if the license expired, the licensee would be required to either decontaminate the area to unrestricted release levels or satisfy the requirements specified in Rules 64E-5.221, 64E-5.222, 64E-5.223, or 64E-5.224, F.A.C. ~~apply for approval for disposal under Rule 64E-5.329, F.A.C.; and~~

(d) Records of the cost estimate performed for the performance bond required in Rule 64E-5.217, F.A.C., and records of the funding method used.

(7) No change.

Specific Authority 404.051(4),(6),(9), 404.061(2), 404.081 FS. Law Implemented 404.051(1),(4),(6),(9), 404.061(2), 404.081(1) FS. History—New 7-17-85, Amended 5-12-93, 8-14-96, Formerly 10D-91.315, Amended 5-18-98, 10-8-00, _____.

SUBPART G
RADIOLOGICAL CRITERIA FOR LICENSE
TERMINATION

64E-5.221 Radiological Criteria for License Termination.

The criteria in this subpart apply to the decommissioning of facilities licensed under this chapter but do not apply to uranium and thorium recovery facilities as specified in Rule 64E-5.211, F.A.C., or to sites which previously have submitted and received department approval of a license termination plan or decommissioning plan as specified in Rule 64E-5.214(2), F.A.C.

(1) After a site has been decommissioned and the license terminated in accordance with the criteria in this subpart, the department will require additional cleanup only if based on new information or if it determines that the criteria of this subpart were not met and residual activity remaining at the site could result in significant threat to public health and safety.

(2) When calculating total effective dose equivalent to the average member of the critical group, the licensee shall determine the peak annual total effective dose equivalent expected within the first 1,000 years after decommissioning.

Specific Authority 404.051(4),(6),(9), 404.061(2), 404.081 FS. Law Implemented 404.051(1),(4),(6),(9), 404.061(2), 404.081(1) FS. History—New _____.

64E-5.222 Radiological Criteria for Unrestricted Use.

A site is acceptable for unrestricted use if the total effective dose equivalent to an average member of the critical group from the residual radioactivity that is distinguishable from background radiation does not exceed 25 millirem (0.25 mSv) per year including radioactivity from groundwater sources of drinking water and the residual radioactivity levels are as low as reasonably achievable. Determination of the ALARA levels must take into account any detriments such as deaths from transportation accidents potentially expected to result from decontamination and waste disposal.

Specific Authority 404.051(4),(6),(9), 404.061(2), 404.081 FS. Law Implemented 404.051(1),(4),(6),(9), 404.061(2), 404.081(1) FS. History—New _____.

64E-5.223 Criteria for License Termination Under Restricted Conditions.

A site is acceptable for license termination under restricted conditions if it meets the criteria below.

(1) The residual levels associated with restricted conditions are ALARA or the licensee can demonstrate that further reductions in residual radioactivity to comply with the provisions of Rule 64E-5.222, F.A.C., would result in an increase in public or environmental harm. Determination of the

ALARA levels must take into account any detriments such as traffic accidents potentially expected to result from decontamination and waste disposal.

(2) The licensee has made provisions for legally enforceable institutional controls that provide reasonable assurance that the total effective dose equivalent from residual radioactivity distinguishable from background to the average member of the critical group will not exceed 25 millirem (0.25 mSv) per year.

(3) The licensee has provided sufficient financial assurance to enable an independent third party including a governmental custodian of a site to assume and carry out responsibilities for any necessary control and maintenance of the site. Acceptable financial assurance mechanisms are:

(a) Funds sufficient to pay decommissioning costs placed into an account segregated from the licensee's assets and outside the licensee's administrative control before the start of decommissioning operations; or

(b) A bond as specified in Rule 64E-5.217, F.A.C., or

(c) An arrangement deemed acceptable by the governmental entity that is assuming custody and ownership of a site.

(4) The licensee has submitted a decommissioning or license termination plan as specified in Rule 64E-5.214(2), F.A.C., to the department indicating the licensee's intent to decommission in accordance with this part and specifying that the licensee intends to decommission by restricting use of the site. The licensee shall document in the license termination or decommissioning plan how the advice of individuals and institutions in the community who could be affected by the decommissioning has been sought and incorporated, as appropriate, following analysis of that advice.

(a) Licensees proposing to decommission by restricting use of the site shall seek advice from such affected parties regarding the following matters:

1. Whether provisions for institutional controls proposed by the licensee:

(I) Will provide reasonable assurance that the total effective dose equivalent from residual radioactivity distinguishable from background to the average member of the critical group will not exceed 25 millirem (0.25 mSv) per year;

(II) Will be enforceable; and

(III) Will not impose undue burdens on the local community or other affected parties.

2. Whether the licensee has provided sufficient financial assurance to enable an independent third party including a governmental custodian of a site to assume and carry out responsibilities for any necessary control and maintenance of the site.

(b) In seeking advice on the issues identified in (a), above, the licensee shall provide for:

1. Participation by representatives of a broad cross section of community interests who could be affected by the decommissioning;

2. An opportunity for a comprehensive, collective discussion on the issues by the participants represented; and

3. A publicly available summary of the results of all such discussions including a description of the individual viewpoints of the participants on the issues and the extent of agreement or disagreement among the participants on the issues.

(5) Residual radioactivity at the site has been reduced so that if the institutional controls were no longer in effect there is reasonable assurance that the total effective dose equivalent from residual radioactivity distinguishable from background to the average member of the critical group is as low as reasonably achievable and would not exceed 100 millirem (1 mSv) per year.

Specific Authority 404.051(4),(6),(9), 404.061(2), 404.081 FS. Law Implemented 404.051(1),(2),(3),(4),(6),(9), 404.061(2), 404.081(1) FS. History—New

64E-5.224 Alternate Criteria for License Termination.

The department will terminate a license using alternate criteria greater than the dose criterion of Rules 64E-5.222, 64E-5.223(2), and 64E-5.223(4)(a)1.,(I), F.A.C., if the licensee:

(1) Provides assurance that public health and safety would continue to be protected and that it is unlikely that the total effective dose equivalent from all combined man-made sources other than medical sources would be more than 100 millirem per year (1 millisievert per year) by submitting an analysis of possible sources of exposure;

(2) Has employed restrictions to the extent practical on site use according to the provisions of Rule 64E-5.223, F.A.C., in minimizing exposures at the site;

(3) Reduces doses to ALARA levels considering any detriments such as traffic accidents potentially expected to result from decontamination and waste disposal; and

(4) Has submitted a decommissioning or license termination plan to the department indicating the licensee's intent to decommission as specified in subsection 64E-5.214(2), F.A.C., and specifying that the licensee proposes to decommission by use of alternate criteria. The licensee shall document in the license termination or decommissioning plan how the advice of individuals and institutions in the community who could be affected by the decommissioning has been sought and addressed, as appropriate, following analysis of that advice. In seeking such advice, the licensee shall provide for:

(a) Participation by representatives of a broad cross section of community interests who could be affected by the decommissioning;

(b) An opportunity for a comprehensive, collective discussion on the issues by the participants represented; and

(c) A publicly available summary of the results of all such discussions, including a description of the individual viewpoints of the participants on the issues and the extent of agreement and disagreement on the issues.

(5) The use of alternate criteria to terminate a license requires the approval of the department after consideration of any comments provided by the U. S. Environmental Protection Agency and any public comments submitted as specified in Rule 64E-5.225, F.A.C.

Specific Authority 404.051(4),(6),(9), 404.061(2), 404.081 FS. Law Implemented 404.051(1),(2),(4),(6),(9), 404.061(2), 404.081(1) FS. History—New

64E-5.225 Public Notification and Public Participation.

Upon the receipt of a license termination or decommissioning plan or a proposal for release of a site as specified in Rules 64E-5.223 or 64E-5.224, F.A.C., and the total effective dose equivalent will exceed 50 millirem (0.5 mSv), the department shall:

(1) Notify and solicit comments from:

(a) Local governments in the vicinity of the site that could be affected by the decommissioning; and

(b) The U. S. Environmental Protection Agency if the licensee proposes to release a site as specified in Rule 64E-5.224, F.A.C.

(2) Publish a notice in the Florida Administrative Weekly to solicit comments from affected parties.

Specific Authority 404.051(4),(6),(9), 404.061(2), 404.081 FS. Law Implemented 404.051(1),(2),(4),(6),(9), 404.061(2), 404.081(1) FS. History—New

64E-5.226 Minimizing Contamination.

After the effective date of this rule, applicants for licenses other than renewals shall describe in the application how facility design and procedures for operation will minimize contamination of the facility and the environment to the extent practical, facilitate eventual decommissioning, and minimize the generation of radioactive waste to the extent practical.

Specific Authority 404.051(4),(6),(9), 404.061(2), 404.081 FS. Law Implemented 404.051(1),(4),(6),(9), 404.061(2), 404.081(1) FS. History—New

64E-5.901 Posting of Notices to Workers.

(1) No change.

(2) If posting of a document specified in paragraphs (a), (b), and (c), ~~and (d)~~ above is not physically practical, the licensee or registrant may post a notice which describes the document and states where it may be examined. The documents specified in paragraphs (d), (e), and (f) above must be posted in their entirety.

(3) "Notice to Employees 3/01" DOH Form 1081 Sep 92 "Notice to Employees", which is herein incorporated by reference and which is available from the department, shall be posted by each licensee or registrant as required by these regulations.

(4) through (5) No change.

Specific Authority 404.051, 404.061, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.061(2), 404.081(1),(2) FS. History--New 7-17-85, Amended 4-4-89, 5-12-93, 5-15-96, Formerly 10D-91.1002, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
William A. Passetti
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sharon Heber, Dr., P.H.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

RULE TITLES: RULE NOS.:
Definitions 65C-27.001
Timeframes 65C-27.002

PURPOSE AND EFFECT: These rules are to clarify timeframes in subsection 39.407(5), F.S. The timeframes apply to all qualified evaluators that provide initial suitability assessments for children that are referred for residential treatment placement. They also apply to the 3-month independent reviews for children in residential treatment.

SUMMARY: Subsection 39.407(5), F.S, requires that if the department believes that a child in its legal custody is emotionally disturbed and may need residential treatment that the child must receive an examination and suitability assessment by a qualified evaluator appointed by the Agency for Health Care Administration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 39.407(5)(i) FS.

LAW IMPLEMENTED: 39.407(5)(i) FS.

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

TIME AND DATE: 9:00 a.m., August 17, 2001

PLACE: 1317 Winewood Blvd., Building 8, Conference Room, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Darcy Abbott, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-27.001 Definitions.

(1) "Qualified Evaluator" means a psychiatrist or psychologist licensed in Florida who has at least 3 years of experience in the diagnosis and treatment of serious emotional disturbances in children and adolescents and who has no actual or perceived conflict of interest with any inpatient facility or residential treatment center or program.

(2) "Suitability Assessment" means assessment by a qualified evaluator that includes a personal examination and assessment of the child that includes written findings.

(3) "Independent Review" means assessment by a qualified evaluator that includes a personal examination and assessment of the child in residential treatment. The assessment includes evaluation of the child's progress toward achieving the goals and objectives of the treatment plan, which must be submitted to the court.

(4) "Residential Treatment" as defined in s. 39.407(5)(a)1., F.S.

Specific Authority 39.407(5)(i) FS. Law Implemented 39.407(5) FS. History--New

65C-27.002 Timeframes.

(1) When the department believes that a child is in need of an initial suitability assessment for residential treatment, a representative of the department must make a request to the Agency for Health Care Administration that coordinates the qualified evaluator registry.

(2) The Agency for Health Care Administration shall refer the initial suitability assessment request to a registered qualified evaluator and notify the department's representative who made the referral of the time and place for the evaluation. It is the responsibility for the department to transport the child and required clinical records to the appointment with the appointed qualified evaluator.

(3) The suitability assessment must be scheduled to occur within 5 working days of the referral. Following the assessment of the child, the qualified evaluator will submit written findings to the Agency for Health Care Administration. The Agency for Health Care Administration will review the findings and submit copies of the findings to the agency and the department. The Agency for Health Care Administration shall submit findings to the department within 14 working days from the date of referral.

(4) For all children in the custody of the department that are placed in residential treatment, an independent review must be conducted at least every 90 days after the child's initial placement so long as the child remains placed in a residential treatment center. It is the department's responsibility to notify the Agency for Health Care Administration no later than 60 days from the child's initial placement in residential treatment and every 90 days thereafter so long as the child remains placed in a residential treatment center to request an

independent review. The Agency for Health Care Administration must contact a qualified evaluator to perform the independent review. The Agency for Health Care Administration must submit the completed independent review to the Department of Children and Family Services at least 10 days prior to the 90th day in residential treatment and every 90 days thereafter as long as the child remains in a residential treatment center.

Specific Authority 39.407(5)(i) FS. Law Implemented 39.407(5) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Darcy Abbott, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralph Harmsen, 1317 Winewood Blvd., Building 7, Tallahassee, FL 32399

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2001

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-29.002
Notice of Fund Availability	67-29.003
General Program Restrictions	67-29.004
Application Procedures for Downpayment Assistance or Permanent Loans	67-29.005
Terms and Conditions of Downpayment Assistance Loans	67-29.006
Terms and Conditions of Permanent Loans	67-29.0065
Loan Processing for Downpayment Assistance or Permanent Loans	67-29.007
Application Procedures for Construction Loans	67-29.0071
Selection Criteria, Rejection Criteria and Scoring and Ranking Guidelines For Construction Loans	67-29.0072
Credit Underwriting Procedures and Loan Origination for Construction Loans	67-29.0073
Construction Disbursements and Loan Servicing	67-29.0074
Terms and Conditions of Construction Loans	67-29.0075
Construction Loan Compliance and Monitoring Provisions	67-29.0076
Fees	67-29.008

PURPOSE AND EFFECT: Florida Housing Finance Corporation is repealing this Rule Chapter due to the implementation of Rule Chapters 67-45 and 67-46, Florida Administrative Code which addresses the Home Ownership Assistance Programs for Down Payment Assistance and Permanent Loans. Repeal of Rules 67-29.002, 67-29.003, 67-29.004, 67-19.005, 67-29.006, 67-29.007, 67-29.0071, 67-29.0072, 67-29.0073, 67-29.0074, 67-29.0075, 67-29.0076,

and 67-29.008, Florida Administrative Code, is proposed to eliminate the obsolete and unnecessary rules and should cause no adverse affect.

SUMMARY: The proposed rule would repeal Rules 67-29.002, 67-29.003, 67-29.004, 67-19.005, 67-29.006, 67-29.007, 67-29.0071, 67-29.0072, 67-29.0073, 67-29.0074, 67-29.0075, 67-29.0076, and 67-29.008, Florida Administrative Code which are unnecessary and obsolete.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507(12) FS.

LAW IMPLEMENTED: 420.5088 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: 3:00 p.m., September 17, 2001

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES AND ECONOMIC STATEMENT IS: Andrew T. Price, Esq., Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329, phone (850)488-4197

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

THE FULL TEXT OF THE PROPOSED RULES IS:

67-29.002 Definitions.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History–New 2-1-89, Amended 1-2-90, 2-24-93, 8-4-93, Formerly 91-29.002, Repealed.

67-29.003 Notice of Fund Availability.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History–New 2-1-89, Amended 1-2-90, 2-24-93, Formerly 91-29.003, Repealed.

67-29.004 General Program Restrictions.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History–New 2-1-89, Amended 1-2-90, 2-24-93, Formerly 91-29.004, Repealed.

67-29.005 Application Procedures for Downpayment Assistance or Permanent Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History–New 2-1-89, Amended 1-2-90, 2-24-93, Formerly 91-29.005, Repealed.

67-29.006 Terms and Conditions of Downpayment Assistance Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History—New 2-1-89, Amended 1-2-90, 2-24-93, Formerly 91-29.006, Repealed.

67-29.0065 Terms and Conditions of Permanent Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History—New 1-2-90, Amended 2-24-93, Formerly 91-29.0065, Repealed.

67-29.007 Loan Processing for Downpayment Assistance or Permanent Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History—New 2-1-89, Amended 1-2-90, 2-24-93, Formerly 91-29.007, Repealed.

67-29.0071 Application Procedures for Construction Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088(2) FS. History—New 2-24-93, Amended 8-4-93, Formerly 91-29.0071, Repealed.

67-29.0072 Selection Criteria, Rejection Criteria and Scoring and Ranking Guidelines for Construction Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088(2) FS. History—New 2-24-93, Amended 8-4-93, Formerly 91-29.0072, Repealed.

67-29.0073 Credit Underwriting Procedures and Loan Origination for Construction Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088(1),(2) FS. History—New 2-24-93, Formerly 91-29.0073, Repealed.

67-29.0074 Construction Disbursements and Loan Servicing.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(18), 420.5088 FS. History—New 2-24-93, Formerly 91-29.0074, Repealed.

67-29.0075 Terms and Conditions of Construction Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History—New 2-24-93, Amended 8-4-93, Formerly 91-29.0075, Repealed.

67-29.0076 Construction Loan Compliance and Monitoring Provisions.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History—New 2-24-93, Amended 8-4-93, Formerly 91-29.0076, Repealed.

67-29.008 Fees.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(19) FS. History—New 2-1-89, Amended 1-2-90, 2-24-93, 8-4-93, Formerly 91-29.008, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Andrew T. Price, Esq.
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Kaplan

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

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of Treasury

RULE NOS.:

4C-4.002

4C-4.0035

4C-4.004

RULE TITLES:

Purpose

Procedures for Requesting

Approval to Accept Credit

Cards, Charge Cards, and Debit

Cards

Standard Contracts with Credit

Card Service Providers

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. 15, April 13, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

Subsection (3) of Rule 4C-4.002, F.A.C., is changed to read:

(3) Utilizing a standardized contract between the financial institution or other appropriate intermediaries ~~service provider~~ and the state agency and judicial branch. The standard contract will be adopted by the Treasurer. ~~The Treasurer may also approve a substitute agreement developed by an agency if the terms of the substitute agreement are acceptable.~~ The standard contract will be available for use by units of local governments;

Subsection (4) of Rule 4C-4.0035, F.A.C., is changed to read:

~~(4)(5) The An application package, Form DI4-1475, Request for Approval to Accept Credit Cards, Charge Cards, and Debit Cards, to request approval to accept credit cards, charge cards, and debit cards which is hereby incorporated by reference, may be obtained by contacting the Bureau of Banking, Division of Treasury Governor's Office of Planning and Budgeting, The Capitol, Tallahassee, Florida. Requests may be made by electronic mail.~~

Rule 4C-4.004, F.A.C., is changed to read:

4C-4.004 Standard Contracts with Credit Card Service Providers.

(1) Contractual arrangements in any form between a state agency or the judicial branch and a financial institution or other appropriate intermediaries to process credit, charge, or debit card payments require the approval of the State Treasurer.

~~(2)(a)(4)~~ The standard contract, which is hereby adopted and incorporated by reference, established by the Treasurer with a service provider, specifies requirements for operation of an electronic credit card, charge card, and debit card processing system. The mechanisms and systems enable state agencies, the judicial branch, and local governments to accept and process merchant transactions, provide prompt authorizations, and deliver collected funds to the designated bank account of a financial institution.

(b) Contractual arrangements with the standard contract service provider are made by completing Form DI4-1506, Subscription Agreement, and Form DI4-1505, Internet Information Profile Form, both of which are hereby incorporated by reference, and are available from Bureau of Banking, Division of Treasury, Tallahassee, Florida. Requests may be made by electronic mail.

~~(3)(2)~~ A state agency or the judicial branch must use the standard contract established by the Treasurer for acceptance of payments by credit card, charge card, or debit card, or obtain authorization from the Treasurer to use another contractor. If an alternative contractor is desired, the state agency or judicial branch should present justification to the Treasurer as to why the standard contract is not acceptable and receive approval from the Treasurer before seeking an alternative contractor. Or, the requesting agency may complete the procurement process contingent upon approval of the Treasurer to use an alternative service provider and terms of another agreement. A substitute agreement must meet the terms, conditions, and specifications provided for in the Standard Contract relative to Pricing, Reporting, Reconciliation, Settlement, and Funds Availability. The Treasurer will consider unique requirements of a state agency or the judicial branch that are not provided for in the Standard Contract in making a determination whether to approve an alternative contractor.

~~(4)(3)~~ Contracts must specify that proceeds of credit card, charge card, and debit cards (settlement) shall be delivered to the designated state bank account within 48 hours after completion of the transaction.

~~(5)(4)~~ A copy of the standard contract may be obtained by contacting the Bureau of Banking, Division of Treasury, Tallahassee, Florida.

Specific Authority 215.322(3) FS. Law Implemented 215.322(1), (3) FS. History--New 12-22-83, Formerly 4C-4.04, Amended 12-26-88, 1-27-99, _____.

The remainder of the rule reads as previously published.

STATE BOARD OF ADMINISTRATION

NOTICE OF CABINET AGENDA ON AUGUST 14, 2001
The Governor, Comptroller and Treasurer, sitting as head of the Florida State Board of Administration, on August 14, 2001, will consider the proposed amendments to Rule 19-8.028, F.A.C. (Reimbursement Premium Formula). A Notice of Rule Development Workshop was published in the December 22,

2000, edition of the Florida Administrative Weekly (Vol. 26, No. 51, p. 5848), and the workshop was held on January 22, 2001. No comments were received regarding the proposed rule amendments. A notice of Proposed Rulemaking was published on June 15, 2001, in the Florida Administrative Weekly (Vol. 27, No. 24, p. 2809) and the hearing was held on July 9, 2001. No comments were received at the hearing regarding these proposed rule amendments and no written comments were submitted.

A copy of the State Board of Administration's agenda for the August 14, 2001, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, tel.: (850)413-1350.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-400.470
RULE TITLE: Noticed General Permit for Temporary Agricultural Activities

NOTICE OF CHANGE

Notice is hereby given that the following changes were made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 16, page 1880 of the April 20, 2001 issue of the Florida Administrative Weekly. In response to comments received from the Joint Administrative Procedures Committee, changes have been made to subsections (2), (4), (5), and (6), of newly created Rule 40E-400.470, F.A.C.

