

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Credit Union Assessments
 RULE NO.: 3C-110.053

PURPOSE AND EFFECT: The proposed amendment will correct a mathematical error found in the current credit union assessment schedule. The proposed amendment expands the ranges of credit union assets to be assessed. Finally, the proposed amendment clarifies the date on which semi-annual assessments are due.

SUBJECT AREA TO BE ADDRESSED: Credit union assessment schedule.

SPECIFIC AUTHORITY: 655.012(3) FS.

LAW IMPLEMENTED: 655.047, 657.053 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: 1:00 p.m., January 7, 2002

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-110.053 Credit Union Assessments.

(1) Each state credit union shall pay to the Department a semiannual assessment computed on total assets as shown on the Quarterly Call Report (NCUA 5300S) of the credit union as of the last business day in June and the last business day in December of each year. In the event an NCUA 5300S report is amended, and such amendment results in a change in consolidated total assets, the semiannual assessment shall be computed on the adjusted total assets reported in the amended NCUA 5300S Report only if such report is postmarked no later than July 31 or January 31 of the current assessment period. No adjustment will be made for amended reports postmarked after this date.

(2) The State credit unions shall pay to the Department a semiannual assessment which shall be computed on the following schedule:

(a) For assets under \$500,000, an assessment of \$50.00;

(b) For assets over \$500,000, an assessment of \$50.00 plus \$0.135 per \$1,000 over \$500,000;

(c) For assets over \$150,000,000, an assessment of \$20,232 plus \$0.105 per \$1,000 over \$150,000,000; and

(d) For assets over \$300,000,000, an assessment of \$34,482.50 plus \$0.08 per \$1,000 over \$300,000,000.

Total Assets		Base	Plus	of Assets Over
Over	But Not Over			
\$0	\$500,000	\$50.00	0	\$0
\$500,000	\$150,000,000	\$50.00	0.000135	\$500,000
\$150,000,000	\$300,000,000	\$20,232.50	0.000105	\$150,000,000
\$300,000,000	\$750,000,000	\$35,982.50	0.000080	\$300,000,000
\$750,000,000	\$1,000,000,000	\$71,982.50	0.000050	\$750,000,000
\$1,000,000,000	\$1,500,000,000	\$84,482.50	0.000045	\$1,000,000,000
\$1,500,000,000	\$2,000,000,000	\$106,982.50	0.000040	\$1,500,000,000
\$2,000,000,000		\$126,982.50	0.000035	\$2,000,000,000

(3) A semi-annual assessment is "timely filed" if it is postmarked on or before January 31 or July 31. If either date falls on a weekend or holiday, a semi-annual assessment is timely filed if it is postmarked on the next business day.

(4) The Department shall levy a late penalty of \$100.00 per day for each day that a semiannual assessment is past due, unless the late payment penalty is excused for good cause, including isolated clerical and other minor errors. For intentional late filing of a semiannual assessment, the Department shall levy a late payment penalty of \$1,000.00 per day for each day that a semiannual assessment is past due.

Specific Authority 655.012(3), 657.053 FS. Law Implemented 655.047, 657.053 FS., s. 3, Chapter 96-168, L.O.F. History—New 8-18-96, Amended _____.

DEPARTMENT OF INSURANCE

RULE TITLES: Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to January 1, 1992
 Benefit Standards for Policies or Certificates Issued or Delivered on or After January 1, 1992
 Guaranteed Issue for Eligible Persons

RULE NOS.: 4-156.006
 4-156.007
 4-156.0095

PURPOSE AND EFFECT: To amend Florida Administrative Code to conform to recent updates in the National Association of Insurance Commissioners Model regulation for Medicare Supplement policies. Additionally, the amendments include typographical and grammatical corrections as well as minor changes that clarify existing language.

SUBJECT AREA TO BE ADDRESSED: Medicare Supplement policies.

SPECIFIC AUTHORITY: 624.308, 624.308(1), 627.674(2), 627.674(2)(a), 627.6741(5) FS.

LAW IMPLEMENTED: 624.307(1), 627.410, 627.411, 627.673, 627.674, 627.6741, 627.6745, 627.6746 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., January 8, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Ziegler, Bureau of Life and Health Forms and Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5032

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-156.006 Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to January 1, 1992.

No policy certificate may be advertised, solicited, issued, delivered or issued for delivery in this State as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

- (1) No change.
- (2) Minimum Benefit Standards.
- (a) through (e) No change.

(f) Coverage for the coinsurance amount or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible [\$100]. Coverage for the coinsurance amount of Medicare eligible expenses for covered outpatient drugs used in immunosuppressive therapy subject to the Medicare deductible amount is included herein.

- (g) No change.

Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.411, 627.674, 627.6741 FS. History—New 1-1-81, Formerly 4-51.05, Amended 9-4-89, 12-9-90, Formerly 4-51.005, Amended 1-1-92, 3-4-01,_____.

4-156.007 Benefit Standards for Policies or Certificates Issued or Delivered on or After January 1, 1992.

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state on or after January 1, 1992. No policy or

certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards.

(1) General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

- (a) through (f) No change.
- (g) 1. through 2. No change.

3. Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended (for ~~any~~ the period that is provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits under Section 226(b) of the Social Security Act and is covered under a group health plan (as defined in Section 1862(b)(1)(A)(v) of the Social Security Act). If suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, the policy shall be automatically reinstated (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within 90 days after the date of ~~the such~~ loss of coverage and pays the premium attributable to the period, effective as of the date of termination of enrollment in the group health plan entitlement.

4. Reinstitution of such coverages as described in subparagraphs 2. and 3.:

- a. through c. No change.

(2) Standards for Basic (“Core”) Benefits Common to All Benefit Plans. Every issuer shall make available a policy or certificate including only the following basic “core” package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic “core” package, but not in lieu thereof.

- (a) through (d) No change.

(e) Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.

- (3) No change.

Specific Authority 624.308, 627.674(2)(a) FS. Law Implemented 624.307(1), 627.410, 627.674, 627.6741 FS. History—New 1-1-92, Amended 7-26-99, 3-4-01,_____.

4-156.0095 Guaranteed Issue for Eligible Persons.

(1) Guaranteed Issue.

(a) Eligible persons are those individuals described in subsection (2) who, ~~subject to subsection (2)(b)2.:~~

1. Seek to enroll under the policy during the period specified in subsection (3) Apply to enroll under the policy not later than sixty three (63) days after the date of the termination of enrollment described in subsection (2); and

2. Submit evidence of the date of termination or disenrollment with the application for a Medicare supplement policy.

(b) With respect to eligible persons, an issuer shall not:

1. Deny or condition the issuance or effectiveness of a Medicare supplement policy described in subsection (5)(3) that is offered and is available for issuance to new enrollees by the issuer;

2. No change.

(2) Eligible Persons. An eligible person is an individual described in any of the following paragraphs:

(a) No change.

~~(b)~~ The individual is enrolled with a Medicare + Choice organization under a Medicare + Choice plan under Part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a Program of All-Inclusive Care for the Elderly (PACE) provider under Section 1894 of the Social Security Act, and there are circumstances similar to those described below that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare + Choice plan:

~~1.a.~~ The certification of the organization or plan under this part has been terminated, ~~or the organization or plan has notified the individual of an impending termination of such certification;~~ or

~~2.b.~~ The organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides, ~~or has notified the individual of an impending termination or discontinuance of such plan;~~

~~3.e.~~ No change.