~~(2) As a minimum requirement,~~ The applicant must submit a best management plan that addresses sediment control, soil erosion, nutrients, pesticides, herbicides, suspended solids at points of discharge and other agricultural practices appropriate to crop and site conditions. At a minimum the best management plan must include the following best management practices: At a minimum, the applicant must choose a total of 8 of the following best management practices, 4 of which must be chosen from letters (a) through (j), below:

~~(a) An Integrated Nutrient and Pest Management program;~~
~~(a)(b)~~ Application equipment shall be properly calibrated and in good repair;

~~(b)(e)~~ Pesticides and fertilizers shall be stored in a secure, contained location, protected from rainfall. Fertilizers and pesticides shall not be stored together;

~~(c)(d)~~ All mixing and loading operations shall be conducted away from wells, ditches and wetlands;

~~(d)(e)~~ Pesticide containers shall be rinsed as soon as they are empty. Containers shall be disposed of in accordance with directions on the label;

(e)(f) Equipment shall be utilized that directs chemicals only to a designated target area. Overspray or application into ditches and wetland buffer areas shall be avoided;

~~(f)(g)~~ Spills shall be cleaned up as soon as possible;

(g)(h) Equipment shall be cleaned and rinsed away from ditches and wetland buffers;

~~(i)~~ Slow release fertilizer shall be utilized;

(h)(j) A soil or leaf analysis shall be utilized to determine fertilizer application requirements;

(i)(k) Seed and mulch or use other methods to stabilize the disturbed areas outside of the planted area within 14 7 days from the completion of planting;

~~(l)~~ Provide ~~stilling/settling basin at the pump discharge point;~~

(j)(m) Install silt fences around wetland buffer areas prior to construction; and

(k)(n) Install silt fences, hay bales or equivalent downstream of outfall structure during construction;

~~(o)~~ Provide containment for all fuel tanks located on site;

~~(p)~~ Provide containment for all permanently placed engines located on site;

~~(q)~~ Other agricultural best management practices that meet the overall objectives of this rule.

(3) No change.

~~(4)~~ The District reserves the right to inspect the site for consistency with the plans and requirements during the growing season and after the site has been restored to conditions that existed prior to permit issuance.

(4)(5) This permit does not provide authorization to use water or constitute a permit under Part II of Chapter 373, F.S., Rules 40E-2 or 40E-20, F.A.C.

(5)(6) It is recommended that the permittee consult the USDA Farm Service Agency regarding the applicability of the National Food Security Act, USCA, Title 16 § 3821, to the temporary agricultural activities.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 120.60, 373.118, 373.119, 373.413, 373.416, 373.418, 373.423 FS. History—New

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-5.004 Technician

NOTICE OF PUBLIC HEARING

The Board of Clinical Laboratory Personnel hereby gives notice of a public hearing on the above-referenced rule to be held on October 19, 2001 at 9:00 a.m., at the Hilton Jacksonville Riverfront, 1201 Riverplace Blvd., Jacksonville, Florida.

This public hearing is being held in response to a request for a public hearing. The rule notice was originally published in the Vol. 27, No. 24, June 15, 2001, issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Board Executive Director, Board of Clinical Lab Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

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DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-11.004 Procedures for Approval of
Provider Programs

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in the Vol. 27, No. 14, April 6, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board Meeting held on June 21, 2001 in Orlando, Florida. The rule shall now read as follows:

64B3-11.004 Procedures for Approval of Provider Programs.

The provider seeking approval:

- (1) No change.
- (2) Shall be granted initial approval for the biennium in which the application is submitted.
- (3) through (7) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.:	RULE TITLES:
64B8-45.001	General Requirements
64B8-45.002	Continuing Education Approval

NOTICE OF CHANGE

The Dietetics and Nutrition Practice Council gives Notice of Change to the above-referenced rules in response to comments received from the Council meeting. The rules were originally published in Vol. 27, No. 15, April 13, 2001, issue of the Florida Administrative Weekly. When changed, Rules 64B8-45.001(1), General Requirements and 64B8-45.002, Continuing Education Approval, shall read as follows:

64B8-45.001(1) Up to four hours per biennium of continuing education credit may be fulfilled by the performance of pro bono services to the indigent or to underserved populations or areas of critical need within the state where the licensee practices.

64B8-45.002 Continuing Education Approval.

(1) Continuing education credit shall be awarded for educational experiences received through the following methods:

(a) By participating in one of the following dietetics or nutrition practice courses:

1. Organized courses of post graduate study offered by or approved by the American Medical Association's Liaison Committee for Medical Education;
2. Organized courses sponsored by the Public Health Service, state or territorial health services, or a branch of the United States Armed Services;
3. College courses from a graduate or undergraduate program which is accredited by an accrediting agency approved by the United States Department of Education and which course clearly relates to maintaining skills necessary for the safe and competent practice of dietetics and nutrition services;
4. Organized courses offered by or approved by the Commission on Dietetic Registration.

(b) Attendance of a minimum of two hours at a scheduled public meeting of the Dietetics and Nutrition Practice Council, up to a maximum of 2 hours per biennium.

(c) In addition to the continuing education credits authorized above, any volunteer expert witness who is providing expert witness opinions for cases being reviewed pursuant to Chapter 468, Part X, shall receive 2.5 hours of credit per case for performing a literature survey of at least two articles in conjunction with the review of cases for the Board up to a total of 5 hours per biennium.

(2) A lecturer or author presenting or authoring for the initial presentation a continuing education program that meets the requirements of section (1) shall receive three hours continuing education credit for every one hour of program up to a maximum of fifteen hours of credit per biennium.

(3) Acceptable subject matter for continuing education programs include:

- (a) Updates of knowledge and skills in dietetics and nutrition practice for competent performance beyond the minimum requirements for licensure;
 - (b) Food preparation that focuses on nutritional value;
 - (c) Nutrition with specialized populations;
 - (d) Assessment and treatment of various dietary and nutritional disorders;
 - (e) Innovative marketing strategies in dietetics and nutrition practice;
 - (f) Food service systems management.
- (4) Nonacceptable subject matter for continuing education programs include:
- (a) Professional association business meetings or delegate reports;
 - (b) Menu planning;
 - (c) Food service sanitation;
 - (d) Cooking demonstrations;
 - (e) Sales presentation on a company's new product;
 - (f) Programs intended for or by the lay public.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE NOS.:	RULE TITLES:
64E-5.101	Definitions
64E-5.425	Locking of Sources of Radiation, Storage Precautions, and Surveillance

64E-5.427	Leak Testing, Repairing, Tagging, Opening, Modifying, and Replacing Sealed Sources and Devices
64E-5.428	Quarterly Inventory
64E-5.431	Permanent Radiographic Installations
64E-5.432	Radiation Protection Program
64E-5.433	Radiation Safety Officer
64E-5.434	Training, Testing, Certification, and Audits
64E-5.435	Conducting Industrial Radiographic Operations
64E-5.440	Records

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 18, May 4, 2001 of the Florida Administrative Weekly:

The changes were made in response to written comments received from affected parties and from the Joint Administrative Procedures Committee.

Section (97) of Rule 64E-5.101, Florida Administrative Code, is changed so that when adopted will read:

(97) "Offshore" means within the territorial waters of the State of Florida as specified in Article II, Section 1 of the Constitution of the State of Florida.

Sections (1) and (3) of Rule 64E-5.425, Florida Administrative Code, are changed so that when adopted will read:

(1) Each radiation machine, radiographic exposure device, source changer, and storage container shall be kept locked with the key removed from any keyed lock except when under the direct supervision of radiographic personnel or as specified in section (6), below.

(3) Locked radiographic exposure devices, source changers, storage containers, and radiation machines shall be secured physically except when under the direct surveillance of radiographic personnel or as specified in section (6), below, to prevent tampering or removal by unauthorized personnel. The licensee shall store licensed material in a manner that minimizes danger from explosion or fire.

Section (4) of Rule 64E-5.427, Florida Administrative Code, is changed so that when adopted will read:

(4) Leak testing as specified in Rules 64E-5.427(2) and (3), F.A.C., shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of removable contamination on the test sample. The wipe sample shall be taken from the nearest accessible point to the sealed source when contamination could accumulate.

Rule 64E-5.428, Florida Administrative Code, is changed so that when adopted will read:

64E-5.428 Quarterly Inventory.

Each licensee or registrant shall conduct a quarterly physical inventory to account for all sources of radiation received or possessed during the quarter. The inventory shall cover all sources of radiation requiring licensure or registration by the department, including sealed sources, radiation machines, radiographic exposure devices, and source changers containing DU.

Section (2) of Rule 64E-5.431, Florida Administrative Code, is changed so that when adopted will read:

(2) The alarm system shall be tested for proper operation with a radiation source each day before radiographic operations. The test shall include a check of both the visible and audible signals. Entrance control devices that reduce the radiation level upon entry shall be tested monthly. If an entrance control device or an alarm is operating improperly, it shall be labeled immediately as defective and repaired within 7 days. The installation can continue to be used by an unaccompanied radiographer during this 7-day period if the continuous surveillance requirements of Rule 64E-5.425(6), F.A.C., are implemented and an alarming ratemeter is used.

Rule 64E-5.432, Florida Administrative Code, is changed so that when adopted will read:

64E-5.432 Radiation Protection Program.

The radiation protection program specified in Rule 64E-5.303, F.A.C., for registrants performing radiography and license applications, renewals, and requests for amendments for licensees performing radiography shall include the components specified below and the location of all records required.

(1) A description of the overall organizational structure pertaining to the licensee's or registrant's radiation protection program, including specific delegation of authority and responsibility, the name of the RSO, and the minimum qualifications of the RSO and the RSO's designees.

(2) A radiation safety training program for radiographic personnel that meets the requirements of Rule 64E-5.434, F.A.C., and includes the components described below.

(a) Initial, periodic, and on-the-job training.

(b) Written and practical examinations to determine knowledge, understanding of, and ability to comply with department and applicable USDOT rules, licensee or registrant requirements, operating and emergency procedures, and use of radiographic and related equipment.

(3) Procedures to verify the certification of radiographers and to ensure that the certification remains valid.

(4) A written policy to maintain radiation doses as low as reasonably achievable as specified in Rule 64E-5.303, F.A.C. The policy shall include:

(a) A commitment by management to keep radiation doses as low as reasonably achievable and a description of the participation of management, the RSO, and radiographic personnel in the implementation of the policy;

(b) Investigation within 30 days by the RSO of any exposure level that exceeds established monthly and quarterly levels and implementation of corrective actions to halt unnecessary exposures and prevent recurrence; and

(c) An audit of the program to evaluate its effectiveness in minimizing exposures in conjunction with the annual review of the radiation protection program specified in Rule 64E-5.303(3), F.A.C. A summary of the results of each audit, including a description of corrective actions taken, shall be prepared by the RSO and approved by the licensee or registrant.

(5) An auditing program for internal inspections of the job performance of all radiographic personnel at intervals not to exceed 6 months as described in Rule 64E-5.434, F.A.C.

(6) Written operating and emergency procedures as described in Rule 64E-5.436, F.A.C.

(7) Leak testing procedures, including a description of:

(a) The method of taking wipes and preparing samples for analysis using only radiographers or radiographer's assistants working under the personal supervision of a radiographer or persons specifically licensed by the department, another agreement state, licensing state, or the NRC to perform such services; and

(b) The method of performing leak test sample analyses, including instrumentation to be used and experience of the individuals who will perform the analyses or a commitment to use vendors specifically licensed to perform such analyses by the department, another agreement state, licensing state, or the NRC.

(8) Procedures for the semiannual calibration of survey instruments and the annual calibration of alarm ratemeters, including a description of the calibration instrumentation and the experience of the person who will perform the calibrations or a commitment to use persons specifically licensed to perform such calibrations by the department, another agreement state, licensing state, or the NRC. All survey instrument calibrations shall be performed in accordance with Rule 64E-5.426(2), F.A.C.

(9) Procedures for quarterly inspection and maintenance of survey instruments, radiation machines, radiographic exposure devices, associated equipment, source changers, storage containers, and transport containers to assure proper function of components important to safety, performed in accordance with Rule 64E-5.430, F.A.C.

(10) Procedures for annual calibration of pocket or electronic dosimeters, including a description of the calibration instrumentation and the experience of the person who will perform the calibrations or a commitment to use persons specifically licensed to perform such calibrations by the department, another agreement state, licensing state, or the NRC.

(11) Procedures for lay-barge, offshore platform and underwater radiography if conducting such activities.

Section (1) of Rule 64E-5.433, Florida Administrative Code, is changed so that when adopted will read:

64E-5.433 Radiation Safety Officer.

(1) The licensee or registrant shall appoint an RSO and delegate the authority needed to fulfill the duties of the position. Except as specified in Rule 64E-5.433(2), F.A.C., below, the minimum qualifications, training, and experience for the RSO shall be:

(a) One year of documented industrial radiography experience as a radiographer; and

(b) Sixteen hours of formal instruction in the establishment and maintenance of a radiation protection program, including training to perform internal audits and mitigation of radiological incidents. Individuals identified as an RSO on an industrial radiography license or registration before the effective date of this rule are not required to comply with the training requirements of this paragraph.

Sections (2) and (4) of Rule 64E-5.434, Florida Administrative Code, are changed so that when adopted will read:

(2) Licensees and registrants can allow individuals who have completed the training and testing specified in Rules 64E-5.434(2)(a)-(d), F.A.C., below, to perform industrial radiography for 12 months after the effective date of these rules. The licensee or registrant shall not permit any individual to act as a radiographer until such individual:

(a) Receives copies of rules contained in Chapter 64E-5, Parts I-IV, IX and XV, F.A.C., applicable USDOT regulations, the appropriate license or certificate of registration, and the licensee's or registrant's operating and emergency procedures;

(b)1. For radioactive material radiographic operations, completes 320 hours of on-the-job training in industrial radiography, excluding hours as specified in Rule 64E-5.434(2)(b)2., F.A.C., below, as a radiographer's assistant using radioactive material; or

2. For machine produced radiographic operations, completes 200 hours of on-the-job training using radiation machines;

(c) Receives 40 hours of formal instruction in the subjects outlined in Rule 64E-5.434(6), F.A.C., and supervised instruction during a special training session in the inspection and use of the licensee's or registrant's radiographic equipment, related handling tools, radiation survey instruments, and personnel monitoring devices;

(d) Successfully completes a closed-book, written examination on the subjects outlined in Rule 64E-5.434(4), F.A.C., and a practical examination to demonstrate competence in the use of the licensee's or registrant's radiographic and safety equipment; and

(e) Is certified by a certifying entity.

(4) Any individual who has completed all requirements specified in Rule 64E-5.434(2), F.A.C., above, and begins work for a different Florida licensee or registrant shall complete 4 hours of additional training and testing before conducting radiographic operations. The training shall consist of instructions in the licensee's or registrant's operating and emergency procedures and supervised instruction during a special training session in the use of the licensee's or registrant's radiographic and safety equipment. The testing shall consist of successful completion of the written and practical examinations described in Rule 64E-5.434(1)(c), F.A.C. The RSO shall document how the prior radiation training and experience was verified.

Rule 64E-5.435, Florida Administrative Code, is changed so that when adopted will read:

64E-5.435 Conducting Industrial Radiographic Operations.

(1) With the exception of industrial cabinet x-ray systems, the radiographer shall be accompanied by at least one other radiographer or radiographer's assistant whenever radiography is performed at a location other than a permanent radiographic installation. The additional qualified individual shall observe the radiographic operations and be capable of providing immediate assistance to prevent unauthorized entry. Radiography is prohibited if only one qualified individual is present. Radiography performed in an industrial cabinet x-ray system by a single individual meeting the training and testing requirements specified in Rule 64E-5.434(5), F.A.C., is permitted.

(2) The radiographer's assistant shall be under the personal supervision of a radiographer when using a radiation machine, radiographic exposure device, source changer, or related source handling tools or conducting radiation surveys to determine that the sealed source has returned to the shielded position or that the radiation machine is off after an exposure.

(3) All radiographic operations conducted at a licensee's or registrant's permanent facility shall be conducted in a permanent radiographic installation or an industrial cabinet x-ray system or using equipment, facilities, and procedures that are adequate to protect public health, safety, and property and included in the radiation protection program specified in Rule 64E-5.432, F.A.C.

Sections (1) and (2) of Rule 64E-5.440, Florida Administration Code, are changed so that when adopted will read:

(1) Each licensee or registrant shall maintain the following records for 3 years after the event at the location specified in Rule 64E-5.432, F.A.C., for inspection by the department:

(a) Survey instrument, dosimeter, and alarm ratemeter calibrations specified in Rules 64E-5.426 and 64E-5.437(5)-(6), F.A.C.;

(b) Leak test results specified in Rule 64E-5.427, F.A.C., which shall contain the manufacturer's name, model, and serial number of each sealed source or device tested, including the device the source was stored in, the identity of each radionuclide, the estimated activity of each sealed source, the measured activity of each test sample expressed in microcuries (becquerels), the date of the test, and the signature or initials of the RSO or the RSO's designee;

(c) Quarterly inventories specified in Rule 64E-5.428, F.A.C., which shall include the name of the person conducting the inventory, the radionuclide, number of curies (becquerels) or mass in each device, location of each sealed source, device, and machine, the manufacturer, model, and serial number of each sealed source, device, and machine, the date of the inventory, and the signature or initials of the RSO or the RSO's designee;

(d) Source movement logs and daily survey reports specified in Rule 64E-5.429, F.A.C.

(e) Quarterly equipment inspection and maintenance specified in Rule 64E-5.430(2), F.A.C., including the date of the inspection, the name of inspector, the equipment involved, any problems found, and what repair or maintenance was done;

(f) Operation tests on permanent radiographic installation entrance controls and audible and visual alarms specified in Rule 64E-5.431, F.A.C.;

(g) Records of internal audits specified in Rule 64E-5.434(8), F.A.C., including lists of audit items checked and any violations observed;

(h) Records showing receipts and transfers of sealed sources and devices using DU for shielding, including the date, the name of the individual making the record, radionuclide, number of curies (becquerels) or mass, manufacturer, model, and serial number of each sealed source and device, as appropriate.

(2) Each licensee or registrant shall maintain the following records until the department terminates the license or registration requiring the record:

(a) Individual dosimeter logs specified in Rule 64E-5.429, F.A.C.;

(b) Initial and refresher radiation safety training specified in Rule 64E-5.434, F.A.C., including lists of the topics discussed, dates the training was conducted, names of the instructors and attendees, and written and practical examinations;

(c) Verification of previous radiography experience;

(d) Radiographer certification documents specified in Rules 64E-5.434(2)(e)-(f), F.A.C., and verification of certification status;

(e) Records of personnel exposure investigations specified in Rule 64E-5.432(4)(b), F.A.C., including the names of the individuals involved, the exposures received, the dates the

exposures were received, a description of the cause of the exposures, the corrective actions taken, and the signature of the RSO;

(f) Records of estimates of exposures as a result of off-scale dosimeters or lost or damaged personnel monitoring badges, including records of surveys used to determine an individual's exposure and reports submitted to the department as specified in Rule 64E-5.437(3), F.A.C.;

(g) Records of annual ALARA audits specified in Rule 64E-5.432(3)(c), F.A.C.; and

(h) Operating and emergency procedures.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-27.001	Definitions
65C-27.002	Timeframes

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 17, April 27, 2001, Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE:	RULE NO.:
FANTASY 5™	53ER01-45

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the conduct of FANTASY 5™ effective July 16, 2001.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-45 FANTASY 5™.

(1) Effective July 16, 2001, FANTASY 5 shall be conducted in accordance with the provisions set forth in this emergency rule.

(2) Any FANTASY 5 ticket purchased on or after July 16, 2001, shall be governed by the provisions set forth in this emergency rule.

(3) FANTASY 5 tickets for drawings held prior to July 16, 2001, shall be governed by the provisions set forth in Chapter 53-29 and Emergency Rule 53ER01-22, Florida Administrative Code.

(4) How to Play FANTASY 5.

(a) Players select five numbers from a field of one to thirty-six.

(b) Players may select their numbers by using a play slip, or may receive their numbers by using the "quick pick" feature.

(c) There are five panels on a play slip. A player electing to use a play slip must select five numbers from each panel played, or allow the quick pick feature to select one or more of the five numbers. Each panel played will cost one dollar per draw.

(d) Players must use only blue or black ballpoint pen or pencil for making selections.

(e) Play slips must be processed by an on-line retailer in order to obtain a ticket.

(f) Retailers can manually enter numbers selected by a player.

(5) FANTASY 5 Drawings.

(a) FANTASY 5 drawings shall be conducted daily.

(b) FANTASY 5 drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (ball set and drawing machine) used in a FANTASY 5 drawing shall be determined by random selection and shall be inspected before and after each drawing.

(d) A ball set contains thirty-six balls numbered one through thirty-six.

(e) Once a set of balls has been selected and inspected, the selected drawing machine shall be loaded by an employee of the Lottery's Security Division ("Draw Manager").

(f) The thirty-six balls in the drawing machine shall be mixed by the action of an air blower.

(g) Five of the thirty-six balls shall be drawn by vacuum action into a ball display device. Either display tubes or a display tray shall be used as the ball display device, dependent upon which draw machine is selected. The numbers shown on the five balls, after certification by the Draw Manager and the accountant employed by the certified public accounting firm, shall be the official winning numbers for the drawing.

(h) In the event a malfunction in the drawing procedures occurs or the drawing equipment itself malfunctions, the Lottery shall use such substitute procedures as are fair and necessary to perform the drawing. Such substitute procedures shall be determined in consultation with the accountant referred to in paragraph (5)(b). In using such substitute procedures the Lottery shall strive to maintain the highest level of public confidence, security and integrity in FANTASY 5 drawings.

(i) The Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

(6) FANTASY 5 Prize Divisions.

(a) FANTASY 5 is a pari-mutuel game. For each draw, fifty percent (50%) of the gross revenue shall be allocated as the winning pool for payment of the grand prize, second prize, and third prize. Free FANTASY 5 tickets issued as a fourth prize shall not be included in gross revenue calculations.

(b) The grand prize shall consist of sixty-two percent (62%) of the winning pool for the drawing plus any money carried forward from the previous draw. Prize money allocated to the grand prize pool shall be divided equally among the players who match all five official winning numbers. If there is not a grand prize winner in a drawing, the grand prize pool shall roll down and be added to the second prize pool for that FANTASY 5 drawing.

(c) Second prize shall consist of ten percent (10%) of the winning pool for the drawing plus any money rolled down from the grand prize. The second prize shall be divided equally among the players matching four of five official winning numbers. If there is not a winner in the second prize category for a drawing, the second prize pool shall be carried over and added to the grand prize pool of the next FANTASY 5 drawing.

(d) Third prize shall consist of twenty-eight percent (28%) of the winning pool for the drawing. The third prize shall be divided equally among the players matching three of five official winning numbers. If there is not a winner in the third prize category for a drawing, the third prize pool is carried over and added to the grand prize pool of the next FANTASY 5 drawing.

(e) Fourth prize shall consist of one free FANTASY 5 quick pick ticket (\$1.00 value), except as follows. A player who submits by mail a FANTASY 5 lottery ticket which entitles the claimant to a free FANTASY 5 quick pick ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket. Fourth prize shall not utilize any portion of the winning pool for the drawing. A free FANTASY 5 quick pick ticket shall be for the next FANTASY 5 drawing after the ticket is validated.