~~4.d.~~ The individual demonstrates, in accordance with guidelines established by the Secretary, that:

~~a.(f)~~ The organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

~~b.(h)~~ The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual, or

~~5.e.~~ The individual meets such other exceptional conditions as the Secretary may provide.

~~2.a.~~ An individual described in subparagraph (b) may elect to apply subsection (1) by substituting, for the date of termination of enrollment, the date on which the individual was notified by the Medicare + Choice organization of the impending termination or discontinuance of the Medicare + Choice plan it offers in the area in which the individual resides, but only if the individual disenrolls from the plan as a result of such notification.

~~b.~~ In the case of an individual making the election in subparagraph (c)1. above, the issuer involved shall accept the application of the individual submitted before the date of termination of enrollment, but the coverage under subsection (1) shall only become effective upon termination of coverage under the Medicare + Choice plan involved.

(c)1. The individual is enrolled with:

a. An eligible organization under a contract under Section 1876, 42 U.S.C. Section 1395mm (1999 Supplement) which is hereby incorporated by reference (Medicare ~~risk or~~ cost);

b. through d. No change.

2. No change.

(d) No change.

(e)1. The individual was enrolled under a Medicare supplement policy and terminated enrollment and subsequently enrolled, for the first time, with:

a. No change.

b. An eligible organization under a contract under Section 1876, 42 U.S.C. Section 1395mm (1999 Supplement) which is hereby incorporated by reference (Medicare ~~risk or~~ cost), any similar organization operating under demonstration project authority;

~~c.~~ Any PACE ~~provider program~~ under Section 1894 of the Social Security Act; ~~or~~

~~d.~~ An organization under an agreement under Section 1833(a)(1)(A), 42 U.S.C. Section 1395I (1999 Supplement) which is hereby incorporated by reference, (health care ~~prepayment plan~~); ~~or~~

~~d.e.~~ A Medicare Select policy; and

2. No change.

(f) The individual, upon first becoming eligible for benefits under Part A of Medicare at age 65, enrolls in a Medicare + Choice plan under Part C of Medicare, or ~~with in~~ a PACE program ~~provider~~ under Section 1894 ~~of the Social Security Act~~, and disenrolls from the plan or program by not later than twelve (12) months after the effective date of enrollment.

(3) Guaranteed Issue Time Periods.

(a) In the case of an individual described in paragraph (2)(a), the guaranteed issue period:

1. Begins on the later of:

a. The date the individual receives a notice of termination or cessation of the supplemental health benefits (or, if a notice is not received, notice that a claim has been denied because of such a termination or cessation); or

b. The date that the applicable coverage terminates or ceases; and

2. Ends sixty-three (63) days after the date of the applicable notice.

(b) In the case of an individual described in paragraph (2)(b), (c), (e) or (f) whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date

that the individual receives a notice of termination and ends sixty-three (63) days after the date the applicable coverage is terminated;

(c) In the case of an individual described in subparagraph (2)(d)1., the guaranteed issue period begins on the earlier of:

1. The date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other similar notice if any; and

2. The date that the applicable coverage is terminated, and ends on the date that is sixty-three (63) days after the date the coverage is terminated;

(d) In the case of an individual described in paragraph (2)(b), subparagraph (d)2. or 3., or paragraph (2)(e) or (f) who disenrolls voluntarily, the guaranteed issue period begins on the date that is sixty (60) days before the effective date of the disenrollment and ends on the date that is sixty-three (63) days after the effective date; and

(e) In the case of an individual described in subsection (2) but not described in the preceding provisions of this subsection, the guaranteed issue period begins on the effective date of disenrollment and ends on the date that is sixty-three (63) days after the effective date.

(4) Extended Medicare Supplement access for interrupted trial periods.

(a) In the case of an individual described in paragraph (2)(e) (or deemed to be so described, pursuant to this paragraph) whose enrollment with an organization or provider described in subparagraph (2)(e)1. is involuntarily terminated within the first twelve (12) months of enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, the subsequent enrollment shall be deemed to be an initial enrollment described in Rule 4-156.0095(2)(e), F.A.C.:

(b) In the case of an individual described in paragraph (2)(f) (or deemed to be so described, pursuant to this paragraph) whose enrollment with a plan or in a program described in paragraph (2)(f) is involuntarily terminated within the first twelve (12) months of enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, the subsequent enrollment shall be deemed to be an initial enrollment described in Rule 4-156.0095(2)(f), F.A.C.; and

(c) For purposes of paragraphs (2)(e) and (2)(f), no enrollment of an individual with an organization or provider described in subparagraph (2)(e)1., or with a plan or in a program described in paragraph (2)(f), may be deemed to be an initial enrollment under this paragraph after the two year period beginning on the date on which the individual first enrolled with such an organization, provider, plan or program.

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

Specific Authority 624.308, 627.674(2), 627.6741(5) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History--New 7-26-99, Amended 3-4-01, _____.

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

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES:	RULE NOS.:
Grounds for Disciplinary Proceedings	61G15-19.001
Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances	61G15-19.004

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

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

SPECIFIC AUTHORITY: 455.227, 471.008, 471.031, 471.033 FS.

LAW IMPLEMENTED: 455.227, 471.025(1), 471.031, 471.033 FS.

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE:	RULE NO.:
License Status of Active Officers and Directors	61J2-5.016

PURPOSE AND EFFECT: The purpose of the proposed rule development is to amend provisions relating to real estate salespersons' ability to be an officer of a real estate entity.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to real estate salespersons' ability to be an officer of a real estate entity.

implement the first of two phases (Phase I) of the federal NPDES stormwater element as part of the state permitting program. Additional stormwater regulations have been published by EPA to effect Phase II of the stormwater element of the NPDES program, as required by the Clean Water Act, which must be incorporated into the state's NPDES program. As the Phase II rules are developed adjustments to the references cited under Rule 62-620.100(3), F.A.C., will be necessary to reflect current versions of various incorporated documents and to incorporate new documents necessary to effect Phase II of the NPDES stormwater program.

SUBJECT AREA TO BE ADDRESSED: Materials incorporated by reference necessary to effect certain provisions of the Department's NPDES program.

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

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

A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Fred Noble, P.E., NPDES Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-59R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Generic Permits	62-621
RULE TITLE:	RULE NO.:
Permits	62-621.300

PURPOSE AND EFFECT: The Florida Department of Environmental Protection (Department) implements the federal National Pollutant Discharge Elimination System (NPDES) through its EPA approved NPDES program which resides within various provisions of Florida Administrative Code chapters 62-4, 62-620, 62-621, and 62-624.