(f) Except for the grand prize, which will pay the exact amount, cash prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the third prize shall not be less than \$3.50. All rounding differences in the second and third prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(7) Determination of Prize Winners. In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, or E) must match the official winning FANTASY 5 numbers for the draw date for which the ticket was purchased. The prizes are set forth as follows:

(a) Grand Prize: Five of five official winning numbers.

(b) Second Prize: Four of five official winning numbers.

(c) Third Prize: Three of five official winning numbers.

(d) Fourth Prize: Two of five official winning numbers.

(8) FANTASY 5 Odds of Winning.

The odds of winning the prizes described above are as follows:

(a) Grand Prize – 1: 376,992

(b) Second Prize – 1: 2,432,21

(c) Third Prize – 1:81.07

(d) Fourth Prize – 1:8.39

(e) The overall odds of winning a prize in a FANTASY 5 drawing are 1:7.58.

(9) FANTASY 5 Rules and Prohibitions.

(a) By purchasing a FANTASY 5 ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) FANTASY 5 prize payments shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011. The following additional prize payment provisions shall apply to winning FANTASY 5 multi-play tickets (tickets with more than one panel played for a single draw date) which include a cash prize and a fourth prize (free FANTASY 5 quick pick ticket):

1. A \$1.00 value for each fourth prize on a multi-play ticket shall be included in the total prize value of the ticket.

2. FANTASY 5 multi-play tickets with a total prize value less than \$600 shall be paid by Lottery retailers or a Lottery office upon successful ticket validation. The claimant shall be paid the cash amount of the prize and given a free FANTASY 5 quick pick ticket for the next FANTASY 5 drawing for each fourth prize.

3. FANTASY 5 multi-play tickets with a total prize value of \$600 or more shall be claimed at a Lottery office. Retailer locations cannot print free FANTASY 5 quick pick tickets that are part of a claim with a total value of \$600 or more.

a. If the claim is submitted to a Lottery office in person and the validation process for the FANTASY 5 multi-play ticket is successfully completed, the claimant will be paid the cash prize and shall be given one free FANTASY 5 quick pick ticket for the next FANTASY 5 drawing for each fourth prize.

b. If the claim is submitted by mail to a Lottery office and the FANTASY 5 multi-play ticket is successfully validated, the Lottery will pay the cash prize and if the winner's address is in Florida, print one free FANTASY 5 quick pick ticket for the next FANTASY 5 drawing for each fourth prize. The payment and the free ticket(s) shall be mailed to the claimant by the Lottery, except as set forth in paragraph (6)(e), above. A free ticket shall be mailed prior to the drawing applicable to that ticket.

c. If the claimant is identified as owing an outstanding debt to a state agency or owing child support collected through a court, or spousal support or alimony as provided in subsection 24.115(4), Florida Statutes, in an amount less than the cash portion of the prize, net of any federal income tax withholding, the non-cash portion of the prize (free ticket(s)) and the amount owed to the claimant after his or her debt is satisfied shall be awarded. If the claimant is identified as owing an outstanding debt to a state agency or owing child support collected through a court, or spousal support or alimony as provided in subsection 24.115(4), Florida Statutes, in an amount greater than the cash portion of the prize, net of any federal income tax withholding, the claimant's entire cash portion of the prize will be applied toward the outstanding debt as provided in subsection 24.115(4), Florida Statutes, and the claimant will receive the remaining non-cash portion of the prize (free ticket(s)).

4. The total prize value of a ticket shall be the amount on which the Lottery applies and withholds, if applicable, federal withholding tax.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen.

(d) Subject to a retailer's hours of operation and on-line system availability, FANTASY 5 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET).

(e) The scheduled time for the daily FANTASY 5 drawing is approximately 11:15 p.m., ET. Ticket sales for a specific FANTASY 5 drawing will close approximately thirty-five minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next FANTASY 5 draw date.

(f) Retailer cancellations of FANTASY 5 tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two hours after printing, except that no FANTASY 5 ticket can be cancelled after game close for the related drawing and no fourth prize (free FANTASY 5 quick pick ticket) can be cancelled at any time. The two-hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FANTASY 5 close of game.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers and draw date(s) on a ticket. In the event that a ticket given to the player by the retailer contains selections which are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a cancelable FANTASY 5 ticket produced upon request of the player by the "quick pick" method of number selection.

Specific Authority 24.105(2), 24.105(10)(a),(b),(c),(d),(e),(f), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c),(d),(e),(f), 24.115(1), 24.117(2) FS. History--New 7-13-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE
EFFECTIVE DATE: July 13, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: FANTASY 5™ Retailer Bonus

RULE NO.:

Commission Promotion 53ER01-46

SUMMARY OF THE RULE: The FANTASY 5™ Retailer Bonus Commission Promotion will be conducted July 16, 2001, through September 30, 2001. The Florida Lottery will award on-line retailers a five percent bonus commission on each free FANTASY 5 quick pick ticket they issue as a prize and that is recorded on the Lottery's gaming system.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-46 FANTASY 5™ Retailer Bonus Commission Promotion.

(1) Effective July 16, 2001, through September 30, 2001, the Florida Lottery will conduct a FANTASY 5 Retailer Bonus Commission Promotion for all on-line retailers. During the promotion period, on-line retailers will receive a five percent bonus commission ("Bonus Commission"), in addition to a five percent sales commission as set forth in Emergency Rule 53ER01-47, Florida Administrative Code, on each free FANTASY 5 quick pick ticket they issue as a prize and that is recorded on the Lottery's gaming system.

(2) The Bonus Commission shall be combined with the five percent FANTASY 5 sales commission described in Emergency Rule 53ER01-47, Florida Administrative Code, and shall appear as an on-line adjustment on the retailer's weekly Settlement Report.

(3) Bonus commissions will be considered compensation to the retailer for Internal Revenue Service purposes.

Specific Authority 24.105(10)(i), 24.109(1) FS. Law Implemented 24.105(10)(i), 24.112(1) FS. History--New 7-12-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
EFFECTIVE DATE: July 12, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: FANTASY 5™ Free Ticket Retailer Sales Commission
RULE NO.: 53ER01-47

SUMMARY OF THE RULE: Effective July 16, 2001, through September 30, 2001, the Florida Lottery will pay on-line retailers a five percent FANTASY 5™ Free Ticket Retailer Sales Commission on each free FANTASY 5 quick pick ticket they issue as a prize and that is recorded on the Lottery’s gaming system.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-47 FANTASY 5™ Free Ticket Retailer Sales Commission.

(1) Effective July 16, 2001, through September 30, 2001, the Florida Lottery will pay on-line retailers a five percent sales commission (“Sales Commission”), in addition to a five percent bonus commission as set forth in Emergency Rule 53ER01-46, Florida Administrative Code, on each free FANTASY 5 quick pick ticket they issue as a prize and that is recorded on the Lottery’s gaming system.

(2) The Sales Commission shall be combined with the five percent FANTASY 5 bonus commission described in Emergency Rule 53ER01-46, Florida Administrative Code, and shall appear as an on-line adjustment on the retailer’s weekly Settlement Report.

(3) Sales commissions will be considered compensation to the retailer for Internal Revenue Service purposes.

Specific Authority 24.105(10)(i), 24.109(1) FS. Law Implemented 24.105(10)(i), 24.112(1) FS. History—New 7-21-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: July 21, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Retailer Compensation
RULE NO.: 53ER01-48

SUMMARY OF THE RULE: This emergency rule replaces 53ER94-27, Florida Administrative Code, and sets forth the manner of compensation to retailers.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-48 Retailer Compensation.

(1) Sales Commission.

(a) Retailers shall be paid a sales commission of five percent (5%) of the purchase price of each on-line ticket sold by them in accordance with these rules and Chapter 24, Florida Statutes. Additional provisions applicable only to FANTASY 5™ free ticket sales commissions are set forth in Emergency Rule 53ER01-47, Florida Administrative Code.

(b) Retailers shall be paid a sales commission of five percent (5%) of the retail value of each book (full or partial) of instant tickets settled by them. Free instant tickets issued as a prize shall be included in the retail value of a settled book.

(2) Cashing Bonus. Retailers shall be paid a one percent (1%) cashing bonus on the value of each lottery ticket cashed by them. The cashing bonus applies to instant and on-line tickets with a prize value less than \$600. As used herein, “cashing” shall mean a transaction wherein a retailer validates a ticket and pays a prize either by cash, check, money order, or by issuance of a free ticket, and the Lottery processes the paid ticket for credit to the retailer. Free tickets shall be valued at their retail sales price.

(3) Sales commissions and cashing bonuses earned by a retailer will be reflected on the retailer’s weekly Settlement Report.

(4) Sales commissions and cashing bonuses will be considered compensation to the retailer for Internal Revenue purposes.

(5) No retailer or employee of a retailer shall request or accept compensation for the performance of duties authorized pursuant to the retailer’s contract, other than the compensation provided for in the retailer’s contract and these rules. This prohibition includes, but is not limited to, the redemption of winning tickets. A retailer shall not charge a fee for payment of a prize by money order when that is the only method of prize payment made available by the retailer.

(6) The Lottery is authorized to conduct retailer incentive promotions in which additional compensation is provided to retailers.

(7) This emergency rule replaces Emergency Rule 53ER94-27, Florida Administrative Code.

Specific Authority 24.105(10)(i), 24.109(1), 24.112(1) FS. Law Implemented 24.105(10)(i), 24.112(1) FS. History—New 7-12-01, Replaces 53ER94-27, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: July 12, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 378, Elvis™
RULE NO.: 53ER01-49

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 378, "Elvis™" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners, the number and size of prizes in the game, and bonus drawings.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-49 Instant Game Number 378, Elvis™.

(1) Name of Game. Instant Game Number 378, "Elvis™."

(2) Price. Elvis™ tickets sell for \$2.00 per ticket.

(3) Elvis™ lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning Elvis™ lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any Elvis™ lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten matching sets of numbers. The prizes are: TICKET, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,000, \$10,000, and VACATION. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail an Elvis™ lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) A ticket which entitles the claimant to a prize of a "VACATION" shall be entitled to a prize of a Graceland® trip package described as follows:

1. The Graceland trip package shall include the following: round trip airfare for two people from a gateway of the winner's choice; round trip ground transfers between the airport and the hotel; one suite at the Heartbreak Hotel® for up to two people for 2-nights/3-days; a VIP Platinum Elvis Presley Enterprises Tour Package for two people; dinner for two at Elvis Presley's Memphis® restaurant; \$1,000 in gift certificates to be redeemed at Elvis Presley Enterprises gift shops; \$500 in cash; and two Elvis merchandise prize packages further described in subparagraph (8)(b)2. below.

2. An Elvis merchandise prize package shall include the following, subject to the provisions of paragraph (13)(e): a special edition Elvis telephone, Elvis movies and music collection, Elvis denim jacket, Elvis wristwatch, Elvis T-shirt, and a set of Elvis playing cards.

3. The Graceland trip package shall also include payment of federal withholding taxes on the value of the Graceland trip package. Any additional federal, state, or local taxes shall be the responsibility of the winner.

4. The Graceland trip package does not include meals (except for the dinner for two at the Elvis Presley Memphis restaurant), incidentals, tips, telephone calls, or any other personal expenses.

(9) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 378 are as follows:

GAME PLAY TICKET	WIN \$2 TICKET	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL	ODDS
\$2	\$2	1,008,000	1 in 7.50
(\$2 x 2)	\$4	302,400	1 in 25.00
\$2 + \$3	\$5	201,600	1 in 37.50
\$5	\$5	151,200	1 in 50.00
(\$2 x 5)	\$5	100,800	1 in 75.00
(\$5 x 2)	\$10	50,400	1 in 150.00
\$10	\$10	50,400	1 in 150.00
\$20	\$20	50,400	1 in 150.00
(\$2 x 5) + (\$5 x 2)	\$20	50,400	1 in 150.00
(\$5 x 10)	\$50	9,030	1 in 837.21
\$10 + \$10 + \$10 + \$10 + \$10	\$50	6,300	1 in 1,200.00
(\$25 x 2)	\$50	5,250	1 in 1,440.00
\$50	\$50	2,520	1 in 3,000.00
(\$10 x 10)	\$100	42	1 in 180,000.00
\$25 + \$25 + \$25 + \$25	\$100	42	1 in 180,000.00
(\$50 x 2)	\$100	42	1 in 180,000.00
(\$25 x 10)	\$250	20	1 in 378,000.00
\$50 + \$50 + \$50 + \$50 + \$50	\$250	20	1 in 378,000.00
(\$100 x 10)	\$1,000	8	1 in 945,000.00
\$1,000	\$1,000	8	1 in 945,000.00
VACATION	GRACELAND	8	1 in 945,000.00
\$10,000	\$10,000	3	1 in 2,520,000.00

(10) The overall odds of winning any prize in Instant Game Number 378 are 1 in 3.71.

(11) For reorders of Instant Game Number 378, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(12) Procedures for Claiming a Graceland Trip Package Won Instantly. A person who has won a Graceland trip package in accordance with the instant play features of Instant Game Number 378 described in paragraphs (9)(a) and (9)(b) above, shall claim his or her prize as follows. The claimant must file a claim with a Lottery office and complete a Winner Claim Form DOL 173-2, Revised 2/01, or DOL 173-S, Revised 2/01 in accordance with the instructions on the form. The forms are incorporated herein by reference and may be obtained from any Lottery retailer or Lottery office. The claimant shall either mail his or her claim to the Florida Lottery, Winner Validation, Capitol Complex, Tallahassee, Florida 32399-4027, or submit it to any Lottery office. The risk of loss or late delivery of a claim submitted by mail remains with the player. Prizes must be claimed within 60 days after the end of the Elvis™ instant lottery game. Prior to the receipt of a Graceland trip package, the claimant must also complete an Elvis™ Acceptance and Release Form DOL 453, Effective 7/01. Acceptance and Release Form DOL 453 is incorporated herein by reference and may be obtained from any Lottery office.

(13) Procedures for Awarding a Graceland Trip Package Won Instantly.

(a) Upon the Lottery's receipt of the Graceland trip package claimant's executed Release and Acceptance Form, arrangements will be made with the claimant to award the Graceland trip package. Trip reservations are subject to availability. A claimant may transfer the entire Graceland trip package to another person one time by providing a notarized letter to Media Drop-In Productions, Inc., (the prize fulfillment company) that identifies the name of the new recipient; however, the value of the Graceland trip package will remain taxable income to the claimant. Any such transfer must occur prior to trip reservations being made; the prize is not transferable after a claimant's trip reservations have been made.

(b) The claimant will have one year from the date the ticket is claimed to take the trip or the trip will be forfeited.

(c) Cash will not be awarded in lieu of Graceland trip packages except as follows:

1. The Florida Lottery reserves the right, if necessary, due to unforeseen circumstances beyond the control of the Lottery, to award cash prizes of \$5,000 instead of Graceland trip packages.

2. In the event cash prizes are awarded, applicable Federal Withholding Tax shall be deducted from the cash prize and any other taxes shall be the responsibility of the winner.

(d) If a claimant is identified as owing an outstanding debt to a state agency or owing child support collected through a court, or spousal support or alimony as provided in subsection 24.115(4), Florida Statutes, the debt will be collected in lieu of award of the Graceland trip package. If the debt is an amount less than \$5,000, the winner shall receive any excess amount after applicable Federal Withholding Tax has been deducted and the debt has been satisfied. If the debt is an amount greater than \$5,000, the amount of the prize remaining after deduction of applicable Federal Withholding Tax will be applied toward the outstanding debt as provided in Section 24.115, Florida Statutes.

(e) In the event the Florida Lottery is unable to obtain Graceland trip packages, including the Elvis merchandise prize package portion thereof, with the exact specifications listed in subparagraphs (8)(b)1. and 2., the Florida Lottery reserves the right to substitute an item that is as nearly equivalent as practicable.

(14) How to enter the Elvis® Bonus Drawings.

(a) The Florida Lottery will conduct three Elvis Bonus Drawings, in each of which it will award as prizes four Graceland trip packages and four hundred Elvis merchandise prize packages.

(b) For purposes of paragraphs (14)(c), an Elvis Bonus Drawing "entry" is defined as three non-winning Elvis™ instant lottery tickets (hereinafter "non-winning ticket(s)") in

an Elvis™ Bonus Drawing envelope, or in an envelope with a total area no larger than 4 1/2" x 9 1/2" addressed to Elvis Bonus Drawing, Tallahassee, Florida 32395-0023.

(c) To enter an Elvis Bonus Drawing, a player may either mail his or her entry to the Bonus Drawing address or submit it to any Florida Lottery office. The risk of loss or late delivery of an entry submitted by mail remains with the player.

(d) Bonus Drawing envelopes are available at Florida Lottery retailers and at any Florida Lottery office. If drawn, envelopes with a total area larger than 4 1/2" x 9 1/2" will be disqualified. Non-winning tickets mailed in envelopes addressed to a Florida Lottery address other than the Bonus Drawing address will be included in a drawing only if the mailing envelope is opened prior to the drawing in the regular course of business.

(e) The player information section on the back of each non-winning ticket should be legibly completed. If the back of a non-winning ticket is incomplete, identifying data from the mailing envelope shall be used by the Florida Lottery to supplement the information provided to the extent possible. Only one name per non-winning ticket should be used. If a drawn envelope contains a non-winning ticket on which more than one name appears, the prize will be awarded to the person whose name appears first on the line designated for name, subject to paragraph (14)(f) below.

(f) Players may enter the Bonus Drawings as many times as they wish but each envelope should contain only three non-winning tickets. If a drawn envelope contains multiple non-winning tickets bearing different individual's names, the Lottery will select the non-winning ticket with the lowest book/ticket number and the prize will be awarded to the individual whose name appears first on that non-winning ticket.

(g) Bonus Drawing envelopes and other envelopes sent to the Bonus Drawing address will be opened only if they are selected in the Bonus Drawing. For this reason, winning lottery tickets and other correspondence should not be submitted in a Bonus Drawing envelope or to the Bonus Drawing address.

(h) Winning tickets submitted for payment in a Bonus Drawing envelope or to the Bonus Drawing address will not be paid or honored unless the envelope is selected in the Bonus Drawing.

(i) Only one prize per envelope will be awarded.

(j) Only valid entries are eligible for Bonus Drawings. Entries will be declared invalid and shall be disqualified if any part of the entry is altered, mutilated, tampered with, duplicated or defaced.

(15) Elvis Bonus Drawing Prizes.

(a) Graceland Trip Package. A Graceland trip package awarded in a bonus drawing shall consist of one Graceland trip package as described in paragraph (8)(b) above.

(b) Elvis Merchandise Prize Package. Elvis merchandise prize packages awarded in a bonus drawing shall consist of the items set forth in subparagraph (8)(b)2. above.

(16) Elvis Bonus Drawings.

(a) Three Elvis Bonus Drawings are projected to be held in accordance with the schedule set forth below. Entries received during one of the three Bonus Drawing entry periods will be included only in the corresponding Bonus Drawing.

	<u>ENTRY PERIOD IN WHICH ENTRY IS RECEIVED BY LOTTERY</u>	<u>DRAWING DATE</u>
<u>1st</u>	<u>Tuesday, July 17, 2001 through Wednesday, August 15, 2001, 5:00 p.m., ET.</u>	<u>Thursday, August 16, 2001</u>
<u>2nd</u>	<u>Thursday, August 16, 2001 through Wednesday, September 19, 2001, 5:00 p.m., ET.</u>	<u>Wednesday, September 20, 2001</u>
<u>3rd</u>	<u>Wednesday, September 20, 2001 through sixty days after end of game, 5:00 p.m., ET.</u>	<u>TBD</u>

(b) Any entry received by the Lottery after an entry deadline will be included in the next Bonus Drawing, except that any entry received by the Lottery more than sixty days after end of game date for the Elvis™ instant ticket game will not be included in any Bonus Drawing.

(c) In each of the three scheduled drawings, four Graceland trip packages and four hundred Elvis merchandise prize packages will be awarded. A total of four hundred fifty entries will be drawn per Bonus Drawing. In each drawing, the first four valid entries will win the Graceland trip packages. The fifth through the four hundred fourth valid entries will win an Elvis merchandise prize package. The remaining drawn entries will be alternates and will be used, if at all, in the order in which they were drawn and order of need by the Lottery to fulfill any Bonus Drawing prize that the Lottery could not successfully award to a winner. In the event a Graceland trip package winner fails to return the Winner Claim Form and Elvis™ Acceptance and Release Form in accordance with the provisions set forth in paragraph (17)(a)1., below, the winner will forfeit his or her right to claim the prize, and the first available qualified alternate will be awarded the Graceland trip package provided he or she completes and returns the Winner Claim Form and Release Form to the Florida Lottery no later than three weeks from the first alternate's receipt of the forms. If necessary, the Lottery will continue the above-described alternate award process until a Graceland trip package is successfully awarded, but not to exceed a third alternate. If the Lottery is unable to award a Graceland trip package to a third alternate, the prize will not be awarded. In the event the Lottery cannot successfully award an Elvis merchandise prize package to a winner due to returned mail or other similar delivery difficulties, the first available qualified alternate will be awarded the merchandise package prize. If necessary, the Lottery will continue the above-described alternate award process until the Elvis merchandise prize package is awarded.

(d) All drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm who shall certify to the integrity, security, and fairness of each drawing.

(e) The odds of winning a prize are dependent upon the number of Bonus Drawing entries received.

(17) Procedures for Awarding Elvis Bonus Drawing Promotion Prizes.

(a) Graceland Trip Package. Participants need not be present at the bonus drawing to win. The Florida Lottery will attempt to notify prizewinners by telephone or certified mail no later than two weeks after the winners are announced.

1. Prior to the receipt of a Graceland trip package, the winner must complete a Winner Claim Form DOL 173-2, or DOL 173-S, and an Elvis™ Acceptance and Release Form DOL 453. The executed forms must be received by the Florida Lottery no later than three weeks from the winner's receipt of the forms. The risk of loss or late delivery of a form submitted by mail remains with the player.

2. Once the Florida Lottery has received a Graceland trip package winner's executed forms, arrangements will be made with the winner to award the Graceland trip package in accordance with the provisions set forth in paragraphs (13)(a), (c), (d), and (e) above. The winner will have one year from the date the ticket is drawn in a Bonus Drawing to take the trip or the trip will be forfeited.

(b) Elvis Merchandise Prize Packages. Elvis merchandise prize packages will be shipped to the winners' addresses following the Bonus Drawing in which they were selected and shall be subject to the provisions set forth in paragraph (13)(e) above. In addition, the Florida Lottery reserves the right, if necessary due to circumstances beyond the control of the Lottery, to award cash prizes of \$400 instead of Elvis merchandise prize packages.

(18) Entry into the Elvis Bonus Drawing Promotion constitutes agreement to abide by the official rules of the Elvis™ instant game.

(19) General Provisions Elvis™ Instant Game Number 378 and Elvis Bonus Drawings.

(a) A winner's right to a Graceland trip package or an Elvis merchandise prize package is not assignable.

(b) Winners must be at least 18 years of age.

(c) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and the rules promulgated thereunder. By purchasing an Elvis™ instant lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(d) Payment of prizes for Elvis™ instant tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011.

(e) A copy of the Elvis™ instant ticket game rules may be obtained by writing the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(10)(a),(b),(c),(d),(e),(f), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c),(d),(e),(f), 24.115(1) FS. History—New 7-16-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: July 16, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: _____ RULE NO.: _____

Instant Game Number 358, "BLACK JACK" 53ER01-50

SUMMARY OF THE RULE: This emergency rule relates to Florida Lottery Instant Game 358, "BLACK JACK," for which Lottery retailers will begin selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-50 Instant Game Number 358, "BLACK JACK".

(1) Name of Game. Instant Game Number 358, "BLACK JACK."

(2) Price. BLACK JACK tickets sell for \$1.00 per ticket.

(3) BLACK JACK lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning BLACK JACK lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any BLACK JACK lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR HANDS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The “DEALER’S TOTAL” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners. There are five hands on a ticket. A ticket having two cards in the “YOUR HANDS” play area of one hand, the total of which is greater than the total in the “DEALER’S TOTAL” play area shall entitle the claimant to the corresponding prize shown for that hand. The prizes are TICKET, \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$25.00, \$100, \$500, \$2,500. A ticket which entitles the claimant to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a BLACK JACK lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The point value assigned to Kings, Queens and Jacks is 10, and the point value assigned to Aces is 11.

(10) The value, number of prizes, and odds of winning in Instant Game Number 358 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL	ODDS
TICKET	\$1 TICKET	1,209,600	1 in 8.33
\$1	\$1	336,000	1 in 30.00
\$1 + \$1	\$2	268,800	1 in 37.50
\$1 + \$1 + \$1 + \$1 + \$1	\$5	168,000	1 in 60.00
\$2 + \$3	\$5	168,000	1 in 60.00
\$5	\$5	168,000	1 in 60.00
\$1 + \$2 + \$2 + \$5	\$10	33,600	1 in 300.00
\$10	\$10	33,600	1 in 300.00
\$5 + \$5 + \$5 + \$5 + \$5	\$25	25,312	1 in 398.23
\$10 + \$10 + \$10 +			
\$10 + \$10	\$50	1,400	1 in 7,200.00
\$25 + \$25	\$50	1,400	1 in 7,200.00
\$100 + \$100 + \$100 +			
\$100 + \$100	\$500	15	1 in 672,000.00
\$500	\$500	15	1 in 672,000.00
\$500 + \$500 + \$500 +			
\$500 + \$500	\$2,500	6	1 in 1,680,000.00
\$2,500	\$2,500	4	1 in 2,520,000.00

(11) The overall odds of winning any prize in Instant Game Number 358 are 1 in 4.18.

(12) For reorders of Instant Game Number 358, the value, number of prizes, and odds of winning shall be proportionate to the number of ticket reordered.

(13) Payment of prizes for BLACK JACK instant tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011.

(14) By purchasing a BLACK JACK lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c), 25.115(1) FS. History—New 7-16-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: July 16, 2001

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the Southwest Florida Water Management District (“District”) received, on July 5, 2001, a Petition for Waiver of Rule 40D-4.301(3), Florida Administrative Code (F.A.C.), from the Florida Department of Transportation (hereinafter the “Petitioner”). Petitioner has requested that the District waive the requirement in Section 4.4 of the Basis of review for Environmental Resource Permit applications that no net encroachment into the flood plain, up to that encompassed by the 100-year event, which will adversely effect either conveyance, storage, water quality or adjacent lands be allowed; and that any required compensating storage shall be equivalently provided between the seasonal high water level and the 100 year flood level to allow storage function during all lesser flood events. The waiver is being sought in connection with certain proposed improvements to Section 6 of Interstate 4 within Polk County.

For a copy of the petition or additional information, contact: Martha A. Moore, Assistant General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899, Phone (352)796-7211 or 1(800)423-1476 (Florida only), Extension 4660, TDD only number 1(800)231-6103.

Written comments on the Petition must be received within 14 days from the date of publication of this notice. Submit comments to Assistant General Counsel Moore at the above address.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on July 5, 2001, a petition from the Fort Pierce Utilities Authority, seeking a variance under Section 120.542 of the Florida Statutes from the requirement under Rules 62-521.200 and 62-521.542, Florida Administrative Code, which require a 500-foot setback for placement of a Class I underground injection well from a potable drinking water well. Petitioner wants to construct a Class I industrial underground injection well on the water treatment plant site where a reverse osmosis facility is currently under construction. The variance is requested to place the disposal well within 500 feet of the existing on site potable water wells. The petition has been assigned OGC File No.: 01-1118.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Underground Injection Control, P. O. Box 15425, West Palm Beach, Florida 33416; Attn.: Heidi Vandor. Comments must be received no later than 14 days from the date of publication of this notice.

On February 12, 2001, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from Environmental Chemical Corporation requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1130. A Notice of Receipt of Petition for Variance/Waiver was published in the March 9, 2001, F.A.W. On April 18, 2001, the petition was denied. No comments were received.

Copies may be received from the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Lisa Randolph.

On October 31, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from Environmental Chemical Corporation requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1309. A Notice of Receipt of Petition for Variance/Waiver was published in the November 17, 2000, F.A.W. On June 4, 2001, all issues were resolved via settlement agreement. No public comments were received.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Lisa Randolph.

The Department of Environmental Protection has taken action on a petition for variance received from Environmental Business Solutions International, Inc., (EBSI) on February 21, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on May 4, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(3), of the Florida Administrative Code for the use of On-Contact Process® to clean up sites that are contaminated with organic and inorganic contamination. Specifically, the variance requested a zone of discharge for pH, total dissolved solids (TDS), iron, and sulfate within a 60-foot radius from the point of discharge for a duration of 365 days. No public comment was received. On July 9, 2001, the Department granted a variance to EBSI in a final order, OGC File No.: 01-0752. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528 of the Florida Administrative Code; that the extent of the zone of discharge for pH, TDS, iron, and sulfate shall be a 60-foot radius from the point of injection; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifers; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions.

For a copy of the final order write or call: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400, telephone (850)921-9412.

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that it has received a petition, filed on January 11, 2001, by Mayra E. Vila, Ph.D, in which the Petitioner requests a petition for variance from or waiver of Rule 64B19-11.003(5), F.A.C., with respect to the required seven years to be completed for her Ph.D. course of study. Based on its review of the facts and circumstances presented in the petition, the Board APPROVED the Petition pursuant to the Order filed in this

matter. Written comments on this petition should be filed with Board of Psychology, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257 within 14 days of publication of this notice.

For a copy of the petition, contact: Kay Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

The Board of Psychology hereby gives notice that it has received a petition, filed on February 1, 2001, by Tanya Quille, Ph.D., in which the Petitioner request a petition for variance or waiver of Rule 64B19-11.005(1)(d), Florida Administrative Code, to permit Dr. Howard Liddle to verify the Petitioner's supervised experience. Rule 64B19-11.005(1)(c), Florida Administrative Code, provides that a supervisor is either a licensed Florida psychologist in good standing with the Board or a psychologist licensed in good standing in another state providing supervision for licensure in the state. Dr. Liddle is not licensed in Florida. Based on its review of the facts and circumstances presented in the petition, and because the Board had insufficient information to approve the Petition, the Board DENIED the Petition pursuant to the Order filed in this matter. Written comments on this petition should be filed with Board of Psychology, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257 within 14 days of publication of this notice.

For a copy of the petition, contact: Kay Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

Notice is hereby given, that the Department of Health, Division of Medical Quality Assurance, received a voluntary withdrawal on July 6, 2001, of the Petition for Variance, filed on May 21, 2001, by Sherry S. Jordan. The Petitioner was seeking a variance from Rule 64B21-500.005, F.A.C., with regard to the experience required for an applicant for licensure as a school psychologist. The original Notice of Petition was published in the June 8, 2001, issue of the Florida Administrative Weekly, Vol. 27, No. 23.

A copy of the withdrawal may be received by contacting: Theodore Henderson, Agency Clerk, 4052 Bald Cypress Way, Bin #A02, Tallahassee, FL 32399-1703.

For additional information contact: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3255.

The Department of Health, Division of Medical Quality Assurance, hereby gives notice that it has received a Petition filed on July 9, 2001, by Beth Rabin, Ph.D., seeking a permanent variance from Rule 64B21-500.005, F.A.C., with regard to the requirement that a school psychologist licensed by the State of Florida provide the required supervision for an applicant for licensure.

To receive a copy of the Petition or to file comments contact: Theodore Henderson, Agency Clerk, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

For additional information contact: Department of Health, Office of School Psychology, Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3255.

The Department of Health, Division of Medical Quality Assurance, hereby gives notice that it has received a Petition filed on July 5, 2001, by Dena Landry, seeking a permanent variance from Rule 64B21-500.005, F.A.C., with regard to the requirement that a school psychologist licensed by the State of Florida provide the required supervision for an applicant for licensure.

To receive a copy of the Petition or to file comments contact: Theodore Henderson, Agency Clerk, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

For additional information contact: Department of Health, Office of School Psychology, Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3255.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on July 11, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Emergency Waiver of Rule 67-47.120-.150, F.A.C., from Affordable/Kingsland, Inc. ("Petition"). The Petition seeks relief from Rules 67-47.120-.150, Florida Administrative Code, which establish the terms, conditions, and procedures of HOME loans made to housing providers and HOME loans made to eligible home buyers and owners.

A copy of the Petition can be obtained from Andrew T. Price, Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on July 11, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Emergency Waiver of Rule 67-47.120-.150, F.A.C., from Chelsea's Run, Inc ("Petition"). The Petition seeks relief from Rules 67-47.120-.150, Florida Administrative Code, which establish the terms, conditions, and procedures of HOME loans made to housing providers and HOME loans made to eligible home buyers and owners.

A copy of the Petition can be obtained from Andrew T. Price, Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on July 11, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Emergency Waiver of Rule 67-47.120-.150, F.A.C., from Columbia Woods, Inc. ("Petition"). The Petition seeks relief from Rules 67-47.120-.150, Florida Administrative Code, which establish the terms, conditions, and procedures of HOME loans made to housing providers and HOME loans made to eligible home buyers and owners.

A copy of the Petition can be obtained from Andrew T. Price, Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on July 11, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Emergency Waiver of Rule 67-47.120-.150, F.A.C., from Bailey's Run, Inc. ("Petition"). The Petition seeks relief from Rules 67-47.120-.150, Florida Administrative Code, which establish the terms, conditions, and procedures of HOME loans made to housing providers and HOME loans made to eligible home buyers and owners.

A copy of the Petition can be obtained from Andrew T. Price, Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on July 11, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Emergency Waiver of Rules 67-47.120-.150, F.A.C., from Casa Verna, Inc. ("Petition"). The Petition seeks

relief from Rules 67-47.120-.150, Florida Administrative Code, which establish the terms, conditions, and procedures of HOME loans made to housing providers and HOME loans made to eligible home buyers and owners.

A copy of the Petition can be obtained from Andrew T. Price, Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on July 17, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Variance from or Waiver of Rule 67-44.004(3), Florida Administrative Code, ("Petition") from Hope Properties, Inc. The Petition seeks relief from Rule 67-44.004(3), Florida Administrative Code, which requires that once an Application has been received by the Corporation for funding from the Florida Home Ownership Assistance program, no additions, deletions, or changes to the application will be accepted.

A copy of the Petition can be obtained from Elizabeth G. Arthur, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission

Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection

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

PLACE: Room 212, Knott Building, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m.,

Room 212, Knott Building, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Division of Historical Resources** announces a public notice of the Florida National Register Review Board Meeting:

DATE AND TIME: Friday, August 3, 2001, 9:00 a.m.

PLACE: Room 307, 3rd Floor, R. A. Gray Building, South, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of National Register Nomination Proposals.

A copy of the agenda may be obtained by writing: Survey and Registration Section, Division of Historical Resources, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any person with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of State, Division of Cultural Affairs** announces the following public meeting to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Tuesday, August 7, 2001, 11:00 a.m.

PLACE: Administration Building, Santa Fe Conference Room, 1636 Lake Jeffrey Road, Lake City, FL 32055, (904)961-7028

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Proposal meeting to review and discuss a proposal presented by one of two selected artists for Art in State Buildings Project No. DOT 213-896, Lake City District Office, Columbia County, Florida

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least

48 hours before the meeting by contacting Don Blancett, (850)487-2980, Ext 131. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

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: August 28, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: August 22, 2001, 10:00 a.m.

PLACE: 151 S. E. Osceola Avenue, City Hall, Conference Room, Ocala, Florida 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting for Florida Fire Code Advisory Council to discuss fire code issues pertaining to the fire code rules.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** (DOF) and the Welaka State Forest Management Plan Advisory Group announces two public meetings and a public meeting/hearing to which all persons are invited. All three events will take place at the:

PLACE: Welaka State Forest Dining Hall, County Road 309, Welaka, Florida

Public Meeting, Welaka State Forest Management Plan Advisory Group

DATE AND TIME: Tuesday, September 18, 2001, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Welaka State Forest Management Plan Advisory Group to review advisory group procedures and to prepare for a public hearing the evening of September 18, 2001.

Public Meeting/Hearing

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide information on state forest activities proposed and to solicit public comment on management of the Welaka State Forest.

Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to the DOF's Welaka State Forest Office, P. O. Box 174, Welaka, FL 32193-0174, and should be mailed so as to arrive at the State Forest Office by the date of the public hearing.

Public Meeting, Welaka State Forest Management Plan Advisory Group

DATE AND TIME: Wednesday, September 19, 2001, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Welaka State Forest Management Plan Advisory Group to review comments from the public hearing of September 18, 2001, and to provide input to the DOF to help in preparation of a management plan for the Welaka State Forest. Copies of a working draft of the plan are available by contacting the Welaka State Forest Office in writing at the above address or by telephone, (904)467-2388.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of these proceedings. Any request for special accommodations can be made by writing the DOF's, Welaka State Forest Office at the above listed address.

You are hereby notified in accordance with Section 286.0105, Florida Statutes, should you decide to appeal any decision made as a result of, or take exception to any findings of fact with respect to any matter considered at the hearing and meetings referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such record shall include the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF EDUCATION

The Board of Trustees Endowment Investment Committee of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, August 16, 2001; Friday, August 17, 2001, 9:00 a.m.

PLACE: Walker Hall Board Room, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 17, 2001, 1:00 p.m.

PLACE: Wilson Music Building, Auditorium, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop relating to matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, August 18, 2001, 9:00 a.m.

PLACE: Wilson Music Building, Auditorium, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The **Department of Education** announces the following Committee Meetings of the Occupational Access and Opportunity Commission to which all persons are invited and to which all interested individuals are encouraged to attend.

State Plan Committee

DATE AND TIME: August 1, 2001, 10:00 a.m. – 1:00 p.m.
PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 360, Tallahassee, Florida 32301, (850)488-0059
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the State Plan Committee.

Bylaws, Policies and Procedures Committee

DATE AND TIME: August 7, 2001, 10:30 a.m. – 5:00 p.m.
PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 360, Tallahassee, Florida 32301, (850)488-0059
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Bylaws, Policies and Procedures Committee.

Field Services Committee

DATE AND TIME: August 8, 2001, 9:00 a.m. – 12:00 Noon
PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 214, Tallahassee, Florida 32301, (850)488-0059
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Field Services Committee.

Compliance & Oversight Committee

DATE AND TIME: August 8, 2001, 9:00 a.m. – 5:00 a.m.
PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 360, Tallahassee, Florida 32301, (850)488-0059
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Compliance & Oversight Committee.

Government and Customer Relations Committee

DATE AND TIME: August 8, 2001, 1:00 p.m. – 3:00 p.m.
PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 214, Tallahassee, Florida 32301, (850)488-0059
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Government and Customer Relations Committee.

Budget, Policy and Planning Committee

DATE AND TIME: August 8, 2001, 3:00 p.m. – 5:00 p.m.
PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 214, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Budget, Policy, and Planning Committee.

Executive Committee

DATE AND TIME: August 9, 2001, 9:00 am – 12:00 Noon
PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 214, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

RFP Review/Evaluation Workgroup

DATE AND TIME: August 10, 2001, 9:00 a.m. – 5:00 p.m.
PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 360, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the RFP Review/Evaluation Workgroup.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact: V. Virginia Rhoden, (850)488-0059, Ext. 207, seven days before the meeting.

The **Department of Education** announces the following Committee Meeting of the Occupational Access and Opportunity Commission to which all persons are invited and to which all interested individuals are encouraged to attend.

Five- Year Plan Committee

DATE AND TIME: August 6, 2001, 10:30 a.m. – 5:00 p.m.
PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 214, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Five-Year Plan Committee.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact: V. Virginia Rhoden, (850)488-0059, Ext. 207, seven days before the meeting.

DEPARTMENT OF LAW ENFORCEMENT

The **Department of Law Enforcement**, Crime Laboratory Council announces a Forensic Advisory Committee Meeting.

DATE AND TIME: Wednesday, August 22, 2001, 1:00 p.m.
PLACE: Palm Beach County Sheriff's Department, Crime Laboratory, 3228 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Forensic Advisory Committee Meeting.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Crime Laboratory Council Office, (850)410-8600, at least five (5) working days prior to the meeting.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, such person is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information or a copy of the agenda may be obtained by contacting: Mr. Dale H. Heideman, Forensic Coordinator, Florida Crime Laboratory Council, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

DEPARTMENT OF TRANSPORTATION

NOTICE OF RESCHEDULING – The Florida **High Speed Rail Authority** announces the rescheduling of a public meeting to which all persons are invited. The notice of the meeting published in the July 20, 2001, issue of Florida Administrative Weekly, showed the meeting as being scheduled for July 30, 2001. The meeting is rescheduled as follows:

DATE AND TIME: August 6, 2001, 10:00 a.m. – conclusion

PLACE: Florida Department of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review general consultant proposals and conduct other Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Authority at least 48 hours before the meetings by contacting Betty Sizemore, (850)414-5244.

The **Department of Transportation**, District 1 announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, August 23, 2001, 7:00 p.m.

PLACE: Three Oaks University Center, 20991 Three Oaks Parkway, Estero, FL 33928

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, and environmental effects of Financial Project ID Number: 200964-1-12-01, otherwise known as Interstate 75/Alico Road Interchange Project Development and Environment Study. The limits of the project are generally one mile north and one mile south of the Alico Road overpass at I75 and 0.7 miles east and 0.7 miles west of the overpass, in Lee County.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call, 1(800)292-3368. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Dick Combs, Manager, Environmental Management Office, Florida Department of Transportation, District One, Post Office Box 1249, Bartow, Florida 33831-1249.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of public meetings of the Florida State Board of Administration regarding the Request for Information and Invitation to Negotiate #2001-17 for Post-Retirement Annuity Products for Public Pension Fund for the Public Employee Optional Retirement Program to which all persons are invited.

DATE AND TIME: Monday, August 13, 2001, 1:00 p.m. – conclusion

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Retiree Annuity/Payout Implementation Group will meet to select finalists for oral interviews and possibly for on-site visits. The meeting will also include a discussion of the general business of PEORP.

DATES AND TIME: Wednesday through Friday, August 15-17, 2001; Monday through Friday, August 20-24, 2001, 8:00 a.m. – conclusion

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: These meetings will be oral interviews for the finalist candidates for post-retirement annuity products and may include on-site visits during the time period listed and will also include discussions of other PEORP implementation issues.

At the conclusion of the oral interviews, a decision will be made regarding whether, and if so, where, on-site visits will be conducted during this period. Persons wishing to participate in the on-site visits are encouraged to remain to the end of the oral interviews in order to ascertain which companies will be visited. The SBA will not pay any travel expenses except for members of the RAPIG evaluation team.

DATE AND TIME: Monday, September 10, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the RAPIG evaluation team will make a final recommendation regarding the candidate or candidates for the post-retirement annuity vendors for PEORP. The meeting may also include a discussion of the general business of PEORP.

Anyone wishing further information of a copy of the agenda should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: Tuesday, August 21, 2001, 1:00 p.m. – 5:00 p.m. (Eastern Standard Time)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address commercial residential issues for the 2002 contract year and to address other general business of the Florida Hurricane Catastrophe Fund.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend this meeting is requested to call Patti Elsbernd, (850)413-1346, five days prior to the meeting so that the appropriate arrangements can be made.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Blue Ribbon Committee to which all persons are invited.

DATE AND TIME: Tuesday, August 14, 2001, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Blue Ribbon Committee will meet to continue strategic planning. The Committee will also discuss any other issues that may properly come before the Committee.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 15, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, telephone (850)488-3417.

FLORIDA SERVICE COMMISSION

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: August 14, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, F.A.C.), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: August 14, 2001, Immediately following the Commission Conference which commences at 9:30 a.m. (in Commission Hearing Room 148)

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 010098-TP – Petition by Florida Digital Network, Inc. for arbitration of certain terms and conditions of proposed interconnection and resale agreement with BellSouth Telecommunications, Inc. under the Telecommunications Act of 1996.

DATE AND TIME: August 15, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition by Florida Digital Network, Inc., for arbitration of certain terms and conditions of proposed interconnection and resale agreement with BellSouth Telecommunications, Inc., under the Telecommunications Act of 1996, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on August 2, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 000604-TL – Request for review of proposed numbering plan relief for the 941 area code.

DATES AND TIME: August 16-17, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the request for review of proposed numbering plan relief for the 941 area code, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on July 23, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 950379-EI – Determination of regulated earnings of Tampa Electric Company pursuant to stipulations for calendar years 1995 through 1999.

DATE AND TIME: August 17, 2001, 9:30 a.m.
 PLACE: Conference Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a staff workshop to which all interested persons are invited to attend.

DOCKET NO.: Undocketed
 DATE AND TIME: Wednesday, August 29, 2001, 9:30 p.m.
 PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: There is an increase in the number of incidences in which inmates are unable to complete calls to alternative local exchange company (ALEC) customers from confinement facilities. The problem appears to be broad in scope and is not isolated to one telecommunications services provider or one facility.

The purpose of this workshop is to seek input regarding inmate pay telephone service, to determine the root cause of why the calls cannot be completed to an end user location served by an ALEC, to determine if 0+ calls made from pay telephones located outside confinement facilities experience the same problem, and to explore the necessity for rulemaking.

Telecommunications companies that provide local exchange, pay telephone, or operator services are invited to participate. Participants should be prepared to explain how inmate calls are processed when the calls terminate at locations being served by a local exchange company (LEC) or ALEC, with particular emphasis on any differences in the process. Consideration should be given to data base queries and billing issues. In addition, participants should be prepared to describe processes that occur when 0+ calls are placed from non-inmate pay telephones to locations served by ALEC's, and any differences in the handling of non-inmate and inmate 0+ calls.