As authorized by Section 402 of the Clean Water Act, EPA has relinquished its NPDES permitting authority to the state as the Department has developed rules to incorporate the various elements of the NPDES regulatory framework into its Wastewater Facility and Activities Permitting program. On May 1, 2000, EPA relinquished permitting authority for the stormwater element of the NPDES program. On October 23, 2000, chapter 62-624, F.A.C., was adopted, along with amendments to chapters 62-4, 62-620 and 62-621, to implement the first of two phases (Phase I) of the federal NPDES stormwater element as part of the state permitting program. Additional stormwater regulations have been published by EPA to effect Phase II of the stormwater element

of the NPDES program, as required by the Clean Water Act, which must be incorporated into the state's NPDES program. The Department anticipates establishing a generic permit to regulate small MS4s under Phase II and addressing small construction activities regulated under Phase II by amending the Department's existing construction generic permit or establishing a separate generic permit for Phase II small construction activities. Chapter 62-621 must be amended to accommodate any new generic permits, or amendments to existing generic permits, as well as to incorporate any new forms created to facilitate utilization of the generic permits.

SUBJECT AREA TO BE ADDRESSED: Establishment of new generic permits or amendment of existing generic permits to accommodate implementation of Phase II of the NPDES stormwater element.

SPECIFIC AUTHORITY: 373.043, 373.1131, 373.413, 373.416, 403.061, 403.087, 403.0877 FS.

LAW IMPLEMENTED: 373.043, 373.1131, 373.413, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Fred Noble, P.E., NPDES, Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-60R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Municipal Separate Storm Sewer Systems	62-624

RULE TITLES:	RULE NOS.:
Policy and Purpose	62-624.100
Definitions	62-624.200
General Provisions	62-624.300
General Conditions	62-624.310
Application Procedures for New MS4 Permits	62-624.400
Re-application Procedures for MS4 Permits	62-624.420
Contents of Re-application for MS4 Permit	62-624.440
Application Processing	62-624.460
Standards for Issuing or Denying Permits	62-624.500
Annual Report	62-624.600
Transfer of Operational Authority	62-624.700

PURPOSE AND EFFECT: The Florida Department of Environmental Protection (Department) implements the federal National Pollutant Discharge Elimination System (NPDES) through its EPA approved NPDES program which resides within various provisions of Florida Administrative Code chapters 62-4, 62-620, 62-621, and 62-624.

As authorized by Section 402 of the Clean Water Act, EPA has relinquished its NPDES permitting authority to the state as the Department has developed rules to incorporate the various elements of the NPDES regulatory framework into its Wastewater Facility and Activities Permitting program. On May 1, 2000, EPA relinquished permitting authority for the stormwater element of the NPDES program. On October 23, 2000, chapter 62-624, F.A.C., was adopted, along with amendments to chapters 62-4, 62-620 and 62-621, to implement the first of two phases (Phase I) of the federal NPDES stormwater element as part of the state permitting program. Additional stormwater regulations have been published by EPA to effect Phase II of the stormwater element of the NPDES program, as required by the Clean Water Act, which must be incorporated into the state's NPDES program. Under Phase II, the Department must address small Municipal Separate Storm Sewer Systems (small MS4s). Medium and large MS4s were addressed under Phase I. The Department must now amend chapter 62-624 to accommodate the implementation of Phase II of the NPDES stormwater element as it applies to MS4s.

SUBJECT AREA TO BE ADDRESSED: Regulation of MS4s under Phase II of the NPDES stormwater element.

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.087, 403.088, 403.0885 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Fred Noble, P.E., NPDES, Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Clinical Laboratory Personnel **RULE NO.:** 64B3-2.002

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

SUBJECT AREA TO BE ADDRESSED: Clinical Laboratory Personnel.

SPECIFIC AUTHORITY: 483.805(4), 483.811(4) FS.

LAW IMPLEMENTED: 483.035(1), 483.803, 483.811(3), (4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-2.002 Clinical Laboratory Personnel.

(1) Director means a Clinical Laboratory Director ~~person~~ qualified ~~to be a director~~ pursuant to the Board's rules who is responsible for and assures the overall operation and administration of the clinical laboratory and fulfills the responsibilities specified in Rule 64B3-13.001, ~~64B3-5.007(5)~~, F.A.C.

(2) Supervisor means a person qualified to be a supervisor pursuant to the Board's rules who is responsible for the day-to-day supervision and oversight of technical and scientific operations in a clinical laboratory and fulfills the responsibilities specified in Rule 64B3-13.002, ~~64B3-5.002(3)~~, F.A.C.

(3) Technologist means a person qualified to be a technologist under the Board's rules who represents the first level of independent practice and under general supervision, fulfills the responsibilities specified in Rule 64B3-13.003, ~~64B3-5.003(5)~~, F.A.C.

(4) Technician means a person qualified as a technician pursuant to the Board's rules who practices the profession and may perform tests classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein, and the requirements contained in Rule 64B3-5.004(5) and fulfills the responsibilities specified in Rule 64B3-13.004, ~~64B3-5.004(7)~~, F.A.C.

(5) through (6) No change.

(7) Direct supervision means supervision by a qualified director, licensed supervisor, or licensed technologist who is on the premises, or is available to the laboratory when test procedures are being performed and is responsible for the oversight of testing and reporting of results.

Specific Authority 483.805(4), 483.811(4) FS. Law Implemented 483.035(1), 483.803, 483.811(3),(4) FS. History--New 11-4-93, Formerly 61F3-2.002, Amended 11-21-94, 7-12-95, 5-15-96, Formerly 59O-2.002, Amended 3-19-98, 12-13-98, 9-27-00,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Trainee Registration **RULE NO.:** 64B3-4.001

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

SUBJECT AREA TO BE ADDRESSED: Trainee Registration.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(2),(3),(4), 483.825, 483.827 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-4.001 Trainee Registration.

(1) through (3) No change.

(4) Upon graduation from a Board approved training program, a student who intends to work in a laboratory licensed under Chapter 483, Florida Statutes, shall apply for licensure.

(a) Individuals enrolled in a Board-approved histology program shall be issued a two-year trainee registration.

(5) through (6) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.809(3), 483.811(2), (3), (4), 483.825, 483.827 FS. History--New 7-20-93, Formerly 21KK-4.001, 61F3-4.001, Amended 4-10-96, 7-3-97, Formerly 59O-4.001, Amended 3-19-98, 2-15-01,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Medical Errors

RULE NO.: 64B3-5.001

PURPOSE AND EFFECT: The Board proposes to add a new rule with regard to medical error prevention.

SUBJECT AREA TO BE ADDRESSED: Medical Errors.

SPECIFIC AUTHORITY: 456.013(7) FS.

LAW IMPLEMENTED: 456.013(7) 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: Joe Baker, Jr., Board

Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.001 Medical Errors.

All applicants for initial licensure and renewal shall be required to take a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety.

Specific Authority 456.013(7) FS. Law Implemented 456.013(7) FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: List of Approved Forms; Incorporation

RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to incorporate revised forms and a new form in its rule regarding forms.

SUBJECT AREA TO BE ADDRESSED: Revised forms and a new form to be incorporated in the rule.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 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: Pamela King, Acting 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:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131.

(1) DH-MQA 1000, entitled "Board of Medicine Application For Licensure By Examination and Endorsement Materials To Be Licensed By Examination, Endorsement, Public Health Certificate, Public Psychiatry Certificate (Medical Doctor)," (8/01) ~~(1/00)~~.