A copy of the agenda may be obtained by contacting: Ray Kennedy, Supervisor, Division of Competitive Services, (850)413-6584, on or after August 22, 2001.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the workshop. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting to which all persons are invited:

DATE AND TIME: Wednesday, August 8, 2001, 9:30 a.m.
 PLACE: W. H. Stuart Center, 1710 U.S. Highway 17, South, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited:

PERSONNEL COMMITTEE
 DATE AND TIME: Tuesday, August 7, 2001, 8:30 a.m.
 PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Personnel Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

INFORMATION TECHNOLOGY COMMITTEE
 DATE AND TIME: Tuesday, August 7, 2001, 9:00 a.m.
 PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Information Technology Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

PROJECTS COMMITTEE AND GOVERNING BOARD

DATE AND TIME: Tuesday, August 7, 2001, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Discussion of Projects Committee agenda items and project information; and discussion and consideration of other District business including regulatory and non-regulatory matters.

FINANCE COMMITTEE MEETING

DATE AND TIME: Wednesday, August 8, 2001, 8:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Discussion of Finance Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Wednesday, August 8, 2001, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda for these meetings may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Executive Office.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The Southwest Florida Water Management District announces a working meeting between Minimum Levels Peer Review panelists, Ken Wagner and Forrest Dierberg.

DATES AND TIME: August 6-7, 2001, 9:00 a.m.

PLACE: Southwest Florida Water Management District, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, Florida and possibly various lake site visits, if any, which will be announced at the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the proposed methodology for development of minimum levels for Category 3 Lakes within the Southwest

Florida Water Management District. Interested persons will have the opportunity to provide the Peer Review panelists with relevant information.

One or more Governing Board or Basin Board members may be in attendance.

For additional information you may contact: Doug Leeper, Environmental Scientist 4, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, Florida 34609-6899 or by calling (352)796-7211, Extension 4272, 1(800)423-1476, Extension 4272 or Suncom 628-4272.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact Judy Reed, (352)796-7211 or 1(800)423-1476, Extension 4215, TDD only number 1(800)231-6103, Fax number (352)797-5806, Suncom 663-6885.

The Southwest Florida Water Management District announces the following public hearing to which all interested persons are invited:

DATES AND TIMES: August 28, 2001, 9:00 a.m. and may be continued; August 29, 2001, 9:00 a.m.

PLACE: Governing Board Room, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: The acquisition of certain lands eligible to be considered for funding from the Water Management Lands Trust Fund (Save Our Rivers)/Florida Preservation 2000 Trust Fund which lands are further described as follows:

Part of the Weekiwachee Preserve project comprised of one parcel referred to as SWF Parcel No. 15-773-121 consisting of approximately 136.9± acres. The parcel is located on County Road 597 and lies in Section 31, Township 22 South, Range 17 East in Hernando County, Florida; and

Part of the Weekiwachee Preserve project comprised of two parcels referred to as SWF Parcel Nos. 15-773-173 and 15-773-168, consisting of approximately 25± acres and 65± acres, respectively. The parcels are located on the south side of Aripeka Road (County Road 595) and lie in Section 12, Township 24 South, Range 16 East in Pasco County, Florida.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting: Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address.

The District does not discriminate based on disability status. Anyone requiring reasonable accommodations under the ADA should call 1(800)423-1476 (Florida only), Extension 4452, Fax (352)754-6877, TTD only 1(800)231-6103.

The **South Florida Water Management District** announces public meetings to which all interested persons are invited:

DATE AND TIME: August 2, 2001, 6:30 p.m., reception
PLACE: Sheraton Hotel at City Place, 630 Clearwater Park Road, West Palm Beach, FL 33401

DATES AND TIME: August 2-3, 2001, 8:30 a.m. – 5:00 p.m.
PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Water Resources Advisory Commission to conduct regular commission business.

A copy of the agendas may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

For more information, contact Tony Burns, District Clerk, (561)682-6206.

The **South Florida Water Management District** announces a public workshop/meeting which may be conducted by means of or in conjunction with communications technology, to which all interested parties are invited:

DATE AND TIME: August 8, 2001, 9:00 a.m.
PLACE: District Headquarters, B-1 Building Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board workshop and meeting to discuss and consider 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. Any item on the Thursday, August 9, 2001 Governing Board Regular Meeting may be considered on this agenda. This meeting may also include the Human Resources Committee and/or Audit Committee as part of the meeting agenda.

NOTE: Due to extensive construction at the main complex for the next 15 months, parking will be severely impacted. Additional parking for the public will be available at the National Guard Armory just east of the main complex, or at Lake Lytel Park, located west of the main complex.

In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, August 9, 2001, meeting agenda, including regulatory and non-regulatory items.

DATE AND TIME: August 8, 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: August 9, 2001, 7:00 a.m.

PLACE: To be determined

GENERAL SUBJECT MATTER TO BE CONSIDERED: Breakfast workshop with Governing Board members and senior staff.

DATE AND TIME: August 9, 2001, 8:30 a.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration for District business regulatory and non-regulatory matters, including public meetings. 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 Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information, or those wishing to submit written or physical evidence may contact Tony Burns, District Clerk, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680, (561)682-6206.

The **South Florida Water Management District** announces public meetings to which all interested persons are invited. Official public meetings regarding RFP C-C2070P are scheduled as follows:

Selection Committee

DATES AND TIME: August 14, 2001, 8:30 a.m. (Alternate Date – August 20, 2001, 8:30 a.m.)

PLACE: District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Oral Presentations

DATES AND TIME: September 5, 2001, 8:30 a.m., (Alternate Date – September 10, 2001, 8:30 a.m.)

PLACE: District Headquarters, Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Request for Proposal RFP C-C2070P Comprehensive Everglades Restoration Plan, Program Management Support Services.

The Division of Procurement and Contract Administration of the South Florida Water Management District, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406, will receive sealed proposals up to the 2:30 p.m., opening time on August 1, 2001, for the purpose of this solicitation is to procure a wide range of professional services from a consultant who will serve in a supporting role to the South Florida Water Management District in the overall management and execution of the Comprehensive Everglades Restoration Plan. The contract will be a five (5) year contract with the District's option to renew for an additional five (5) years.

All proposals must conform to the instructions in the Request for Proposal (RFP). Interested respondents may obtain a copy of the complete RFP at the above address, by calling (561)687-6391, or by calling the 24-hour BID HOTLINE 1(800)472-5290. The public is invited to attend the proposal opening. Information on the status of this solicitation can be obtained at our website www.sfwmd.gov.

South Florida Water Management District Governing Board members may be in attendance at any of the above public meetings.

All public meetings will be held at the District Headquarters, Building B-1.

A copy of the agenda may be obtained by writing: SFWMD, Procurement Division, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)687-6206, at least two business days in advance of the meeting to make appropriate arrangements.

Should one or more members of the evaluation committee need to attend any of the meetings by means of communication media technology (CMT), the meetings will be teleconferenced at the times, locations and conference rooms referenced above. For more information please contact Jessica J. Flathmann, ECP Contracting Officer, (561)682-2823.

The **South Florida Water Management District** announces a public meeting which to which all interested parties are invited:

DATE AND TIME: August 7, 2001, 5:00 p.m. – 8:00 p.m.

PLACE: South Florida Water Management District, Fort Lauderdale Field Station, 2535 Davie Road, Fort Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget Public Forum

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

Those who desire more information, please contact Humberto Alonso, South Florida Water Management District, Fort Lauderdale Field Station, 2535 Davie Road, Fort Lauderdale, FL, (954)713-4981.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited to call in.

DATE AND TIME: Monday, July 30, 2001, 4:00 p.m.

PLACE: To access the "Meet-Me" number call (850)488-5776 or Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certificate of Need (CON) Workgroup, Hospice Subcommittee as authorized by Chapter 2000-318, Laws of Florida.

For additional information contact: Agency for Health Care Administration, 2727 Mahan Drive, M.S. #28A, Tallahassee, Florida 32308 or call (850)922-0791 or via e-mail at colvinl@fdhc.state.fl.us.

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited to call in.

DATE AND TIME: Tuesday, July 31, 2001, 9:30 a.m. – 11:30 a.m.

PLACE: To access the "Meet-Me" number call (850)488-2854 or Suncom 278-2854

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certificate of Need (CON) Workgroup, Finance Subcommittee as authorized by Chapter 2000-318, Laws of Florida.

For additional information contact: Agency for Health Care Administration, 2727 Mahan Drive, M.S. #28A, Tallahassee, Florida 32308 or call (850)922-0791 or via e-mail at colvinl@fdhc.state.fl.us.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 3, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Orlando Airport Hyatt, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certificate of Need (CON) Workgroup as authorized by Chapter 2000-318, Laws of Florida.

A copy of the agenda may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, M.S. #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail at colvinl@fdhc.state.fl.us.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, telephone (850)922-0791.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 10, 2001, 10:00 a.m. – 2:00 p.m.

PLACE: Orlando Airport Hyatt, Orlando, FL

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, M.S. #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mailing Mary Loepp, Unit Manager, Hospital and Outpatient Services Unit, 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, telephone (850)487-2717.

DEPARTMENT OF MANAGEMENT SERVICES

The **Workforce Florida, Inc.**, Board of Directors announces a Board of Directors' Meeting and associated meetings in which all persons are invited to participate:

DATE AND TIME: August 9, 2001, 9:30 a.m. – 4:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the Board.

PLACE: Embassy Suites Hotel, 191 East Pine Street, Orlando, FL 32801, (407)841-1000

A copy of the agenda(s) may be obtained by contacting: Pat Chalmers after August 1, 2001, (850)921-1119, e-mail at pchalmers@workforceflorida.com or our website at www.workforceflorida.com.

Those individuals wishing to participate in this meeting on August 9, 2001 are advised that this location is accessible to those individuals with a disability or physical impairment. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Building Code Administrators and Inspectors Board** hereby gives notice of a public workshop for the purpose of rule development on Rule 61G19-6.012, Provisional Certificates. A notice of rule development was originally published in Vol. 27, No. 26, of the June 29, 2001, Florida Administrative Weekly.

DATE AND TIME: August 3, 2001, 9:00 a.m.

PLACE: Biltmore Hotel, 1200 Anastasia Ave, Coral Gables, Florida 33134

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy** announces the following public meetings to which all person are invited:

DATES AND TIMES: Monday, October 22, 2001, 9:00 a.m., Meeting of the Board; Tuesday, October 23, 2001, 8:30 a.m., Probable Cause

PLACE: Hilton Garden Inn, 7300 Augusta National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered. The Board will meet to consider enforcement proceedings including consideration of investigating officer's reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public and a copy of the Board agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Martha Willis, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection, Division of Land and Recreation**, Office of Coastal and Aquatic Managed Areas, Office of the Florida Keys National Marine Sanctuary announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, August 1, 2001, 8:30 a.m. – 5:00 p.m.

PLACE: Marathon Garden Club, 5270 Overseas Highway, Mile Marker 49.7, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Keys National Marine Sanctuary Water Quality Protection Program (FKNMSWQPP) will hold a meeting for its Steering Committee. The agenda of this regular meeting of the FKNMSWQPP Steering Committee will include: updates on the Florida Keys Carrying Capacity Study, no discharge zone proposal, stormwater management plans, comprehensive water quality monitoring and zone monitoring programs; reports on the Boot Key Harbor mooring field, Little Venice, Key Largo and Islamorada wastewater treatment systems; and reviews of the proposed WQPP budget and FKNMS science plan. The meeting will also contain opportunities for public comment.

A copy of the full agenda may be obtained by contacting: Fred MacManus, (404)562-9385.

If accommodation is needed for an attendee with a disability to participate in this activity, please notify Fred McManus, U.S. Environmental Protection Agency, Region IV, (404)562-9385, prior to the event.

The **Department of Environmental Protection** announces the second public workshop of the Water Conservation Initiative to which all persons are invited:

DATE AND TIME: August 15, 2001, 9:30 a.m. – 4:30 p.m.

PLACE: South Florida Water Management District, Governing Board Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide information on the Florida Water Conservation Initiative that has been established pursuant to the state's Drought Action Plan, and to continue receiving public input on water conservation issues. The primary goal of the workshop is to continue gathering information in preparation for developing a November 1, 2001 draft Department report on ways to increase water use efficiency. Representatives from the Department, the five water management districts, the Public Service Commission, and the Department of Agriculture and Consumer Services will be present at the workshop and wish to encourage participation from the public and all water use sectors and other interested parties, including public and private water suppliers, agriculture, commercial users, industry, developers, commercial landscaping and grounds maintenance companies, golf course and hotel managers, environmental groups, local governments and state agencies. Meeting attendees will be encouraged to participate in the "Work Groups" that were formed at the first public workshop on June 29, 2001. The work groups are developing recommendations to improve the conservation and efficient use of water (including reclaimed water) throughout the state. Water users, environmental groups, and other parties are welcome to participate in more than one Work Group if they choose to do so. The following Work Groups have been formed: Non-Agricultural Irrigation; Indoor Water Use and Water Features; Agriculture; Industrial, Commercial and Institutional; Water Pricing to Promote Conservation; Water Reuse.

The Work Groups will meet for much of the day on August 15, 2001 and continue separately after the workshop ends. Written recommendations from each Work Group are requested by October 1, 2001. Each Work Group will be asked to develop priority recommendations that will result in significant savings of water over either the short term or long term. The recommendations from the public workshop and the Work Groups will be important to the Department in preparing its water conservation recommendations. No registration for the meeting is necessary.

A copy of the agenda, workshop location and a description of the Florida Water Conservation Initiative may be obtained by contacting Yvonne Zola, Florida Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #46, Tallahassee, Florida 32399-2400, (850)488-4107, email Yvonne.Zola@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 Personnel

Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection** announces a public workshop to which all persons are invited.

DATE AND TIME: August 29, 2001, 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 to receive public comment on the intended use of the Fiscal Year 2002 Federal Safe Drinking Water Act appropriations and State matching funds. Funds will be used to finance drinking water preconstruction and construction projects through grants and loans under the State Revolving Fund (SRF) program Rule, Chapter 62-552, Florida Administrative Code. Approximately \$32 million is expected to be available. Workshop topics will include project eligibility, project prioritization, types of assistance available, objectives of the program, program requirements, use of set-aside funds, and the proposed project list.

A copy of the proposed Intended Use Plan may be obtained by contacting: Bob Holmden, 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: robert.holmden@dep.state.fl.us.

If an accommodation for a disability is needed in order to participate in this activity, please notify the Personnel Services Specialist, Bureau of Human Resource Services, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

The **Department of Environmental Protection** announces a public hearing to be held before the Environmental Regulation Commission to which all interested persons are invited.

DATE AND TIME: August 30, 2001, 10:00 a.m.

PLACE: Conference Room A, Douglas Office Building, 3900 Commonwealth Boulevard, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony and public comment and to take final action on adoption of the fiscal year (FY) 2002 Drinking Water State Revolving Fund (DWSRF) priority list for grants in accordance with Florida Administrative Code (FAC) Rule 62-552. The Commission may adopt, modify or deny the proposed actions 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 sent to local governments 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, The Twin Towers Office Building, M.S. #3505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, no later than 5:00 p.m., on the first working day after the public hearing.

If an accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist, Bureau of Human Resources, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

The **Department of Environmental Protection** announces a public hearing to which all interested persons are invited.

DATE AND TIME: August 31, 2001, 10:00 a.m.

PLACE: Room 611, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, FL

If an accommodation for a disability is needed in order to participate in this activity, please notify the Personnel Services Specialist, Bureau of Human Resources, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony and public comment and to take final action on proposed adoption of the Fiscal Year (FY) 2002 drinking water State Revolving Fund (SRF) priority list for loans. The priority list for grants will have been proposed for adoption at the August 30 hearing held before the Environmental Regulation Commission. Approximately \$32 million is expected to be available for loans and grants. The Department may adopt, modify or deny the proposed actions at the hearing. Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding any proposed actions. After the hearings, the Department will file the Final Order for actions taken at the hearing. A copy of the Final Order will be sent to local governments sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or 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: Al Bishop, Bureau of Water Facilities Funding, at the same address or by phone, (850)488-8163 or Suncom 278-8163 or by e-mail: al.bishop@dep.state.fl.us.

The **Acquisition and Restoration Council (ARC)**, as defined in Section 259.035, Florida Statutes, announces the following public hearing/meeting to which all interested parties are invited. The meetings will be held as follows:

Public Hearing/Meeting

DATE AND TIME: August 9, 2001, 3:00 p.m.

PLACE: Wekiwa Springs State Park, 1800 Wekiwa Circle, Apopka, Florida 32712

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purposes of conducting business of the Council, including, but not necessarily limited to, a land management plan for West Lake Park (Broward County) and the review of eight new land acquisition proposals: Dodson Creek Properties (Volusia County), Holopaw Ranch Addition (Osceola County), Okeechobee Battlefield (Okeechobee County), Northeast Florida Blueway phase II – Tolomato and Matanzas Rivers (St. Johns County), Northeast Florida Timberlands and Watershed Reserve (Clay, Duval and Nassau Counties), Drayton Island (Putnam County), Kissimmee – St. Johns River Connector (Indian River and Okeechobee Counties), Pasco Coastal Eco-system (Pasco County).

To obtain additional information, please contact the Office of Environmental Services, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #140, Tallahassee, Florida 32399-3000, (850)487-1750.

Persons requiring special accommodations due to a disability or physical impairment should contact: Ms. Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven before the meeting.

The **Department of Environmental Protection**, Office of Greenways and Trails (OGT) announces meetings of the Florida Greenways and Trails Council (FGTC) and its committees to which all interested parties are invited.

CSO Steering Committee

DATE AND TIME: August 15, 2001, 4:00 p.m.

PLACE: The Holland and Knight LLP Building, 400 North Ashley Drive, 20th Floor, Consulting Suite, Tampa, FL 33604
Landowner Incentives, Motorized, and Outreach committees

DATE AND TIME: August 15, 2001, 6:00 p.m.

PLACE: The Holland and Knight LLP Building, 400 North Ashley Drive, 20th Floor, Consulting Suite, Tampa, FL 33604
Full Council

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

PLACE: The Holland and Knight LLP Building, 400 North Ashley Drive, Room 8D, 8th Floor, Tampa, FL 33604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the council and its committees. The CSO Steering Committee is an adhoc committee that will meet to discuss the creation of a statewide citizen support organization for greenways and trails.

For additional information contact: Marsha Rickman, Department of Environmental Protection, Office of Greenways and Trails, DEP, M.S. #795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)488-3701 or 1(800)955-8871 (TDD), email: marcha.rickman@dep.state.fl.us.

NOTE: If you need special accommodation in order to attend this meeting because of a disability, please contact Marsha Rickman at the address or telephone number above prior to August 10, 2001.

DEPARTMENT OF HEALTH

The Florida **Board of Dentistry** will hold a general business meeting to which all persons are invited:

DATES AND TIMES: Friday, August 17, 2001, 9:00 a.m.; Saturday, August 18, 2001, immediately following the Rules Workshop

PLACE: Embassy Suites Hotel, 555 North Westshore Blvd., Tampa, FL 33607, (813)875-1555

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 #C06, Tallahassee, Florida 32399-3256 or you may call (850)245-4161. 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)245-4161, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Dentistry** will hold a Rules Workshop to which all persons are invited:

DATE AND TIME: Saturday, August 18, 2001, 8:00 a.m.

PLACE: Embassy Suites Hotel, 555 N. Westshore Blvd., Tampa, FL, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss rules of the board to determine if amendments are necessary.

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 #C06, Tallahassee, Florida 32399-3256 or you may call (850)245-4161. 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)245-4161, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, August 4, 2001, following the Board Meeting or soon thereafter

PLACE: Florida Senate Office Building, The Capitol, 404 S. Monroe Street, Room 110, Tallahassee, FL 32399-1100, (850)245-4131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Department of Health, Board of Nursing** announces it will hold the following meeting to which all persons are invited.

Nursing Education Rules Workshop

DATE AND TIME: Tuesday August 14, 2001, following the Practice Committee Meeting which starts at 4:00 p.m. (Meeting will last for two hours only.)

PLACE: Radisson Plaza Hotel, 60 South Ivanhoe Blvd., Orlando, FL 32804, (407)425-4455

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review proposed rules for Nursing Education.

A copy of the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Florida Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207.

Please Note that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the

proceedings and for such purpose he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing office, (904)858-6940, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Nursing** announces it will hold the following meetings to which all persons are invited.

North Probable Cause Panel

DATES AND TIME: August 18, 2001; September 22, 2001; October 27, 2001; November 17, 2001; December 15, 2001, 8:30 a.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: To reconsider cases which are a matter of public record. A list of cases to be reconsidered may be obtained through written request to the Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 3, Tallahassee, Florida 32308, Attn: Reginald D. Dixon, Staff Attorney.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIME: August 13-14, 2001, 8:00 a.m. (EDT)

PLACE: Adam's Mark Hotels & Resorts, 1500 Sand Lake Road, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will conduct disciplinary proceedings, general board business and rules review.

The probable cause panel will meet August 12, 2001, 2:00 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, Bobbie Sawner, (850)245-4291, 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 **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: August 14, 2001, 8:00 a.m. – 10:00 a.m. (EDT)

PLACE: Adam’s Mark Hotels & Resorts, 1500 Sand Lake Road, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee will meet to consider the establishment or revision of Board rules in the following areas: response to legislation (SB1558, SB1202, SB1324) 64B16-28.1135, 64B16-28.113, 64B16-28.501, 64B16-27.820 and Automated Medication Systems.

A copy of the board agenda 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, Bobbie Sawner, (850)245-4291, 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 **Department of Health** announces two meetings of the Research Review and Advisory Committee to which all persons are invited.

DATES AND TIMES: August 6, 2001, 10:00 a.m.; August 10, 2001, 1:30 p.m.

PLACE: This meeting will be conducted via telephone phone conference call. The call-in number for both meetings is (850)488-5776 or Suncom 277-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed and current research projects, including the review and comment on the final report of the “Seasonally Inundated Area Study”.

A copy of the agenda and the call-in phone numbers may be obtained by contacting: Mark Hooks, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1713 or by phone at (850)245-4070 or by email at Mark_hooks@doh.state.fl.us.

The **Department of Health** announces a meeting of a subcommittee of the Technical Review and Advisory Panel to which all persons are invited.

DATE AND TIME: August 14, 2001, 10:00 a.m. – 12:00 Noon

PLACE: This is a conference call meeting. The telephone number is (850)488-5776 or Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and advise on the need for licensing the portable restroom industry in the state. Taking into consideration issues relating to qualifications, education, training, and the procedure for handling, transporting and disposal of septage. The review is not intended to impact work done by septic tank or master septic tank operators. The technical review and advisory panel shall submit its report to the Legislature by January 2, 2002.