(2) through (17) No change.

(18) DH-MQA 1048, entitled "Medical Director Acceptance Form," 10/01.

~~(19)(18)~~ No change.

~~(20)(19)~~ DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (8/01) ~~(10/00)~~.

(20) through (21) renumbered (21) through (22) No change.

~~(23)(22)~~ DH-MQA 2003, entitled, "FPALE Re-Examination Application," (10/01) ~~(2/01)~~.

~~(24)(23)~~ No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS. History--New 4-17-01, Amended 11-20-01.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: RULE NOS.:
Renewal Fees 64B8-3.003

Inactive and Delinquent Status Fees 64B8-3.004

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address a small increase in the inactive renewal fee and to clarify that the inactive and delinquent fees for residents shall be the same as those for other licensees.

SUBJECT AREA TO BE ADDRESSED: Renewal fees, inactive and delinquent status fees.

SPECIFIC AUTHORITY: 456.025, 456.036, 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, 458.3145, 458.316, 458.3165, 458.319(1), 458.345 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: Pamela King, Acting 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:

64B8-3.003 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. However the following exceptions shall apply:

1. through 3. No change.

4. If the licensee whose license is on inactive status chooses to renew the license in an inactive status, the biennial renewal fee shall be \$110.00 ~~\$100.00~~.

(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, 10-31-01.

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) The fee for an inactive status license shall be \$385.00. ~~The fee for inactive status for a resident shall be \$200.00.~~

(b) No change.

(c) The fee for delinquent status as set forth in Subsection 456.036(7), F.S., shall be \$385.00. ~~The fee for delinquent status for a resident shall be \$200.00.~~

(d) through (e) No change.

(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, 11-20-01.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:
Approval of Physician Office
Accrediting Organizations 64B8-9.0092

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to identify a Board approved accrediting agency in the rule.

SUBJECT AREA TO BE ADDRESSED: The Board proposes to identify a Board approved accrediting agency in the rule.

SPECIFIC AUTHORITY: 458.309(3) FS.

LAW IMPLEMENTED: 458.309(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Acting 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:

64B8-9.0092 Approval of Physician Office Accrediting Organizations.

(1) through (6) No change.

(7) Board approved accrediting agency or organizations include Florida Academy of Cosmetic Surgery, Inc.

Specific Authority 458.309(3) FS. Law Implemented 458.309(3) FS. History--New 3-9-00, Amended _____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: Continuing Education on Bioterrorism

RULE NO.: 64B9-5.013

PURPOSE AND EFFECT: The Board proposes to develop a new rule to address continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements.

SPECIFIC AUTHORITY: 464.013(3) FS.

LAW IMPLEMENTED: 464.013(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Interim Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE CHAPTER TITLE: LPN Supervision in Nursing

RULE CHAPTER NO.: 64B9-16

Home Facilities

64B9-16

PURPOSE AND EFFECT: The Board proposes the development of a rule chapter to address LPN supervision guidelines in nursing home facilities.

SUBJECT AREA TO BE ADDRESSED: Definitions; Supervision by licensed practical nurses in nursing home facilities; Competency and knowledge requirements necessary to qualify the LPN to supervise in nursing home facilities; Delegation of tasks prohibited.

SPECIFIC AUTHORITY: 400.23(3) FS.

LAW IMPLEMENTED: 400.23(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Interim Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Standards for the Prescription of

RULE NO.:

Obesity Drugs

64B15-14.004

PURPOSE AND EFFECT: The Board proposes to substantially reword this rule to clearly define the standards for the prescription of obesity drugs and to comport this rule to the companion rule by the Board of Medicine.

SUBJECT AREA TO BE ADDRESSED: Standards for the prescription of obesity drugs.

SPECIFIC AUTHORITY: 459.005, 459.0135 FS.

LAW IMPLEMENTED: 459.0135 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64B15-14.004 follows. See Florida Administrative Code for present text.)

64B15-14.004 Standards for the Prescription of Obesity Drugs.

The prescription of medication for the purpose of enhancing weight loss should only be performed by osteopathic physicians qualified by training and experience to treat obesity. All licensees are expected to abide by the following guidelines and standards in the utilization of any drug, any synthetic compound, any nutritional supplement or herbal treatment, for the purpose of providing medically assisted weight loss.

(1) To justify the use of weight loss enhancers as set forth above, the patient must have a Body Mass Index (BMI) of 30 or above, or a BMI of greater than 27 with at least one comorbidity factor, or a measurable body fat content equal to or greater than 25% of total body weight for male patients or 30% of total body weight for women. The prescription of such weight loss enhancers is not generally appropriate for children. Any time such prescriptions are made for children, the prescribing osteopathic physician must obtain a written informed consent from the parent or legal guardian of the minor patient in addition to complying with the other guidelines and standards set forth in this rule. BMI is calculated by use of the formula $BMI = kg/m^2$.

(2) Osteopathic physicians in Florida are prohibited from prescribing, ordering, dispensing, or administering any weight loss enhancer that is both a serotonergic and anorexic agent unless the drug has been approved by the Food and Drug Administration (FDA) specifically for use in weight loss management. Selective serotonin re-uptake inhibitors (SSRIs) that have not been approved by the FDA for weight loss may not be prescribed, ordered, dispensed, or administered for such purposes.

(3) An initial evaluation of the patient shall be conducted prior to the prescribing, ordering, dispensing, or administering of any drug, synthetic compound, nutritional supplement or herbal treatment and such evaluation shall include an appropriate physical and complete history; appropriate tests related to medical treatment for weight loss; and appropriate medical referrals as indicated by the physical, history, and testing; all in accordance with general medical standards of care.

(a) The initial evaluation may be delegated to an appropriately educated and trained osteopathic physician's assistant licensed pursuant to Chapter 459, Florida Statutes, or an appropriately educated and trained advanced registered nurse practitioner licensed pursuant to Chapter 464, Florida Statutes.

(b) If the initial evaluation required above is delegated to an osteopathic physician's assistant or to an advance registered nurse practitioner, then the delegating osteopathic physician must personally review the resulting medical records prior to the issuance of an initial prescription, order, or dosage.

(4) Prescriptions or orders for any drug, synthetic compound, nutritional supplement or herbal treatment for the purpose of assisting in weight loss must be in writing and signed by the prescribing osteopathic physician. Initial prescriptions or orders of this type shall not be called into a pharmacy by the osteopathic physician or by an agent of the osteopathic physician. Even if the osteopathic physician is registered as a dispensing osteopathic physician, a hard copy of the written prescription must be maintained in the patient's medical records for each time such weight loss enhancers are prescribed, ordered, dispensed, or administered.

(5) At the time of delivering the initial prescription or providing the initial supply of such drugs to a patient, the prescribing osteopathic physician must personally meet with the patient and personally obtain an appropriate written informed consent from the patient. Such consent must state that there is a lack of scientific data regarding the potential danger of long term use of combination weight loss treatments, and shall discuss potential benefits versus potential risks of weight loss treatments. The written consent must also clearly state the need for dietary intervention and physical exercise as a part of any weight loss regimen. A copy of the signed informed consent shall be included in the patient's permanent medical record.

(6) Each osteopathic physician who is prescribing, ordering, or providing weight loss enhancers to patients must assure that such patients undergo an in-person re-evaluation within 2 to 4 weeks of receiving a prescription, order, or dosage. The re-evaluation shall include the elements of the initial evaluation and an assessment of the medical effects of the treatment being provided. Any patient that continues on a drug, synthetic compound, nutritional supplement or herbal treatment assisted weight loss program shall be re-evaluated at least once every 3 months.

(7) Each osteopathic physician who prescribes, orders, dispenses, or administers any drug, synthetic compound, nutritional supplement or herbal treatment for the purpose of assisting a patient in weight loss shall maintain medical records in compliance with Rule 64B15-15.004, Florida Administrative Code, and must also reflect compliance with all requirements of this rule.

(8) Each osteopathic physician who prescribes, orders, dispenses, or administers weight loss enhancers for the purpose of providing medically assisted weight loss shall provide to each patient a legible copy of the Weight-Loss Consumer Bill of Rights as set forth in Section 501.0575(1)(a) through (e)3.,

Florida Statutes. The osteopathic physician shall also conspicuously post said document in those rooms wherein patients are evaluated for weight loss treatment.

(9) Any osteopathic physician who advertises practice relating to weight loss or whose services are advertised by another person or entity shall be responsible for assuring that such advertising meets the requirements of Rule 64B15-14.001, Florida Administrative Code. In addition advertising of weight loss treatment shall be considered false, deceptive, or misleading if it contains representations that:

- (a) Promise specific results;
- (b) Raise unreasonable expectations;
- (c) Claim rapid, dramatic, incredible, or safe weight loss;
- (d) State or suggest that diets or exercise are not required;

or

- (e) Suggest that weight loss is effortless or magical.

Specific Authority 459.005, 459.0135 FS, Section 188, Chapter 97-264, Laws of Florida Law Implemented 459.0135 FS, Section 188, Chapter 97-264, Laws of Florida History--New 3-29-98, Amended _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Probable Cause Panel
 RULE NO.: 64B17-1.004

PURPOSE AND EFFECT: The Board proposes to add the rule with regard to The composition of the Probable Cause Panel.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Panel.

SPECIFIC AUTHORITY: 456.073(4) FS.

LAW IMPLEMENTED: 456.073(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-1.004 Probable Cause Panel.

(1) The determination as to whether probable cause exists regarding a violation of the provisions of Chapter 486 and 456, Florida Statutes, and/or the rules promulgated by the Board shall be made by majority vote of a probable cause panel of the Board.

(2) The Board Chair shall appoint at least two people to the probable cause panel and shall designate the panel Chair. The appointed people shall be either current Board members or

at least one current Board member and one or more former members of the Board. The panel must include a former or present consumer member if one is available, is willing to serve, and is appointed by the Board Chair. Otherwise, the panel shall be composed of former or present Board members who are licensed physical therapists. The determination as to whether probable cause exists that a violation has occurred shall be made by a majority vote of the probable cause panel of the Board.

(3) The Board Chair may designate an alternate panel with the same membership criteria to share the workload. With regard to either panel, the Board Chair may make temporary appointments, as needed, to conduct the business of the panel in the absence or unavailability of a regularly appointed panel member.

(4) If a Board member has reviewed a case as a member of the probable cause panel, that member shall be on the panel for reconsideration of that case if reconsideration is requested by the prosecutor and that panel member is able and available.

Specific Authority 456.073(4) FS. Law Implemented 456.073(4) FS. History--New _____.

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Florida Nursery Stock and Certification Fees
 RULE CHAPTER NO.: 5B-2

RULE TITLE: Special Inspection and Certification Fees
 RULE NO.: 5B-2.010

PURPOSE AND EFFECT: The purpose of this rule revision is to increase the fees charged for phytosanitary export certification and other special inspection and certification programs. The effect will be to increase the inspection charges by the following amounts: inspection and state of origin certificate, phytosanitary export certificate, and phytosanitary reexport certificate is being increased from \$35 to \$50 per inspection. Other special inspections are being increased from \$35 to \$50 per inspection. There will also be a change in the amount charged for each additional phytosanitary export, phytosanitary reexport, inspection and state of origin, and other applicable special inspection certificate written at the same location provided no inspection was made, from \$5 to \$15 per certificate.

Phytosanitary export certificate noncommercial (homeowner plants or homeowner plant products) and temporary certificate of inspection is being increased from \$15 to \$25 per inspection. Cut flower and cut fern inspection is being increased from \$5 per acre per crop to \$10 per acre per crop

and from a \$15 minimum to a \$25 minimum with no maximum. Import inspection for commercial shipments of plants and plant products from \$35 per hour, per inspector to \$50 per hour per inspector and from a \$35 minimum to a \$50 minimum. Growing season field inspection of bulbs, seed, vegetable, and tobacco transplants from \$5 per acre per crop to \$10 per acre per crop and from a \$15 minimum to a \$25 minimum with no maximum. Vegetable transplants, aquatic, and annual (bedding) plants (greenhouse, hotbeds, or other growing units) from \$15 to \$25 minimum for the first 10,000 square feet of growing unit space or less and from \$2 to \$5 per 1,000 square feet of additional growing space per inspection. Nematode certification from \$20 to \$30 per sample. Fumigation fees for loads exceeding 40 cubic feet from \$240 to \$260. Special diagnostic fees for entomology from \$40 to \$55 per sample. Plant Pathology disease specimens from \$40 to \$55 per sample. Lettuce mosaic samples from \$80 to \$90 per sample. Nematology samples from \$20 to \$25 per sample. Grades and Standards regrading inspections from a system where the charge was based on the number of plants regraded having a range from \$25 to a maximum of \$250 will be changed to a \$50 per hour, per inspector charge. Permits for importing regulated organisms will be changed from \$10 to \$12.50 per species not to exceed \$60 instead of \$50.

SUMMARY: The fees being charged for phytosanitary export certification and other special inspection and certification programs will be increasing by the following amounts: inspection and state of origin certificate, phytosanitary export certificate, and phytosanitary reexport certificate is being increased from \$35 to \$50 per inspection. Other special inspections are being increased from \$35 to \$50 per inspection. There will also be a change in the amount charged for each additional phytosanitary export, phytosanitary reexport, inspection and state of origin, and other applicable special inspection certificate written at the same location provided no inspection was made, from \$5 to \$15 per certificate. Phytosanitary export certificate noncommercial (homeowner plants or homeowner plant products) and temporary certificate of inspection is being increased from \$15 to \$25 per inspection. Cut flower and cut fern inspection is being increased from \$5 per acre per crop to \$10 per acre, per crop and from a \$15 minimum to a \$25 minimum with no maximum. Import inspection for commercial shipments of plants and plant products from \$35 per hour per inspector to \$50 per hour per inspector and from a \$35 minimum to a \$50 minimum. Growing season field inspection of bulbs, seed, vegetable, and tobacco transplants from \$5 per acre per crop to \$10 per acre per crop and from a \$15 minimum to a \$25 minimum with no maximum. Vegetable transplants, aquatic,

and annual (bedding) plants (greenhouse, hotbeds, or other growing units) from \$15 to \$25 minimum for the first 10,000 square feet of growing unit space or less and from \$2 to \$5 per 1,000 square feet of additional growing space per inspection. Nematode certification from \$20 to \$30 per sample. Fumigation fees for loads exceeding 40 cubic feet from \$240 to \$260. Special diagnostic fees for entomology from \$40 to \$55 per sample. Plant Pathology disease specimens from \$40 to \$55 per sample. Lettuce mosaic samples from \$80 to \$90 per sample. Nematology samples from \$20 to \$25 per sample. Grades and Standards regrading inspections from a system where the charge was based on the number of plants regraded having a range from \$25 to a maximum of \$250 will be changed to a \$50 per hour, per inspector charge. Permits for importing regulated organisms will be changed from \$10 to \$12.50 per species not to exceed \$60 instead of \$50.