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 **Department of Children and Family Services**, Developmental Disabilities Program, Choice and Control Pilot Projects announces a coalition meeting to which all persons are invited.

DATE AND TIME: Thursday, August 2, 2001, 4:00 p.m. – 6:00 p.m.

PLACE: The Department of Children and Family Services Offices, Cedars Executive Center, Building A, Room 166, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The status of the District 2 pilot project.

A copy of the agenda for this meeting can be obtained from: Shayne Betts, Area Coordinator, (850)872-7652.

Persons needing accommodation to participate in this meeting should call at least 4 days in advance of the meeting, (850)872-7652 or TDD (850)921-1304.

The **Department of Children and Family Services**, SunCoast Region announces the following public meeting to which all persons are invited:

Pasco Community Alliance

DATE AND TIME: August 8, 2001, 2:00 p.m.

PLACE: Counsel Square II, Conference Room 150, 7601 Little Road, New Port Richey, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss implementation of community alliances in the SunCoast Region.

Agendas can be obtained seven days in advance of each meeting at: Mary Grizzle, State Office Building, Suite 414, 11351 Ulmerton Road, Largo, FL.

Persons needing accommodation to participate in these meetings should call at least 3 days in advance of the meeting, (727)588-7061 or TDD (727)588-6662 to arrange accommodations.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE OF CORRECTION – The Florida **Fish and Wildlife Conservation Commission** announces a correction to the public meeting published on June 29, 2001, in the Florida Administrative Weekly, conducted by a Subcommittee of the Commission to which all interested persons are invited:

DATE AND TIME: August 17, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, 2nd Floor, Conference Room, Bryant Building, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Fish and Wildlife Conservation Commission Legislative Proposals for the 2002 Legislative Session and make recommendations to the Commission.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the Commission at least 5 calendar days prior before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the Commission by calling (850)488-9542.

For further information, contact: James V. Antista, General Counsel, 620 South Meridian Street, Tallahassee, Florida, (850)487-1764.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: August 8, 2001, 8:00 a.m.

PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: August 8, 2001, 1:00 p.m.

PLACE: Technological Research and Development Authority, 5195 South Washington Avenue, Titusville, Florida 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: Linda D. Lundy, TRDA Office Manager, (321)269-6330 or llundy@trda.org.

CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION

The Region XV, Training Advisory Council of the Florida **Criminal Justice Standards and Training Commission** announces a public meeting to which all interested persons are invited:

DATE AND TIME: August 15, 2001, 8:30 a.m.

PLACE: Pat Thomas Law Enforcement Training Academy, U.S. Highway 90, 14 miles west, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Region XV, Training Advisory Council of the Florida Criminal Justice Standards and Training Commission.

The primary business will be to discuss training issues.

A copy of the agenda for the above meeting may be obtained by writing: Robert Anderson, Office of the Attorney General, Medicaid Fraud Control Unit, PL-01, The Capitol, Tallahassee, FL 32399-1050.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF BANKING AND FINANCE

NOTICE IS HEREBY GIVEN THAT Dave Taylor, President of Florida Compliance Specialists, Inc., has withdrawn his petition for a declaratory statement. The petition sought the agency's opinion as to the applicability of Sections 494.001(1), (4),(26), 494.006(1)(i), 494.0062(5), 494.0076, Florida

Statutes, and Rules 3D-40.001(5) and 3D-40.270, Florida Administrative Code, pertaining to correspondent mortgage lender and mortgage lenders that service their own loans.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN THAT the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on July 16, 2001 from Susanne Manning. Petitioner is seeking amendment of Rule 33-203.201, Florida Administrative Code, to require issuance of monthly inmate bank statements by the 10th of each month.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on July 16, 2001 from Susanne Manning. Petitioner is seeking amendment of Rule 33-602.101, Florida Administrative Code, to specify procedures relating to the issuance of health and comfort items to inmates.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT the Agency for Health Care Administration has received a petition for a declaratory statement from Miriam Harmatz, Esquire, Vivian Chavez, Esquire, and Dawn Miller, Esquire, on behalf of Maria Albo. The petition seeks the agency’s opinion as to the applicability of 42 United States Code § 1396a(a)(8); 42 United States Code § 1396n(c)(2)(c); 42 Code of Federal Regulations § 431.200 et. seq.; 42 Code of Federal Regulations § 435.911; and Rules 59G-8.200(6)(b), 59G-8.200(6)(h), 65A-1.711(4)(f), Florida Administrative Code, as they apply to the petitioner.

A copy of the petition may be obtained by writing: Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 3, Tallahassee, Florida 32308.

Please refer all comments to: Karen Varn, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 3, Tallahassee, Florida 32308.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Nursing has received a Petition for Declaratory Statement with regard to Section 464.012(4)(a), Florida Statutes, which was filed July 9, 2001, by Helen M. Serpa, R.N., C.N.O.R., R.N.F.A. Petitioner requests a declaratory statement from the Board in

regards to a Registered Nurse assisting in the performance of laser treatments. This matter will be addressed at the Practice Committee meeting during the regularly scheduled board meeting on August 14, 2001, 4:00 p.m., or shortly thereafter, at the Radisson Plaza Hotel, 60 South Ivanhoe Boulevard, Orlando, Florida 32804, (407)425-4455.

A copy of the Petition for Declaratory Statement may be obtained by writing: Dr. Ruth Stiehl, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207.

The Board of Psychology hereby gives notice that it has received a petition, filed on January 30, 2001 by John Oliver, Ph.D, in which the Petitioner requests a declaratory statement as to whether a provisionally licensed psychologist, who has already completed his post-doctoral supervision hours, needs on site supervision, and as to whether a licensed psychologist is eligible to receive a Medicare provider number in order to see patients, with or without on-site supervision, when providing services in an “off-premises” facility. Section 490.0051, Florida Statutes, provides that a person holding a provisional license to practice psychology must work under the supervision of a licensed psychologist until the provisional licensee becomes fully licensed as a psychologist and Section 490.005(1)(c), Florida Statutes, provides that a person desiring to be licensed as psychologist shall submit proof satisfactory to the board that the applicant has had at least 2 years or 4,000 hours of experience in the field of psychology in association with or under the supervision of a licensed psychologist meeting the academic and experience requirement of this chapter or the equivalent as determined by the board. The experience requirement may be met by work performed on or off the premises of the supervising psychologist if the off-premises work is not the independent, private practice rendering of psychological services that does not have a psychologist as a member of the group actually rendering psychological services on the premises.

It is the opinion of the Board that the two statutory sections must be read in pari materia, and that the answer to the Petitioner’s first question is that a provisionally-licensed psychologist must be supervised on-site.

It is the opinion of the Board that the Board does not have authority over Medicare matters, and that the answer to the Petitioner’s second question cannot be provided by the board, but must be addressed to Medicare.

Written comments on this petition should be filed with Board of Psychology, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

For a copy of the petition, contact: Kay Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Children and Family Services has received a petition for a declaratory statement from Maria Albo. The petition seeks the agency's opinion as to the applicability of 42 USC s. 1396a(a)(8); 42 USC s. 1396n(c)(2)(C); 42 C.F.R. ss. 431.200 et. seq.; 42 C.F.R. s. 435.905; 42 C.F.R. s. 435.911; 59G-8.200(6)(b), F.A.C.; 59G-8.200(6)(h), F.A.C.; and, 65A-1.711(4)(f), F.A.C., as they apply to the petitioner.

A copy of the petition may be obtained from: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 420, Tallahassee, FL 32399-0700.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

INVITATION TO BID

The Florida State University FO&M Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
F O & M Maintenance, Purchasing
114F Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: F O & M 3-1
Purchasing Agent: B. J. Lewis, F O & M
Mandatory Pre-Bid Opening: Monday, August 6, 2001
9:00 a.m.
Corner of Jefferson St. and
Martin Luther King Blvd.
Public Bid Opening: August 13, 2001, 9:00 a.m.
FSU, F O & M Maintenance
101 Mendenhall Hall
Building A
Tallahassee, Florida
32306-4150
F O & M Maintenance
Purchasing
Bid Documents: Colonadde Replacement at
FSU, College of Law, Village
Green, AWL, and Project
#00020.24

Plans and specifications are available from the following:
FSU, Office of Campus Design
Suite 125, Mendenhall A
Phone (850)644-6801

NOTICE TO PROFESSIONAL CONSULTANTS

Florida International University, on behalf of the Board of Regents, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project and Location: Wolfe University Center Renovations and Addition BR-861, Florida International University, Biscayne Bay Campus, Miami, Florida.

The space requirements of this renovation/expansion project are within the context of a one-story addition to the east and to the south of the Wolfe University Center, at the Biscayne Bay Campus. The east addition will house the new Fitness Center, which will comprise a total area of 7,655 NASF of which 780 NASF will be office area and 6,875 NASF will be allocated to the Fitness Center and the Aerobics Studio with Locker Rooms. The south end addition is envisioned with a multi-function courtyard, and tenant offices. The main attraction will be a multi-purpose flexible courtyard, with air conditioning, and windows to make use of natural lighting. During peak hours, this space is to be available as an additional seating area for the cafeteria and food court, retail spaces shall be developed for food offerings. The courtyard space will also be used for programs and events. The south addition will house the new Food Court with a servery area of 2,900 NASF, a Food Preparation Area with 2,650 NASF and a Food Court Seating area with 4,250 NASF.

The total building construction cost is \$2,931,088, \$1,535,543 are earmarked for the construction of the east addition, Fitness Center portion of this project and \$1,395,545 are earmarked for the construction of the south renovation/expansion, Food Court portion of this project. The total project cost is \$3,666,872.

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 (SUSPQS)," dated September 1999. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board.

An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit seven (7) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. State of Florida Minority Business Enterprise certification is no longer requested. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms and the Project Fact Sheet may be obtained by written request: Facilities Management, Florida International University, Campus Support Complex, Room 236, University Park, Miami, Florida 33199, or by Faxing a request to (305)348-4010. Requests for meetings by individual firms will not be granted.

Submit qualifications to: Mary Varela Witham, Facilities Planner/Contract Administrator, Florida International University, Facilities Management, Campus Support Complex, University Park, Miami, Florida 33199, by 2:00 p.m. (Local Time), Friday, August 24, 2001. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Gulf Coast University, on behalf of the State of Florida, Florida Board of Education, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project and Location: Environmental Demonstration Lab – #BR-1026

Description of Project

The FGCU Environmental Demonstration Lab will provide information and demonstrations to all potential user groups including architects, builders, trades, landscape architects, loan officers, and homeowners. The project will also provide research and learning opportunities for FGCU faculty and students. The Lab will be designed and built to meet a number of national and state "green building" certification standards, in order to become a nationally recognized model of this type of construction.

The project will utilize the Conventional Bid method. The selected firm will provide design, construction documents, and administration for the referenced project. The estimated construction cost is approximately \$818,000 and project budget is \$1,000,000.

Instructions

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Florida Board of Education "Professional Qualifications Supplement," dated September 1999. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An application 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 five (5) 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, subcontract, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Mr. Jack Fenwick, Director of Facility Planning, 10501 FGCU Blvd., South, Fort Myers, Florida 33965-6565, Phone (941)590-1500, Fax (941)590-1505

Submittals must be received in the Facilities Planning Office, by 3:00 p.m. (Local Time), August 27, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

A MANDATORY PRE-BID CONFERENCE FOR
PIZZA SERVICE (BID NO: 5941)
TO BE HELD ON

THURSDAY, AUGUST 9, 2001, 10:00 A.M.
IN THE CONFERENCE ROOM

SUPPORT SERVICES ANNEX CENTRAL
3308 CANAL STREET, FORT MYERS, FLORIDA

AT TIME OF PRE-BID CONFERENCE, VENDOR(S)
MUST PRESENT ONE (1) PIZZA TEMPLATE FOR EACH
LOCATION (STORE) THAT PIZZA WILL BE DELIVERED
OUT OF. ONLY VENDORS WHO ATTEND THE PRE-BID
CONFERENCE WILL BE ELIGIBLE TO BID.

PHONE (941)479-4250, FAX (941)337-8200, IN PERSON
OR MAIL: 3308 Canal Street, Fort Myers, Florida 33916-6594

By: Linda Owen, Senior Buyer

ADVERTISEMENT FOR BIDS

Sealed bids will be received by the Duval County Public Schools, Division of Facilities Services, Room 546, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207 for:

PROJECT TITLE: Replacement of Mechanical Systems at Joseph Stilwell Middle School No. 219

BID NUMBER: M-81570

SCOPE OF WORK: Chiller Installation, Gym and Kitchen Air Conditioning, and Associated Piping and Electrical work.

BIDS: Bids will be received until 2:00 p.m., Tuesday, August 28, 2001 and immediately thereafter publicly opened, read aloud and recorded in the 5th Floor,

Conference Room 541, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207.

All general contractors or prime bidders that are interested in bidding are required to attend a mandatory pre-bid conference to be held on August 16, 2001, 10:30 a.m. (Local Time) at Joseph Stilwell Middle School No. 219, 7840 Burma Road, Jacksonville, Florida 32221. 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, if applicable, as required by the laws of the State of Florida.

Contract documents for bidding may be obtained at the office of: Paryani Engineers, P. E., P.A., 3115 Spring Glen Road Suite 508, Jacksonville, Florida 32245. DCSB Point of Contact: John McKean, (904)858-6310.

Contract documents for bidding may be examined at Division of Purchasing Services, Duval County Public Schools; F. W. Dodge McGraw Hill Plan Room; Construction Bulletin; Construction Market Data, Inc.; Business Service Center

MBE

PARTICIPATION: A minimum of 15% percent overall Minority Business Enterprise participation required.

WATER MANAGEMENT DISTRICTS

REQUEST FOR QUALIFICATIONS (RFQ)

No. 00/01-051WR

Suwannee River Water Management District (District) invites qualified firms to submit sealed materials in support of their qualifications for developing conservation plans (CP) for dairies, designing waste management systems, (including operation and maintenance specifications), certifying the implementation of the CP, and working with dairy owner/operators in the operation and maintenance phase of a project. Up to eight dairies may need these services in the Middle Suwannee River Area in Dixie, Lafayette and Suwannee Counties of North Central Florida.

The RFQ will be released on July 27, 2001.

To be advised of any changes in the RFQ or of any questions posed by interested firms, please complete the Question Response Form (included in the RFQ) and return to Suzanne Richardson at the address provided below, by August 10, 2001. RFQ 00/01-051WR is due at the District office by 4:00 p.m. (EDT), August 27, 2001.

It is preferred that the RFQ document be accessed from the District Website www.srwm.state.fl.us on or after July 27, 2001. However, if this is not possible a copy may be obtained by contacting:

Suzanne Richardson, Administrative Assistant
Suwannee River Water Management District
9225 County Road 49
Live Oak, FL 32060
(386)362-1001 or 1(800)226-1066 (Florida only)
Email: richardson_s@srwm.state.fl.us

If you have any questions concerning the project, please direct them to: Glenn Horvath, District office, (386)362-1001 or toll free (Florida only) 1(800)226-1066.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Nature Coast State Trail – Trail Development Phase III
Bid No. BDRS 08-01/02

NOTICE TO CONTRACTORS

Sealed bids will be received by the Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services, Alfred B. Maclay State Gardens, 3504 Thomasville Road, Tallahassee, Florida 32308, Modular Unit B-1, until 4:00 (prevailing Local Time) on Tuesday, August 28, 2001, for Phase III construction of the Natures Coast State Trail. This is a Federal Aid Program project (FL No. 7 8888-597-A, 8888-596-A and 8888-595-A). At that time bids will be publicly opened and recorded in the conference room of modular unit B-1. Posting of bids will be on Thursday, August 30, 2001, 2:00 p.m.

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to pave approximately 11 miles of trail located in Levy and Gilchrist Counties. The work includes construction of ten (10) rest stop benches. Alternate bid items include paving of an existing bridge and construction of wooden railings. The trail work includes, but is not limited to the following: clearing and grubbing, earthwork, stabilization, limerock base, signage and pavement marking.

PREQUALIFICATION REQUIREMENTS: The contractor must be prequalified under Chapter 14-22, Florida Administrative Code, by the FDOT Contracts Administration Office, Contact Jim Grantham, (850)414-4000, by letting date in the following types of work:

Work Class 1.) Hot Plant Mix Bituminous and Grading.

A contractor must be prequalified in accordance with Rule Chapter 14-22, Florida Administrative Code, on the date of the letting in order to submit a bid in excess of \$250,000. However, any bid in excess of \$250,000, submitted by a contractor which is not prequalified in accordance with Rule Chapter 14-22, Florida Administrative Code, on the date of the letting, shall be declared “IRREGULAR” and will be REJECTED. Other work may be performed by subcontractors, subject to the approval of the Authority’s representative. Construction surveillance will be provided by the Bureau of Design and Recreation Services. Construction shall be completed within 180 calendar days of the date of the Notice to Proceed letter.

The bidder is expected to examine carefully the site of the proposed work and the proposal, plans, specifications before submitting a bid package. Plans and specifications will be available Friday, July 27, 2001, and can be obtained at: Manatee Springs State Park, 11650 N. W. 115 Street, Chiefland, Florida 32626, Attention: Karlene Marchant, Acting Park Manager, (352)493-6072. A bid bond must accompany each bid and must be in an amount five percent (5%) of the total bid price in accordance with the bid documents.

The Department of Environmental Protection supports diversity in its Procurement Program and requests that all subcontracting opportunities afforded by this bid embrace diversity enthusiastically. The award of subcontracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered subcontracting opportunities.

Pursuant to Section 337.11, Florida Statutes, any person adversely affected by a bid solicitation shall file both a notice of protest and bond within 72 hours of the receipt of the bid documents, and shall file a formal written protest within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. Any person who files a notice of protest as to a bid solicitation pursuant to this rule shall post with the Bureau of Design and Recreation Services, at the time of filing the notice of protest, a bond payable to the Bureau of Design and Recreation Services in the following amounts. For an action protesting a bid solicitation that requires qualification of bidders, the Bond shall be \$5,000. For an action protesting a bid solicitation for which bidders are not required to be prequalified by the FDOT to be eligible to bid, the bond shall be \$2,500. The required notice of protest bond and formal protest must each be timely filed with the Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services, Contracts Section, Alfred B. Maclay State Gardens, 3504 Thomasville Road, Tallahassee, FL 32308. Failure to file a protest within the time

prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

The Suspension and Debarment Certification and Certification Regarding Lobbying shall be included in all bids submitted. "By signing and submitting these certifications the contractor will certify that no principal (which includes officers, directors or executives) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency or that no one has been retained to lobby for the contractor's interest in this project."

The Bureau of Design and Recreation Services reserves the right to reject any or all bids.

Michael Renard, Contracts Manager

Bureau of Design and Recreation Services

NOTICE OF INVITATION TO BID

BID NO. BDRS 09-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

- PROJECT NAME:** Park Development
- SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to develop a north parking area, a south parking area and a picnic area at Avalon State Recreation Area. Facilities include, but are not limited to, restrooms, boardwalks, parking areas, picnic shelters, water line and sewage lines, electrical lines, access and egress entrances and roads, sidewalks, and kiosks
- PARK LOCATION:** Avalon State Recreation Area
Five (5) miles North of Fort Pierce Inlet State Park, in St. Lucie County, on Hwy. A1A.
- PROJECT MANAGER:** Don Gerteisen
Bureau of Design and Recreation Services
- Telephone Number:** (850)488-5372
- Fax Number:** (850)488-3537
- E-Mail Address:** Don.Gerteisen@dep.state.fl.us
- MINORITY DIVERSITY:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace

diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PRE-QUALIFICATION:

When the total bid price including alternates exceeds \$200,000, bidders whose fields are governed by Chapters 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS:

Bidders desiring plans and bid specifications for this project may obtain a copy by writing, telephoning, or visiting the office described below. These documents will be available on Friday, July 27, 2001.

Fort Pierce Inlet State Park
905 Shorewinds Drive
Fort Pierce, Florida 34949-1549
Attention: Dan Griffin
Park Manager
Telephone Number: (561)468-3985,
(561)468-4007

PRE-BID CONFERENCE:

A Pre-Bid Conference will be held at 11:00 a.m., August 17, 2001, Fort Pierce Inlet State Park for all interested bidders.

ADA REQUIREMENTS:

Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-5372, at least five (5) workdays prior to openings.

BID SUBMITTAL

DUE DATE: No later than 4:00 p.m., Tuesday, August 28, 2001, to the below address:
Florida Department of Environmental Protection
Bureau of Design and Recreation Services
3540 Thomasville Road
Tallahassee, Florida 32308

The Department reserves the right to reject any or all bids.
Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

NOTICE OF INVITATION TO BID

BID NO. BDRS 10-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: New Concession Building
SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to construct a new, approximately 2,900 s.f., concession building.

PARK LOCATION: Hillsborough River State Park
15402 U.S. 301 N.
Thonotosassa (Hillsborough County), Florida

PROJECT MANAGER: Marvin Allen
Bureau of Design and Recreation Services
Telephone Number: (850)488-5372
Fax Number: (850)488-1411

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PRE-

QUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapters 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, June 27, 2001 at:
Hillsborough River State Park
15402 U.S. 301, N.
Thonotosassa, Florida 33592
Attention: Robert Wilhelm, Park Manager
Telephone Number: (813)987-6771

ADA

REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-5372, at least five (5) workdays prior to openings.

BID SUBMITTAL

DUE DATE: No later than 3:30 p.m., Tuesday, August 21, 2001, to the below address:
Florida Department of Environmental Protection
Bureau of Design and Recreation Services
3540 Thomasville Road
Tallahassee, Florida 32309

The Department reserves the right to reject any or all bids.
Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RFP# 04H01CC2
REQUEST FOR PROPOSALS
FOR FISCAL YEAR 2001-2002

The purpose of this program is to provide restoration of competency to proceed to juveniles with mental illness or retardation as ordered by the courts pursuant to s. 985.223, F.S. The selected provider will design and implement an individualized program of care and training for each juvenile, detailed in the juvenile's service and treatment plan, to be provided to a juvenile living at home or in a foster home for the purpose of: restoring the juvenile's competency to proceed and providing protection for the community from juveniles charged with felonies. Case review services will be provided to other juveniles who are ordered by the court into a secure residential facility under Section 985.223(3), F.S.

Services must include the provision of mental health treatment and/or habilitation training, competency training and such other medical, vocational, social, educational, rehabilitative and habilitative services that the juvenile's condition requires to restore the juvenile's competency. Services for non-English speaking juveniles will be provided in the juvenile's primary language. Services for juveniles who have a disability will be provided by means necessary to accommodate the disability.

The department must receive all proposals no later than 4:00 p.m. (EST), August 29, 2001. Notice of intent to Submit a Proposal to be received by the department no later than 4:00 p.m. (EST), August 8, 2001.