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

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

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

TIME AND DATE: 10:00 a.m., January 22, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-2.010 Special Inspection and Certification Fees.

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

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

Vegetable transplants, aquatic and annual (bedding) plants (greenhouse, hotbeds, or other growing units).	Mileage ¹ and \$25 \$15 minimum for first 10,000 square feet of growing unit space or less and \$5 \$2 per 1,000 square feet of additional growing space per inspection.	DACS-08237 ³ , Vegetable Inspection Report, revised 10/99. DACS-08289 ³ , Certificate for Cut Foliage, Flowers & Aquatic Plants, revised 8/99. DACS-08290 ³ , Tomato/Tobacco Plant Certificate, revised 8/99.
Nematode certification.	Mileage ¹ and \$30 \$20 per sample.	DACS-08038 ³ , Citrus Nursery Stock Inspection Tag, revised 7/99. DACS-08048 ³ , Burrowing Nematode Certificate, revised 2/00. DACS-08049 ³ , Nematode Certificate of Inspection for Shipping Nursery Stock to California, revised 7/99. DACS-08130 ³ , Reniform Nematode Certificate, revised 2/00. DACS-08254 ³ , Nematode Certificate of Inspection For Shipping Nursery Stock to California From Stockdealers, revised 2/00. DACS-08270 ³ , Consolidation Declaration For Florida, revised 12/99.
Fumigation services.	\$150 per fumigation of loads 40 cu. ft. or less, \$300 \$240 per fumigation of loads exceeding 40 cu. ft.	DACS-08207 ³ , Request for Fumigation, revised 1/99. DACS-08099 ³ , Certificate of Treatment, revised 1/00.
Irradiation treatment.	\$200 minimum, \$500 per hour.	
Special diagnostic fees		
Entomology	\$55 \$40 per sample	DACS-08074 ³ , Entomology Specimen Identification, revised 11/99.
Plant Pathology	\$55 \$40 per sample	DACS-08079 ³ , Plant Pathology Specimen Report, revised 1/00.
Disease specimens		
Lettuce mosaic samples	\$90 \$80 per sample (\$180 \$160 if found positive).	
Nematology Roots and soil	\$25 \$20 per sample	DACS-08077 ³ , Nematology Specimen Report, revised 9/99.
Caribbean fruit fly protocol participation	\$3.50 per acre per month	DACS-08161 ³ , Application for Participation, revised 12/99. DACS-08233 ³ , Caribfly Certification Program-Establishment of McPhail Traps, revised 12/99.
Grades and Standards regrading inspections	<u>Mileage¹ and \$50 per hour per inspector from time of arrival to departure, \$50 minimum.</u>	DACS-08228 ³ , Grades & Standards-Regrading Inspection Report, revised 10/99.

- 1-50 plants Mileage¹ and \$25
- 51-100 plants Mileage¹ and \$50
- 101-200 plants Mileage¹ and \$75
- 201-300 plants Mileage¹ and \$100
- 301-400 plants Mileage¹ and \$125
- 401-500 plants Mileage¹ and \$150
- 501-1000 plants Mileage¹ and \$200
- Over 1000 plants Mileage¹ and \$250

Permits for importing regulated organisms. \$12.50 \$10 per species not to exceed \$50 per permit. DACS-08208³, Application and Permit to Move Regulated Organisms, revised 01/00.

¹ Mileage shall be based on the prevailing state mileage rate.
² There shall be a \$15 \$5 charge for each additional phytosanitary export, phytosanitary reexport, inspection and state of origin, and other applicable special inspection certificate written at the same location provided no inspection was made.
³ All DACS forms referenced above are supplied by the division and are incorporated herein by reference. Copies of any of these forms may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Constance C. Riherd, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner’s Office Staff, Florida Department of Agriculture and Consumer Services, PL 10, The Capitol, Tallahassee, FL 32399-0810
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry
RULE CHAPTER TITLE: Citrus Budwood Protection Program
RULE CHAPTER NO.: 5B-60
RULE TITLES: Citrus Budwood Protection Procedure Manual, Citrus Budwood Testing Manual, and Graft-transmissible Diseases of Citrus:
 Handbook for Detection and Diagnosis 5B-60.004
 Increase Trees 5B-60.010
 Source Tree Registration Certificate 5B-60.012

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

SUMMARY: The time frame of nine months for increase trees tested negatively between the 22nd and the 24th month for severe strains of CTV will be changed to a time frame of 12 months. Also, a billing form, “Statement of Charges For

Annual Source Tree Registration” (DACS-80864) will be added and the section subsequently renumbered. This change necessitates updating of the Citrus Budwood Protection Manual, the Citrus Budwood Testing Manual, and the Graft-Transmissible Diseases of Citrus: Handbook for Detection and Diagnosis and, therefore, changing of the rule to reflect the new revision dates of those manuals.

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

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

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

TIME AND DATE: 10:00 a.m., January 15, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

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

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

5B-60.010 Increase Trees.

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

(1) through (7) No change.

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

(a) through (d) No change.

(9) through (11) No change.

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

5B-60.012 Source Tree Registration Certificate.

(1) through (3) No change.

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

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

(a) through (h) No change.

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

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

(a) through (d) No change.

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

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2001
 DATE NOTICE PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Licensed Pesticide Applicators and Dealers	5E-9
RULE TITLES:	RULE NOS.:
Pesticide Applicator Licenses	5E-9.019
Categories of Licensure for Pesticide Applicators	5E-9.021
Category Certification Standards	5E-9.024
Procedures for Pesticide Dealer Licensure and License Renewal	5E-9.027
License Fees	5E-9.028
Procedures for Pesticide Applicator Recertification	5E-9.029
Pesticide Dealer Records	5E-9.033
Direct Supervision	5E-9.034

PURPOSE AND EFFECT: The purpose of the proposed rule change is to adjust fees to cover program costs; revise requirements and procedures relating to license categories, continuing education, and renewal to meet industry needs and better reflect current educational standards; update forms and addresses; revise pesticide dealer record requirements to provide for more complete and usable records; and provide clarification of direct supervision for unlicensed pesticide applicators and assistants.

SUMMARY: Increase license fees to cover program costs, revise requirements and procedures relating to pesticide recertification, Continuing Education Units (CEUs), pesticide dealer records, and direct supervision.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 570.07(23), 487.045, 487.046, 487.048, 487.049 FS.

LAW IMPLEMENTED: 487.0435, 487.044, 487.045, 487.046, 487.048, 487.049, 487.1585 FS.

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

TIME AND DATE: 9:30 a. m., January 14, 2002

PLACE: AES Conference Room, Building #8, 3125 Conner Blvd., Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Bldg. 8. (L29), Tallahassee, Florida 32399-1650, telephone (850)488-8731

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-9.019 Pesticide Applicator Licenses.

Each individual licensed as a pesticide applicator must be licensed in one of three license types and must be licensed in a minimum of one primary category.

(1) License types.

(a) Private applicator license. A private applicator license is valid for use by private applicators as defined in section 487.021(52), F.S.

(b) Public applicator license. A public applicator license is valid for use by public applicators as defined in section 487.021(55), F.S.

(c) Commercial applicator license. A commercial applicator license is valid for use by commercial applicators as defined in section 487.021(16), F.S. A commercial applicator shall not be required to have a private applicator license to function as a private applicator; nor shall a commercial applicator be required to have a public applicator license to function as a public applicator; provided the commercial categories in which the applicator is licensed are the appropriate categories for the applications to be made.

(2) No change.

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435 FS. History—New 6-9-94, Amended 7-2-95, _____

5E-9.021 Categories of Licensure for Pesticide Applicators.

(1) Description of primary categories.

(a) through (p) No change.

(q) Category 11 – Aerial Application. This category is applicable to individuals who apply any pesticide from an aircraft. This category is valid for licensure of private, public, and commercial applicators for treatment sites that may legally (according to product label direction) be treated by aerial application under Chapter 487, F.S.

~~(r)(e)~~ Category 20 – Regulatory Inspection and Sampling. This category is applicable to government employees who collect regulatory samples of restricted use pesticides or conduct inspections involving the handling of opened containers of restricted use pesticides to determine compliance with applicable laws and regulations. Licensure in this category shall not be required of government inspection or sampling employees licensed in another public or commercial pesticide applicator category in accordance with this chapter, Chapter 388, Florida Statutes, or Chapter 482, Florida Statutes.

This category is valid solely for licensure of public applicators. Licensure in this category does not authorize the application of restricted use pesticides.

~~(s)(+)~~ Category 21 – Natural Areas Weed Management. This category is applicable to individuals who use or supervise the use of restricted use herbicides to control unwanted vegetation to protect natural communities of conservation and recreation lands and natural areas. This category is valid for licensure of commercial and public applicators. Applicators acting under the authority of another license category prior to this category being established may continue activities under the alternate category until license renewal or expiration.

(2) Description of secondary categories.

~~(+)~~ No change.

~~(b) Category 11 – Aerial Application. This category is applicable to individuals who apply any pesticide from an aircraft. This category is valid for licensure of public and commercial applicators in combination with a primary category including treatment sites that may legally (according to product label direction) be treated by aerial application. This category is valid for licensure of private applicators in combination with the private applicator agricultural pest control category.~~

(3) Requirements and restrictions on category licensure.

(a) Private applicators who apply restricted use pesticides by ground application must be licensed in Category 1C – Private Applicator Agricultural Pest Control. Private applicators who apply pesticides aerially must ~~also~~ be licensed in Category 11 – Aerial Application. No other primary or secondary categories are available for licensure of private applicators.

(b) No change.

(c) Public and commercial applicators must be licensed in all primary and secondary categories applicable to the types of pesticide applications to be made. Exceptions: 1) Category 1C does not apply to public or commercial applicators; 2) individuals licensed in Category 9 need not be licensed in Category 1D or 1E; 3) Aerial applicators who make no ground applications do not need to be licensed in any category except Category 11.

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435 FS. History–New 6-9-94, Amended 7-2-95, 9-24-98, 6-28-99, _____.

5E-9.024 Category Certification Standards.

(1) Primary categories.

(a) through (p) No change.

(q) Category 11 – Aerial Application. Applicators seeking licensure in this category shall demonstrate a practical knowledge of the principles and practices of aerial pest control and the safe application of pesticides by aerial delivery means.

~~(r)(+)~~ Category 20 – Regulatory Inspection and Sampling. There are no specific certification standards for this category. The general certification standards listed in rule 5E-9.023 are all that is required for licensees in this category.

~~(s)(+)~~ Category 21 – Natural Areas Weed Management. Applicators seeking licensure in this category shall demonstrate practical knowledge of pest plants that invade natural communities in Florida, the chemical control measures that pertain to such pests, and the equipment or methodologies required to safely implement such pest control measures. This knowledge shall include special techniques and proper herbicide selection to effectively control target species and minimize adverse effects to the natural community. Knowledge of herbicide characteristics including toxicity to wildlife, behavior in plants, behavior in soil, persistence, and environmental fate, as well as methods for herbicide dilution and rate calculations will be demonstrated.

(2) Secondary categories.

~~(+)~~ No change.

~~(b) Category 11 – Aerial Application. Applicators seeking licensure in this category shall demonstrate a practical knowledge of the principles and practices of aerial pest control and the safe application of pesticides by aerial delivery means.~~

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435, 487.044 FS. History–New 6-9-94, Amended 7-2-95, 9-24-98, 6-28-99, _____.

5E-9.027 Procedures for Pesticide Dealer Licensure and License Renewal.

(1) Licensure. Requests for pesticide dealer licensure shall be made by submitting a completed pesticide dealer license application, form ~~DACS-13337~~ DACS-130337, and the appropriate license fee to the Pesticide Certification Office, P. O. Box 6710, Tallahassee, Florida 32314-6710. Pesticide dealer licenses shall expire at the end of the month one (1) year from issue date.

(2) License Renewal. It shall be the responsibility of the pesticide dealer to renew the license at the time of expiration. Request for renewal of a pesticide dealer license shall be made by submitting a signed request for renewal and the appropriate license fee to the Pesticide Certification Office at the above address. Renewed pesticide dealer licenses shall expire one (1) year from the previous expiration date. Licenses that have not been renewed by the expiration date cannot be renewed.

(3) Forms. The following form is hereby incorporated by reference: Application for ~~Restricted Use~~ Pesticide Dealer License (~~DACS-13337~~ DACS 130337, Rev. 2/98). This form may be obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29) MD 1 (L33), Tallahassee, Florida 32399-1650, telephone (850)~~488-3314~~ 488-6838.

Specific Authority 487.048(1), 570.07(23) FS. Law Implemented 487.048(1) FS. History–New 6-9-94, Amended 7-2-95, 9-24-98, _____.

5E-9.028 License Fees.

(1) Private and public pesticide applicator license. The fee for either initial licensure or license renewal is ~~\$60~~ ~~\$35~~, with no additional fee for added categories.

(2) Commercial pesticide applicator license. The fee for either initial licensure or license renewal is ~~\$160~~ ~~\$90~~, with no additional fee for added categories.

(3) Pesticide dealer license. The fee for either initial licensure or license renewal is ~~\$175~~ ~~\$150~~.

(4) Fee submission. All fees shall be submitted to the Pesticide Certification Office, P. O. Box 6710, Tallahassee, Florida 32314-6710. Checks or money orders shall be payable to the Florida Department of Agriculture and Consumer Services.