Copies for the Request for Proposals may be obtained by contacting:

Mary Dell McClaren, Florida Department of Children and Family Services, Mental Health Program Office – Forensics
1317 Winewood Blvd., Building 6, Room 235
Tallahassee, FL 32399-0700
Phone (850)487-6268 or Fax (850)487-1307

Certified Minority Business Enterprises are encouraged to participate in any offeror's conferences or pre-solicitation or pre-bid meetings which are scheduled, and a statement that the department reserves the right to reject any and all bids or ignore or correct minor irregularities when it is in the best interest of the state.

The department reserves the right to reject any and all bids or ignore or correct minor irregularities when it is in the best interest of the state.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE TO PROFESSIONAL CONSULTANTS
FOR PROFESSIONAL SERVICES FOR ENGINEERING

The Florida Fish and Wildlife Conservation Commission announces that professional services in the disciplines of civil and geotechnical engineering with specific expertise in the design of upland confined disposal areas for hydraulically dredged material will be required for the project listed below.

PROJECT NUMBER: FWC 01/02-17
PROJECT NAME: Lake Jesup Aquatic Enhancement Project

PROJECT LOCATION: Seminole County, Florida
SERVICES TO BE PROVIDED: The Design Professional is expected to schedule services and design phases (preliminary and final design), request additional services (such as soil borings, surveys, testing, permits, etc.) leading to a design solution with adequate documentation.

RESPONSE DUE DATE: August 17, 2001, 3:00 p.m. (EDT)
To request a complete Solicitation of Interest announcement, contact the Commission Engineer:

Dr. Mahmoud Madkour, P. E.
Division of Freshwater Fisheries, Room 370D
620 South Meridian Street
Tallahassee, Florida 32399-1600
Tel: (850)488-5531
Fax: (850)921-1750
email: madkoum@gfc.state.fl.us

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

ANNOUNCEMENT OF OPPORTUNITY
Florida Energy Initiatives

The State of Florida's Technological Research and Development Authority (TRDA) is seeking to identify Florida for-profit companies interested in participating in the Florida Energy Initiatives program – Investment Initiative for Energy Technologies (IET) and Venture Smart Florida (VSF). Under an agreement with the Florida Department of Community Affairs (DCA), the:

- Investment Initiative for Energy Technologies Program is designed to assist Florida companies in funding the development and commercialization of promising energy-related technologies, products or services.
- Venture Smart Florida Program provides business and technical assistance to the most promising technology and energy-related companies and helps enhance their appeal to venture capital markets, angel investors and other sources of investment funding.

Both initiatives will focus on energy-related technology companies in Florida with emphasis on Florida's economically disadvantaged areas (i.e., Front Porch Florida communities, urban infill areas, women and minority owned companies).

All projects to be funded under this program should be prepared according to the "Guidelines for Program Participation". These projects should involve energy-related technologies, products or services that have proven feasibility, near-term (12-24 months) commercial application and high market potential. The anticipated range of funding for selected projects can be up to \$30,000 for VSF and up to \$150,000 for IJET. This is a continuous open-ended announcement that permits companies to submit their proposed projects at any time. Projects will be considered on a first-come, first-served basis. Awards will be made until program funds are depleted.

For more information on how to participate, please obtain a copy of the "Guidelines for Program Participation" at www.trda.org/energy/fiiet/apps/htm or contact: Technological Research and Development Authority, 5195 South Washington Avenue, Titusville, FL 32780, (321)269-6330.

GAINESVILLE REGIONAL AIRPORT

**INVITATION TO BID
AIRFIELD LIGHTING IMPROVEMENTS
BID #01-003**

The Gainesville-Alachua County Regional Airport Authority (GACRAA) is soliciting sealed bids for Airfield Lighting Improvements at the Gainesville Regional Airport. The bid documents and technical specifications will be available beginning July 23, 2001 at the offices of AVCON, Inc., 604 Courtland Street, Suite 300, Orlando, Florida 32804-1344.

The scope of the project includes: High Intensity Runway Lighting for Runway 10-28; Medium Intensity Taxiway Lighting – Taxiways C and E; Runway Visual Range (RVR) for Runway 28; and Rotating beacon tower. All bids submitted shall be effective for 90 days. Bids must be signed by an authorized official, enclosed in a sealed envelope or package and mailed or delivered to: Airport Engineer, Gainesville Regional Airport, 3880 N. E. 39th Avenue, Suite A, Gainesville, Florida 32609. Bids received after 3:00 p.m. (Local Time), August 22, 2001, will not be considered. A non-mandatory prebid conference will be held on August 6, 2001, 10:00 a.m. (Local Time), Flightline Gainesville, 4701 N. E. 40th Terrace, General Aviation Terminal, Gainesville Regional Airport, Gainesville, Florida.

GACRAA reserves the right to reject any or all bids received in response to this Invitation to bid as determined to be in the best interest of the Airport.

For additional information, contact: Craig Hedgecock, (352)373-0249 or Sandeep Singh, (407)599-1122.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

**GUIDELINES AND APPLICATIONS AVAILABLE FOR
FLORIDA LIBRARY LITERACY GRANTS**

Grant applications and guidelines are available for the following program administered by the Florida Department of State, Division of Library and Information Services:

Florida Library Literacy – Applications must be postmarked by September 1, 2001. State grants to support the development and implementation of innovative adult literacy programs through Florida public libraries.

Grant guidelines and application packets for Florida Library Literacy grants must be requested. They may be requested by mail from the State and Federal Grants Office, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; by phone at (850)245-6622 or Suncom 205-6600; or by fax at (850)488-2746. Guidelines and forms are also available on the Division's web page at <http://www.dos.state.fl.us/dlis/bld/grants/index.htm>.

The completed application must be mailed to the address indicated above having been postmarked on or before the September 1, 2001 application date.

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Section 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., August 17, 2001):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Republic Security Bank, Palm Beach, Florida

Proposed Purchaser: SunTrust Banks, Inc., Atlanta, Georgia

Received: July 12, 2001

APPLICATION AND PLAN FOR THE PURCHASE OF CERTAIN ASSETS AND ASSUMPTION OF CERTAIN LIABILITIES

Acquiring Entity: Prosperity Bank, 790 North Ponce de Leon Blvd., St. Augustine, Florida 32084

Selling Entity: SunTrust Bank (Branch), 601 Reid Street, Palatka, Florida 32177.

Received: July 12, 2001

DEPARTMENT OF INSURANCE

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA CASE NO.: 01-1254

In Re: The Receivership of FORTUNE INSURANCE COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH FORTUNE INSURANCE COMPANY.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 6th day of July, 2001, the Department of Insurance of the State of Florida was appointed as Receiver of FORTUNE INSURANCE COMPANY, and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of FORTUNE INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59 p.m., July 6, 2002, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Insurance, Receiver for FORTUNE INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

DEPARTMENT OF INSURANCE OFFICE OF THE TREASURER BUREAU OF COLLATERAL SECURITIES PUBLIC DEPOSITS SECTION

***** FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DI4-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT

AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DI4-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THEY ARE LISTED UNDER THE STATE OF HOME OFFICE LOCATION. ONLY FLORIDA BRANCHES OF THESE INSTITUTIONS ARE ALLOWED TO HOLD FLORIDA PUBLIC DEPOSIT ACCOUNTS. INSTITUTIONS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER AND ARE NOT ACCEPTING NEW PUBLIC DEPOSIT ACCOUNTS. DEPOSITORIES WITHDRAWING FROM THE PROGRAM HAVE A STATED EFFECTIVE DATE OF WITHDRAWAL BESIDE THE NAMES AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE LISTED.

ALABAMA

BIRMINGHAM AMSOUTH BANK COMPASS BANK REGIONS BANK SOUTHTRUST BANK, N.A.

MONTGOMERY COLONIAL BANK

WARRIOR THE BANK BRANCHES OF THIS QPD CONDUCT BUSINESS IN FLORIDA UNDER THE NAMES C & L BANK AND EMERALD COAST BANK

CALIFORNIA

SAN FRANCISCO CITIBANK, F.S.B.

FLORIDA

ALACHUA FIRST NATIONAL BANK OF ALACHUA

APALACHICOLA APALACHICOLA STATE BANK

ARCADIA

FIRST STATE BANK OF ARCADIA

AVENTURA

TURNBERRY BANK

BARTOW

CITRUS & CHEMICAL BANK
COMMUNITY NATIONAL BANK AT BARTOW

BELLE GLADE

BANK OF BELLE GLADE

BONIFAY

BANK OF BONIFAY

BRADENTON

AMERICAN BANK
COAST BANK OF FLORIDA
FIRST BRADENTON BANK
FIRST NATIONAL BANK & TRUST

BRANDON

PLATINUM BANK

BROOKSVILLE

HERNANDO COUNTY BANK

CANTONMENT

CITIZENS & PEOPLES BANK, N.A.

CAPE CORAL

RIVERSIDE BANK OF THE GULF COAST

CARRABELLE

GULF STATE COMMUNITY BANK

CHIEFLAND

DRUMMOND COMMUNITY BANK

CLEARWATER

INTERVEST BANK

CLEWISTON

FIRST BANK OF CLEWISTON
FIRST FEDERAL SAVINGS BANK OF THE GLADES

COOPER CITY

FIRST WESTERN BANK

CORAL GABLES

BANKUNITED, F.S.B.
GIBRALTAR BANK, F.S.B.
METRO BANK OF DADE COUNTY

CRAWFORDVILLE

CITIZENS BANK OF WAKULLA
WAKULLA BANK

CRESTVIEW

FIRST NATIONAL BANK OF CRESTVIEW

CRYSTAL RIVER

CRYSTAL RIVER BANK

DADE CITY

FIRST NATIONAL BANK OF PASCO

DAVIE

REGENT BANK

DEBARY

FIRST COMMUNITY BANK

DESTIN

DESTIN BANK

DUNNELLON

DUNNELLON STATE BANK

ENGLEWOOD

ENGLEWOOD BANK
PENINSULA BANK

FERNANDINA BEACH

FIRST COAST COMMUNITY BANK
FIRST NATIONAL BANK OF NASSAU COUNTY

FORT LAUDERDALE

BANKATLANTIC, F.S.B.
EQUITABLE BANK
GATEWAY AMERICAN BANK OF FLORIDA
LANDMARK BANK, N.A.

FORT MYERS

EDISON NATIONAL BANK

FORT PIERCE

HARBOR FEDERAL SAVINGS BANK
RIVERSIDE NATIONAL BANK OF FLORIDA

FORT WALTON BEACH

FIRST CITY BANK OF FLORIDA
FIRST NATIONAL BANK & TRUST

FROSTPROOF

CITIZENS BANK OF FROSTPROOF

GAINESVILLE

MERCHANTS & SOUTHERN BANK
MILLENNIUM BANK

GRACEVILLE

BANK OF JACKSON COUNTY
PEOPLES BANK OF GRACEVILLE

GROVELAND

PEOPLES STATE BANK OF GROVELAND

HAINES CITY

FIRST NATIONAL BANK OF POLK COUNTY

HALLANDALE

DESJARDINS FEDERAL SAVINGS BANK

HOMESTEAD

COMMUNITY BANK OF FLORIDA
FIRST NATIONAL BANK OF SOUTH FLORIDA

HOMOSASSA SPRINGS

HOMOSASSA SPRINGS BANK

IMMOKALEE

FLORIDA COMMUNITY BANK

INDIANTOWN

FIRST BANK OF INDIANTOWN

INVERNESS

BANK OF INVERNESS

JACKSONVILLE

FIRST ALLIANCE BANK

JACKSONVILLE BEACH

OCEANSIDE BANK

KEY LARGO

TIB BANK OF THE KEYS

KEY WEST

FIRST STATE BANK OF THE FLORIDA KEYS

KISSIMMEE

FIRST NATIONAL BANK OF OSCEOLA COUNTY

LADY LAKE

CITIZENS FIRST BANK

LAKE CITY

CNB NATIONAL BANK
COLUMBIA COUNTY BANK
PEOPLES STATE BANK

LAKELAND

FLORIDAFIRST BANK

LAKE MARY

COMMUNITY NATIONAL BANK OF MID FLORIDA

LAKE WALES

AMERICAN BANK & TRUST OF POLK COUNTY

LAUDERHILL

UNION BANK OF FLORIDA

LEESBURG

FIRST FEDERAL SAVINGS BANK OF LAKE COUNTY

LIVE OAK

FIRST FEDERAL SAVINGS BANK OF FLORIDA

LONGWOOD

LIBERTY NATIONAL BANK

MADISON

MADISON COUNTY COMMUNITY BANK

MALONE

PCB, THE COMMUNITY BANK

MARATHON

FIRST NATIONAL BANK OF THE FLORIDA KEYS
MARINE BANK OF THE FLORIDA KEYS

MAYO

LAFAYETTE COUNTY STATE BANK

MIAMI

BAC FLORIDA BANK
CITY NATIONAL BANK OF FLORIDA
COCONUT GROVE BANK
COMMERCIAL BANK OF FLORIDA
CONTINENTAL NATIONAL BANK OF MIAMI
EAGLE NATIONAL BANK OF MIAMI
EASTERN NATIONAL BANK
ESPIRITO SANTO BANK
EXECUTIVE NATIONAL BANK
GULF BANK
HAMILTON BANK, N.A.
HEMISPHERE NATIONAL BANK
INTERAMERICAN BANK, F.S.B.
*INTERCREDIT BANK, N.A.10/15/01
INTERNATIONAL BANK OF MIAMI, N.A.
MELLON UNITED NATIONAL BANK
NORTHERN TRUST BANK OF FLORIDA, N.A.
OCEAN BANK
SOFISA BANK OF FLORIDA
TOTALBANK
TRANSATLANTIC BANK

MILTON

FIRST NATIONAL BANK OF FLORIDA

MONTICELLO

FARMERS & MERCHANTS BANK

MOUNT DORA

FIRST NATIONAL BANK OF MOUNT DORA
FLORIDA CHOICE BANK

NAPLES

BANK OF NAPLES
COMMUNITY BANK OF NAPLES, N.A.
FIFTH THIRD BANK, FLORIDA
FIRST NATIONAL BANK OF FLORIDA
GULF COAST NATIONAL BANK

NEW SMYRNA BEACH

FRIENDS BANK

NICEVILLE

PEOPLES NATIONAL BANK

NORTH LAUDERDALE

*SECURITY BANK, N.A.

NORTH MIAMI

KISLAK NATIONAL BANK

NORTH PALM BEACH

COMMUNITY SAVINGS, F.A.
PALM BEACH NATIONAL BANK & TRUST COMPANY

OAKLAND PARK

AMERICAN NATIONAL BANK

OCALA

FLORIDA CITIZENS BANK

OKEECHOBEE

BIG LAKE NATIONAL BANK

ORANGE PARK

HERITAGE BANK OF NORTH FLORIDA

ORLANDO

BANK OF CENTRAL FLORIDA
CENTURY NATIONAL BANK
CITRUS BANK
SOUTHERN COMMUNITY BANK

ORMOND BEACH

COQUINA BANK

OVIEDO

CITIZENS BANK OF OVIEDO

PAHOKEE

FIRST COMMUNITY BANK OF PALM BEACH COUNTY

PALATKA

FIRST FEDERAL BANK OF NORTH FLORIDA
PUTNAM STATE BANK

PALM BEACH

BANKERS TRUST FLORIDA, N.A.

PALM BEACH GARDENS

ADMIRALTY BANK

PALM COAST

CYPRESS BANK

PALM HARBOR

FLORIDA BANK OF COMMERCE
PEOPLES BANK

PANAMA CITY

BAY BANK & TRUST COMPANY
FIRST NATIONAL BANK NORTHWEST FLORIDA
PEOPLES FIRST COMMUNITY BANK

PEMBROKE PINES

POINTE BANK

PENSACOLA

BANK OF PENSACOLA
BANK OF THE SOUTH
FIRST AMERICAN BANK OF PENSACOLA, N.A.

PERRY

CITIZENS BANK OF PERRY

PORT ST. JOE

CITIZENS FEDERAL SAVINGS BANK OF PORT ST. JOE

PORT ST. LUCIE

FIRST PEOPLES BANK

QUINCY

QUINCY STATE BANK

ST. AUGUSTINE

BANK OF ST. AUGUSTINE
PROSPERITY BANK

ST. CLOUD

PUBLIC BANK

ST. PETERSBURG

MERCANTILE BANK
REPUBLIC BANK
UNITED BANK & TRUST COMPANY

SANTA ROSA BEACH

FIRST AMERICAN BANK OF WALTON COUNTY

SEBRING

HEARTLAND NATIONAL BANK
HIGHLANDS INDEPENDENT BANK

SOUTH MIAMI

FIRST NATIONAL BANK OF SOUTH MIAMI

STARKE

COMMUNITY STATE BANK OF STARKE

STUART

FIRST NATIONAL BANK & TRUST OF THE TREASURE
COAST
GULFSTREAM BUSINESS BANK

TALLAHASSEE

CAPITAL CITY BANK
FIRST SOUTH BANK
TALLAHASSEE STATE BANK

TAMPA

FIRST CITRUS BANK
FLORIDA BANK, N.A.
MANUFACTURERS BANK OF FLORIDA
SOUTHERN EXCHANGE BANK

TRENTON

TRI-COUNTY BANK

UMATILLA

UNITED SOUTHERN BANK

VALPARAISO

VANGUARD BANK & TRUST COMPANY

VERO BEACH

INDIAN RIVER NATIONAL BANK

WAUCHULA

FIRST NATIONAL BANK OF WAUCHULA
WAUCHULA STATE BANK

WEST PALM BEACH

FIDELITY FEDERAL BANK & TRUST
GRAND BANK OF FLORIDA
REPUBLIC SECURITY BANK

WEWAHITCHKA

WEWAHITCHKA STATE BANK

WILLISTON

PERKINS STATE BANK

WINTER PARK

BANKFIRST

ZEPHYRHILLS

COMMUNITY NATIONAL BANK OF PASCO COUNTY

GEORGIA

ATLANTA

SUNTRUST BANK

DARIEN

SOUTHEASTERN BANK

LOUISIANA

NEW ORLEANS

WHITNEY NATIONAL BANK

MASSACHUSETTS

BOSTON

BOSTON BANK OF COMMERCE
BRANCHES OF THIS QPD CONDUCT BUSINESS IN
FLORIDA UNDER THE NAME PEOPLES BANK OF
COMMERCE

MINNESOTA

EDINA

INTER SAVINGS BANK, F.S.B.

NORTH CAROLINA

CHARLOTTE

BANK OF AMERICA, N.A.
FIRST UNION NATIONAL BANK

WINSTON-SALEM

WACHOVIA BANK, N.A.

OHIO

CINCINNATI

PROVIDENT BANK

COLUMBUS

HUNTINGTON NATIONAL BANK

TENNESSEE

MEMPHIS

UNION PLANTERS BANK, N.A.

THE FOLLOWING IS A LIST OF INSTITUTIONS THAT
HAD A CHANGE SINCE THE LAST PUBLICATION OF
THIS REPORT.

CITIZENS COMMUNITY BANK OF FLORIDA

MARCO ISLAND

MERGED INTO FIRST NATIONAL BANK OF
FLORIDA(NAPLES).

ESPIRITO SANTO BANK OF FLORIDA

MIAMI

CHANGED ITS NAME TO ESPIRITO SANTO BANK.

FIRST NATIONAL BANK OF HOMESTEAD

HOMESTEAD

CHANGED ITS NAME TO FIRST NATIONAL BANK OF
SOUTH FLORIDA.

INTERNATIONAL FINANCE BANK

MIAMI

WITHDRAWN FROM THE PROGRAM EFFECTIVE
05/28/2001.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF APPROVAL FOR
PRESERVATION 2000 FUNDS

The Florida Communities Trust (Trust) reviewed and
approved a project plan for a land acquisition project submitted
under the Trust Preservation 2000 Program P9A funding cycle.
The project plan listed below was approved by the Executive
Director under authority delegated from the governing body.
The Executive Director is authorized to execute the agreements
for acquisition of the project sites and all other documents
necessary to close the project and release funds as follows:

Project: 99-056-P9A/North Sebastian Conservation Area
Addition (Reimbursement)

Grantee: Indian River County

Amount of Approved Funds: the lesser of 50.00% of the final
total project costs or \$43,675.00.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be
determined by the approval of funds for projects by the Trust
has a right to an informal administrative proceeding pursuant
to Section 120.57(2), F.S., if the person does not dispute issues
of material fact raised by this decision. If an informal
proceeding is held, the petitioner will have the opportunity to
be represented by counsel, to present to the agency written or

oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

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, Bourget's Bike Works, intends to allow the establishment of Beach Street Bikes Inc., d/b/a Pompano Pat's Daytona, as a dealership for the sale of Bourget bikes, at 406 N. Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after July 3, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Beach Street Bikes Inc., d/b/a Pompano Pat's Daytona are: dealer operator(s) and principal investor(s): Patrick Johnson, 1067 Ninth Avenue, DeLand, FL 32724.

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: Brigitte M. Bourget, Vice President, Bourget's Bike Works Inc., 21432 N. Central Avenue, Phoenix, AZ 85024-5100.

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, Kawasaki Motors Corp., intends to allow the establishment of Barney's Motorcycle Sales, Inc., as a dealership for the sale of Kawasaki motorcycles, at 9820 Adamo Drive, Tampa (Hillsborough County), Florida 33619, on or after September 30, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Barney's Motorcycle Sales, Inc., are: dealer operator(s) Raymond Hempstead, 8829 Glen Lake Blvd., N., St. Petersburg, FL 33702, and Beverly Hempstead, 6476 Evergreen Ave., Seminole, FL 33772 and principal investor(s) are: Raymond Hempstead, 8829 Glen Lake Blvd., N., St. Petersburg, FL 33702, Beverly Hempstead, 6476 Evergreen Ave., Seminole, FL 33772, Rosalee Johnson, 539 83rd Ave., N., St. Petersburg, FL 33702.

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: Jim Capps, Regional Sales Manager, Kawasaki Motors Corp., U.S.A., 6110 Boat Rock Blvd., S. W., Atlanta, GA 30378.

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 the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Volkswagon of America, Inc., intends to allow the relocation of Suncoast Pontiac, Inc., d/b/a Suncoast Volkswagon as a dealership for the sale of Volkswagon vehicles, from its present location at 7576 S. Tamiami Trail, Sarasota, FL 34231, to a proposed location at 5005 S. Tamiami Trail, Sarasota (Sarasota County), Florida 34231, within the next (12) months.

The name and address of the dealer operator(s) and principal investor(s) of Suncoast Pontiac, Inc., d/b/a Suncoast Volkswagon are: dealer operator and principal investor(s): Robert W. Geyer, 7576 S. Tamiami Trail, Sarasota, FL 34231.

The notice indicates an intent to relocate the franchise 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, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Hilton D. Bruce, Dealer Franchising, Volkswagon of America, Inc., 3800 Hamlin Road, Auburn Hills, MI 48326.

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 relocation 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, Global Electric Motorcars, LLC, intends to allow the establishment of Gulf Coast Dodge, Inc., d/b/a Gulf Coast Electric Motorcars as a dealership for the sale of GEM vehicles, at 15565 South Tamiami Trail, Ft. Myers (Lee County), Florida 33908, on or after May 29, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Gulf Coast Dodge, Inc., d/b/a Gulf Coast Electric Motorcars are: dealer operator(s) and principal investor(s): Sam Galloway, Jr., 15565 South Tamiami Trail, Fort Myers, FL 33908.

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: Kenneth R. Montler, President/COO, Global Electric Motorcars, LLC, 3601 7th Avenue, N. W., Fargo, MD 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Freightliner Trucks, intends to allow the establishment of Tom Nehl Truck Company, as a dealership for the sale of Freightliner trucks, at Route 15, Arrowhead Terrace, Lake City (Columbia County), Florida 32024, on or after July 15, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Tom Nehl Truck Company are: dealer operator and principal investor(s): Steven N. Bacalis, 417 South Edgewood Avenue, Jacksonville, FL 32205.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Chuck Thomas, Dealer Operations Manager, Northeast and Southeast Regions, Freightliner Trucks, 3025 Evergreen Drive, Suite 150, Duluth, GA 30096-2317.

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.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission Nominating Council is seeking applicants to serve on the Nominating Council. The Nominating Council is responsible for screening and recommending to the Governor persons to serve on the Public Service Commission. The Public Service Commission regulates public utilities that provide telephone, electric and water service in the state.

"Citizens interested in ensuring that Florida's Public Service Commission is comprised of determined individuals who are willing to tackle the complex regulatory issues facing this state should consider serving on the Nominating Council." said Council Chair Greg Krasovsky. The Nominating Council will be filling three vacancies in its membership. At least one Council member must be over 60 years of age. Nominating Council members are required to file financial disclosure statements and may not own an interest in utilities nor represent any utilities professionally.

The three new members will be selected at the Nominating Council's meeting in Tampa on August 20, 2001. The deadline for submitting applications is August 10, 2001. Applications for Nominating Council membership and further information

about the Nominating Council can be obtained from its website at <<http://www.leg.state.fl.us/pscnc>> or from the Council's office at: 111 West Madison Street, Room 674, Tallahassee, Florida 32399-1400, (850)922-5035.

WATER MANAGEMENT DISTRICTS

NOTICE OF APPROVAL OF SWIM PLAN

NOTICE IS HEREBY GIVEN that the Governing Board of the Southwest Florida Water Management District has approved the Surface Water Improvement and Management (SWIM) Plan for Lake Tarpon, Florida. Pursuant to Section 373.456, Florida Statutes, the Governing Board approved the plan on June 26, 2001, and forwarded the plan to the Florida Department of Environmental Protection for review. The Department of Environmental Protection determined the plan to be consistent with State Water Policy and the State Comprehensive Plan on July 2, 2001. Pursuant to Section 373.456(4), Florida Statutes, this plan becomes effective and shall constitute final agency action of the Governing Board on the date of publication of this notice. This plan is subject to review pursuant to Section 373.114, Florida Statutes.

A copy of the plan is available at the Southwest Florida Water Management District's SWIM Section, 7601 Highway 301, North, Tampa, Florida 33637.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on July 9, 2001, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 28-5.111 and 28-5.207, F.A.C. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
- 9422 Denial, to convert 40 crisis stabilization/detoxification beds to 40 adult inpatient psychiatric beds, District 3, Marion-Citrus Mental Health Centers, Inc. (PRH) same as application
- 9451 Supports Denial, establish an adult open heart surgery program, Palm Beach County, Bethesda Healthcare System, Inc., (PRH) Martin Memorial Medical Center, Inc.

- 9454 Supports Denial, establish an adult open heart surgery program, Indian River County, Indian River Memorial Hospital, Inc. d/b/a Indian River Memorial Hospital (PRH) Martin Memorial Medical Center, Inc.
 - 9455 Supports approval, establish an adult open heart surgery program, Martin County, Martin Memorial Medical Center Inc., (PRH) same as applicant
 - 9463 Approval, addition of 32 acute psychiatric beds through the delicensure of 32 acute care beds, District 7, Lakeside Alternatives, Inc., (PRH) Adventist Health System/Sunbelt, Inc. d/b/a Florida Hospital
- NOTICE OF CORRECTION**
- 9462 Approval, establish a new 29 bed long term care hospital, Dade County, Mercy Medical Development, Inc., (PRH) Kindred Hospitals East, LLC d/b/a Kindred Hospital South Florida. This Notice corrects the applicant to reflect as Mercy Development, Inc. and the party requesting hearing as Kindred Hospitals East.

NOTICE OF HOSPITAL FIXED NEED POOLS FOR ACUTE CARE HOSPITAL BEDS

The Agency for Health Care Administration publishes bed need for acute care hospital beds pursuant to the provisions of Rules 59C-1.008 and 59C-1.038, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 351, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 13, 2001.

Any person who identifies any error in the published bed need must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the bed need will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the bed need for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

	Acute Care Hospital Bed Need	Bed Need
District 1		
Subdistrict 1 (Escambia, Santa Rosa)		0
Subdistrict 2 (Okaloosa, Walton)		0
District 2		
Subdistrict 1 (Bay, Calhoun, Franklin, Gulf, Holmes, Jackson, Washington)		0
Subdistrict 2 (Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla)		0
District 3		
Subdistrict 1 (Columbia, Hamilton, Suwannee)		0
Subdistrict 2 (Alachua, Bradford, Dixie, Gilchrist, Lafayette, Levy, Union)		0
Subdistrict 3 (Putnam)		0
Subdistrict 4 (Marion)		0
Subdistrict 5 (Citrus)		0
Subdistrict 6 (Hernando)		0
Subdistrict 7 (Lake, Sumter)		0
District 4		
Subdistrict 1 (Nassau, part of Duval)		0
Subdistrict 2 (Baker, Clay, part of Duval)		0
Subdistrict 3 (Saint Johns, part of Duval)		0
Subdistrict 4 (Flagler, East Volusia)		0
Subdistrict 5 (West Volusia)		0
District 5		
Subdistrict 1 (West Pasco)		0
Subdistrict 2 (East Pasco)		0
Subdistrict 3 (North Pinellas)		0
Subdistrict 4 (South Pinellas)		0
District 6		
Subdistrict 1 (Hillsborough)		0
Subdistrict 2 (Polk)		0
Subdistrict 3 (Manatee)		0
Subdistrict 4 (Hardee)		0
Subdistrict 5 (Highlands)		0
District 7		
Subdistrict 1 (Brevard)		0
Subdistrict 2 (Orange)		0
Subdistrict 3 (Osceola)		0
Subdistrict 4 (Seminole)		0
District 8		
Subdistrict 1 (Charlotte)		0
Subdistrict 2 (Collier)		0
Subdistrict 3 (Desoto)		0
Subdistrict 4 (Glades, Hendry)		0
Subdistrict 5 (Lee)		0
Subdistrict 6 (Sarasota)		0
District 9		
Subdistrict 1 (Indian River)		0

Subdistrict 2 (St. Lucie, Martin)	0
Subdistrict 3 (Okeechobee)	0
Subdistrict 4 (North Palm Beach)	0
Subdistrict 5 (South Palm Beach)	0
District 10 (Broward)	0
District 11	0
Subdistrict 1 (Dade)	0
Subdistrict 2 (Monroe)	0
Total Statewide	0
Purchase Order Number: S5900J00496	

NOTICE OF HOSPITAL FIXED NEED POOLS FOR COMPREHENSIVE MEDICAL REHABILITATION BEDS

The Agency for Health Care Administration has projected a fixed bed need pool for comprehensive medical rehabilitation hospital beds for January 2007 pursuant to the provisions of Rules 59C-1.008 and 59C-1.039, F.A.C. Net bed need projections for comprehensive medical rehabilitation hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 351, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 13, 2001.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Comprehensive Medical Rehabilitation Bed Need

	Net
	Adjusted
	Bed Need
District 1	0
District 2	0
District 3	0
District 4	9
District 5	0
District 6	0
District 7	0
District 8	0
District 9	28
District 10	0
District 11	0
Total Statewide	37

Purchase Order Number: S5900J00496

NOTICE OF HOSPICE PROGRAM FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602, Florida Statutes (F.S.) and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for January 2003, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 13, 2001.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day period waives a person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the Agency Clerk, 2727 Mahan Drive, Fort Knox Building Three, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Hospice Program Net Need			
Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 5A	0
Subdistrict 2A	0	Subdistrict 5B	0
Subdistrict 2B	0	Subdistrict 6A	0
Subdistrict 3A	0	Subdistrict 6B	0
Subdistrict 3B	0	Subdistrict 6C	0
Subdistrict 3C	0	Subdistrict 7A	1
Subdistrict 3D	0	Subdistrict 7B	0
Subdistrict 3E	0	Subdistrict 7C	0
Subdistrict 4A	0	Subdistrict 8A	0
Subdistrict 4B	0	Subdistrict 8B	0
Service Area	Net Need	Service Area	Net Need
Subdistrict 8C	0	Subdistrict 9C	0
Subdistrict 8D	0	District 10	0
Subdistrict 9A	0	District 11	0
Subdistrict 9B	0	Total	1

Purchase Order Number: S5900J00496

**NOTICE OF FIXED NEED POOL FOR
NEONATAL INTENSIVE CARE SERVICES
FOR LEVEL II AND LEVEL III BEDS**

The Agency for Health Care Administration has projected a fixed need pool for Level II and Level III neonatal intensive care unit services for January 2004, pursuant to the provisions of Rules 59C-1.008 and 59C-1.042, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 351, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 13, 2001.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee,

Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Fixed Need Pool Projections		
Neonatal Intensive Care Level II & Level III Services		
	Level II Net Need	Level III Net Need
District 1	0	3
District 2	0	0
District 3	0	2
District 4	0	22
District 5	0	0
District 6	0	5
District 7	0	2
District 8	0	1
District 9	0	0
District 10	0	0
District 11	0	0
Statewide Total	0	35

Purchase Order Number: S5900J00496

**NOTICE OF OPEN HEART SURGERY PROGRAM
FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for open heart surgery programs for January 2004, pursuant to the provisions of Rules 59C-1.008 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 351, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 13, 2001.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the Agency

Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Adult Open Heart Surgery Program Net Need

District	Net Need	District	Net Need
1	0	7	0
2	0	8	0
3	0	9	0
4	0	10	0
5	0	11	0
6	0	Total	0

Pediatric Open Heart Surgery Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

Purchase Order Number: S5900J00496

NOTICE OF PEDIATRIC CARDIAC CATHETERIZATION PROGRAM – FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for pediatric cardiac catheterization programs for January 2004, pursuant to the provisions of Rules 59C-1.008 and 59C-1.032, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 351, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 13, 2001.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the

error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person’s right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Pediatric Cardiac Catheterization Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

Purchase Order Number: S5900J00496

NOTICE OF HOSPITAL FIXED NEED POOLS FOR PSYCHIATRIC AND SUBSTANCE ABUSE BEDS

The Agency for Health Care Administration has projected fixed bed need pools for adult and children and adolescent psychiatric and adult substance abuse beds for January, 2007, pursuant to the provisions of Rules 59C-1.008, 59C-1.040 and 59C-1.041, F.A.C. Net bed need projections for adult and children and adolescent psychiatric and adult substance abuse hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. A fixed need pool projection for children and adolescent substance abuse beds is not made because the administrative rule governing this service does not include a mathematical formula for the calculation of need. An applicant seeking approval for these types of beds must establish need in its application. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 351, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 13, 2001.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to

Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Psychiatric and Substance Abuse Net Bed Need

	Adult Psychiatric Beds Net Adjusted Bed Need	Children & Adolescent Psychiatric Beds Net Adjusted Bed Need	Adult Substance Abuse Beds Net Adjusted Bed Need
District 1	0	0	0
District 2	0	0	0
District 3	0	0	0
District 4	0	0	0
District 5	0	0	0
District 6	0	0	0
District 7	0	36	0
District 8	0	0	0
District 9	0	0	0
District 10	0	0	0
District 11	0	0	0
Total Statewide	0	36	0

Purchase Order Number: S5900J00496

DEPARTMENT OF HEALTH

On July 12, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Donna Chestnut, license number LPN 996141. Chestnut's last known address is Post Office Box 92226, Lakeland, Florida 33804. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

NOTICE OF THE AVAILABILITY OF THE 2001-2002 FLORIDA STATE-APPROVED TRAUMA CENTER LETTER OF INTENT PACKAGE

NAME OF AGENCY: Department of Health (DH)
PACKAGE TITLE: Florida State-Approved Trauma Center Letter of Intent Package
PURPOSE AND EFFECT: DH is mandated by Section 395.4025(2)(a), Florida Statutes, to notify Florida licensed acute care hospitals of their right to submit a Letter of Intent, DH Form 1840, to apply to become a State-Approved Trauma Center (SATC) or State-Approved Pediatric Trauma Referral Center (SAPTRC).
ELIGIBILITY: Florida licensed acute care hospitals are eligible to apply.
AUTHORITY: Section 395.4025(2)(a), Florida Statutes.
TO OBTAIN A PACKAGE: You may request a Letter of Intent package by telephone, fax, or mail, or in person. Telephone (850)245-4440 or Suncom 205-4440, Fax (850)488-2512.

Mail request to, or pick up in person at: Florida Department of Health, Bureau of Emergency Medical Services, Trauma Centers Program, 4052 Bald Cypress Way, BIN #C-18, Tallahassee, FL 32399-1738.

DEADLINE: Letters of Intent must be postmarked between September 1, 2001, and midnight, October 1, 2001.

CONTACTS: Wanda Wannall or Susan McDevitt, (850)245-4440 or Suncom 205-4440.

P.O. # F00396

CITY OF CLEWISTON

MUNICIPAL UTILITIES DIRECTOR – City of Clewiston, FL. (Population 6,500), an agricultural community, located in South Florida, nestled on the southwestern shores of Lake Okeechobee, 60 miles, from West Palm Beach on the Atlantic Ocean and Fort Myers on the Gulf of Mexico, is seeking a director for its municipal utilities system. The successful candidate will be responsible for the daily operation, maintenance, and planning of the City's electric, water, and sewage departments. The City's electrical utility consists of 455 commercial, one industrial, and 3,309 residential accounts. System territory is five square miles. Requirements: bachelor's degree in electrical engineering, related field or equivalent experience in municipal electrical utility required. Must possess strong management, supervisory, organizational and employee relations skills. Must have three years electric utility experience including distribution and substation maintenance. Salary negotiable. Please submit resume and three references with telephone numbers to Sharon Bosley, Human Resources, City of Clewiston, 115 West Ventura Avenue, Clewiston, FL 33440. Position open until filled. EOE/ADA/DFWP

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN July 9, 2001
and July 13, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE
Board of Funeral and Cemetery Services

3F-7.012	7/13/01	8/2/01	27/10	27/21
3F-10.003	7/13/01	8/2/01	26/47	27/23

DEPARTMENT OF EDUCATION
State Board of Education

6A-14.072	7/10/01	7/30/01	27/21	
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University of Florida

6C1-7.019	7/9/01	7/29/01	Newspaper	
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University of South Florida

6C4-6.012	7/9/01	7/29/01	Newspaper	
6C4-6.0121	7/9/01	7/29/01	Newspaper	

Florida School for the Deaf and the Blind

6D-16.002	7/10/01	7/30/01	27/16	
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DEPARTMENT OF LAW ENFORCEMENT

11-2.002	7/9/01	7/29/01	27/17	
11-2.003	7/9/01	7/29/01	27/17	
11-2.004	7/9/01	7/29/01	27/17	

Criminal Justice Standards and Training Commission

11B-14.002	7/9/01	7/29/01	27/17	
11B-20.001	7/9/01	7/29/01	27/17	
11B-20.0012	7/9/01	7/29/01	27/17	
11B-20.0013	7/9/01	7/29/01	27/17	
11B-20.0014	7/9/01	7/29/01	27/17	
11B-20.0015	7/9/01	7/29/01	27/17	
11B-20.0016	7/9/01	7/29/01	27/17	
11B-20.0017	7/9/01	7/29/01	27/17	
11B-20.0018	7/9/01	7/29/01	27/17	
11B-21.005	7/9/01	7/29/01	27/17	
11B-27.002	7/9/01	7/29/01	27/17	
11B-27.0021	7/9/01	7/29/01	27/17	
11B-27.005	7/9/01	7/29/01	27/17	
11B-27.013	7/9/01	7/29/01	27/17	
11B-30.006	7/9/01	7/29/01	27/17	
11B-30.0061	7/9/01	7/29/01	27/17	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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11B-30.0062	7/9/01	7/29/01	27/17	
11B-30.0063	7/9/01	7/29/01	27/17	
11B-30.007	7/9/01	7/29/01	27/17	
11B-30.0071	7/9/01	7/29/01	27/17	
11B-30.008	7/9/01	7/29/01	27/17	
11B-30.009	7/9/01	7/29/01	27/17	
11B-30.010	7/9/01	7/29/01	27/17	
11B-30.011	7/9/01	7/29/01	27/17	
11B-30.012	7/9/01	7/29/01	27/17	
11B-30.013	7/9/01	7/29/01	27/17	
11B-30.014	7/9/01	7/29/01	27/17	
11B-35.001	7/9/01	7/29/01	27/17	
11B-35.0011	7/9/01	7/29/01	27/17	
11B-35.002	7/9/01	7/29/01	27/17	
11B-35.0021	7/9/01	7/29/01	27/17	
11B-35.0022	7/9/01	7/29/01	27/17	
11B-35.0023	7/9/01	7/29/01	27/17	
11B-35.0024	7/9/01	7/29/01	27/17	
11B-35.003	7/9/01	7/29/01	27/17	
11B-35.004	7/9/01	7/29/01	27/17	
11B-35.006	7/9/01	7/29/01	27/17	
11B-35.007	7/9/01	7/29/01	27/17	
11B-35.008	7/9/01	7/29/01	27/17	
11B-35.010	7/9/01	7/29/01	27/17	

Division of Criminal Justice Information Systems

11C-6.004	7/9/01	7/29/01	27/17	
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Division of Local Law Enforcement Assistance

11D-6.003	7/9/01	7/29/01	27/17	
11D-8.002	7/9/01	7/29/01	27/17	
11D-8.003	7/9/01	7/29/01	27/17	
11D-8.0035	7/9/01	7/29/01	27/17	
11D-8.004	7/9/01	7/29/01	27/17	
11D-8.006	7/9/01	7/29/01	27/17	
11D-8.007	7/9/01	7/29/01	27/17	
11D-8.0075	7/9/01	7/29/01	27/17	
11D-8.008	7/9/01	7/29/01	27/17	
11D-8.010	7/9/01	7/29/01	27/17	
11D-8.012	7/9/01	7/29/01	27/17	
11D-8.015	7/9/01	7/29/01	27/17	
11D-8.016	7/9/01	7/29/01	27/17	
11D-8.017	7/9/01	7/29/01	27/17	

Medical Examiners Commission

11G-1.002	7/9/01	7/29/01	27/17	
11G-2.004	7/9/01	7/29/01	27/17	
11G-2.006	7/9/01	7/29/01	27/17	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF TRANSPORTATION					40C-9.180	7/10/01	7/30/01	27/1	
14-43.001	7/13/01	8/2/01	27/13	27/24	40C-9.210	7/10/01	7/30/01	27/1	
14-75.0022	7/13/01	8/2/01	27/14	27/24	40C-9.270	7/10/01	7/30/01	27/1	
14-75.003	7/13/01	8/2/01	27/14	27/24	40C-9.280	7/10/01	7/30/01	27/1	
14-75.004	7/13/01	8/2/01	27/14	27/24	40C-9.300	7/10/01	7/30/01	27/1	
14-75.0051	7/13/01	8/2/01	27/14		40C-9.320	7/10/01	7/30/01	27/1	
14-75.0052	7/13/01	8/2/01	27/14	27/24	40C-9.340	7/10/01	7/30/01	27/1	
14-75.0053	7/13/01	8/2/01	27/14		40C-9.350	7/10/01	7/30/01	27/1	
14-75.0071	7/13/01	8/2/01	27/14		40C-9.360	7/10/01	7/30/01	27/1	
14-75.008	7/13/01	8/2/01	27/14		40C-9.370	7/10/01	7/30/01	27/1	
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST					40C-9.400	7/10/01	7/30/01	27/1	
18-20.018	7/12/01	8/1/01	27/21		40C-9.410	7/10/01	7/30/01	27/1	
18-21.003	7/12/01	8/1/01	27/21		AGENCY FOR HEALTH CARE ADMINISTRATION Office of Licensure and Certification				
STATE BOARD OF ADMINISTRATION					59A-4.1075	7/13/01	8/2/01	27/21	27/25
19-9.001	7/9/01	7/29/01	27/10	27/24	DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION				
DEPARTMENT OF CORRECTIONS					Board of Cosmetology				
33-102.202	7/13/01	8/2/01	26/39		61G5-32.001	7/9/01	7/29/01	27/11	27/23
33-302.101	7/10/01	7/30/01	27/21		Board of Veterinary Medicine				
33-302.110	7/12/01	8/1/01	27/21		61G18-15.009	7/13/01	8/2/01	27/21	
WATER MANAGEMENT DISTRICTS					DEPARTMENT OF HEALTH				
St. Johns River Water Management District					Board of Dentistry				
40C-9.021	7/10/01	7/30/01	27/1		64B5-12.019	7/13/01	8/2/01	27/22	
40C-9.031	7/10/01	7/30/01	27/1		64B5-15.006	7/13/01	8/2/01	27/22	
40C-9.041	7/10/01	7/30/01	27/1		Board of Medicine				
40C-9.045	7/10/01	7/30/01	27/1		64B8-9.009	7/12/01	8/1/01	27/7	27/24
40C-9.061	7/10/01	7/30/01	27/1		DEPARTMENT OF CHILDREN AND FAMILY SERVICES				
40C-9.071	7/10/01	7/30/01	27/1		Economic Self Sufficiency Program				
40C-9.081	7/10/01	7/30/01	27/1		65A-1.205	7/9/01	7/29/01	27/3	27/21
40C-9.101	7/10/01	7/30/01	27/1	27/24	65A-1.602	7/9/01	7/29/01	27/3	
40C-9.110	7/10/01	7/30/01	27/1						
40C-9.115	7/10/01	7/30/01	27/1						
40C-9.120	7/10/01	7/30/01	27/1						
40C-9.130	7/10/01	7/30/01	27/1						
40C-9.170	7/10/01	7/30/01	27/1						