Specific Authority 487.045, 487.048(1), 570.07(23) FS. Law Implemented 487.045, 487.048(1) FS. History—New 6-9-94, Amended 7-2-95, 9-24-98,

5E-9.029 Procedures for Pesticide Applicator Recertification.

(1) Reexamination shall be required for pesticide applicator recertification in the following circumstances:

~~(a) The licensee failed to renew the license within a 60-day period following the expiration date, provided the delay was, in the judgment of the department, not beyond the control of the applicator; or~~

~~(a)(b) The license was revoked or suspended for 6 months or longer; or~~

~~(b)(c) It is deemed by the department that new information makes reexamination essential for continued certification. In the latter case, the department shall give adequate notice to all applicators affected.~~

(2) In all other circumstances, applicators shall have two options for recertification as follows:

(a) Reexamination. An applicator may become recertified by successfully retaking the examination(s) required for initial certification as specified in this chapter.

~~(b) Continuing Education Units (CEUs). An applicator may become recertified by accumulating a specified number of Continuing Education Units (CEUs) during the four (4) year licensure period. CEUs shall be earned by attending Department approved professional training meetings and seminars or by completing and receiving passing scores on Department approved educational modules. The number of CEUs required for applicator recertification in each specific category is as follows:~~

(3) Effective January 1, 2005, all applicators recertifying by means of CEUs must earn 4 CEUs approved for the general standards of pesticide use and safety (core material) plus the following number of CEUs approved for each specific license category to be renewed:

PRIMARY CATEGORIES	CEU'S REQUIRED
Category 1A1	Agricultural Row Crop Pest Control 8
Category 1A2	Agricultural Tree Crop Pest Control 8
Category 1B	Agricultural Animal Pest Control 4
Category 1C	Private Applicator Agricultural Pest Control 8
Category 1D	Soil and Greenhouse Fumigation 4
Category 1E	Raw Agricultural Commodity Fumigation 4
Category 2	Forest Pest Control 8
Category 3	Ornamental and Turf Pest Control 12
Category 4	Seed Treatment 4
Category 5A	Aquatic Pest Control 16
Category 5B	Organotin Antifouling Paint Pest Control 4
Category 6	Right-of-Way Pest Control 8
Category 7A	Wood Treatment 4
Category 7B	Chlorine Gas Infusion 4
Category 7C	Sewer Root Control 4
Category 9	Regulatory Pest Control 12
<u>Category 11</u>	<u>Aerial Application</u> <u>16</u>
Category 20	Regulatory Inspection and Sampling 4
Category 21	Natural Areas Weed Management 16

SECONDARY CATEGORIES	CEUs REQUIRED
Category 10	Demonstration and Research 4
Category 11	Aerial Application 8

~~(4)(3) Applicators seeking recertification in more than one category by means of CEUs must accumulate the sum of the number of CEUs required for each category in which they hold licensure and seek recertification. As of January 1, 2005, this number of CEUs is in addition to the general standard (core) CEUs required.~~

~~(5)(4) Until January 1, 2005, f~~For each primary category renewed by means of CEUs, a minimum of 2 CEUs earned must consist of CEUs approved for general core competency standards and a minimum of half the CEUs earned must consist of CEUs approved specifically for that category. The remainder of the total number of CEUs earned must consist of CEUs approved either for general core competency standards or for that specific category.

~~(6) For each secondary category renewed by means of CEUs, all CEUs earned must consist of CEUs approved for that specific category. This subsection becomes effective January 1, 2000.~~

~~(7)(5) Categories added to a license after the initial license issue date may be renewed with fewer CEUs per category than stated in paragraph (3) above if the category was added less than two (2) full years before the license expiration date. In this case, the applicator may become recertified in the added category by earning half the required number of CEUs shown for that category above, provided the CEUs were earned between issuance of licensure in the additional category and~~

one year ~~60 days~~ after license expiration. If a licensee adds a category during the last 12 months of licensure, recertification is not required to renew licensure in that category.

(8)(6) CEU program approval. The department shall approve professional meetings or seminars for granting of continuing education units (CEUs) in pesticide use and safety through execution of an agreement between the department and the sponsoring organization and provided the seminar or meeting and sponsor comply with the criteria set forth below. The agreement shall clearly stipulate the sponsoring organization's responsibilities and the department's authority to withhold credits for any seminar or meeting determined not to be in compliance with the approved criteria or the points specified in the agreement. Criteria for allocation of CEUs and procedures for program approval and granting of CEUs to individual licenses are specified below.

(9)(7) CEU program criteria. The following specifications shall be met before a meeting or seminar shall be considered for approval:

(a) The sponsoring organization shall submit a written request for approval to grant CEUs on form DACS-13326 ~~DACS-130326~~ prescribed by the department. The completed form must be received by the department no later than two (2) weeks prior to the date of the program, unless a different time frame is approved by the department on a case by case basis, based on circumstances beyond the control of the sponsoring organization.

(b) A program agenda indicating the start time, duration, instructor or speaker, and description of each program segment for which CEU approval is requested shall be submitted with form DACS-13326 ~~DACS-130326~~. The description of each program segment must be sufficient for verification of content and applicability.

(c) The subject matter presented for CEU credit shall relate directly to the certification standards outlined in this chapter for the appropriate licensure types and categories.

(d) Documentation attesting that the instructors or speakers possess the expertise required to impart the specified information to the attendees shall be submitted with form DACS-13326 ~~DACS-130326~~.

(e) The sponsoring organization shall distribute an official record of attendance, form DACS-13325 ~~DACS-130325~~, provided by the department, to each licensee in attendance and shall monitor attendance to ensure these records are accurate. A designee of the sponsoring organization shall sign the record of attendance forms to verify each licensee's attendance.

(f) Authorized department agents may attend any approved CEU session unannounced and without paying any associated registration fee. If such agents desire to earn CEU credit while monitoring approved training programs, they must follow the same protocol as other attendees for registering and paying fees, if applicable.

(10)(8) Allocation of CEUs. Each 50 minutes of applicable lecture time will be allocated 1 CEU. Program segments consisting of only field trips, demonstrations, and other non-lecture instruction will be assigned 0.5 CEUs per 50 minutes of applicable non-lecture instruction. Each applicable program segment or combination of segments will be designated as an approved CEU session and assigned a distinct number of CEUs, with a minimum of 0.5 CEUs assigned per approved CEU session. Program segments of less than 30 minutes duration will not be assigned individual CEUs, but will be combined with other approved segments into approved CEU sessions with assigned CEUs. A program segment shall be approved for CEU credit only in the areas of licensure to which it is directly germane.

(11)(9) Procedure for determining CEUs.

(a) through (b) No change.

(12)(10) Procedure for granting CEUs to licensees.

(a) A licensee may earn CEUs for license renewal only after the license has been issued and no later than one year ~~60 days~~ after license expiration.

(b) through (c) No change.

(d) Completed and signed record of attendance forms must be received by the department no later than one year ~~60 days~~ after license expiration.

(e) Record of attendance forms will be reviewed by the department and incomplete forms returned to the licensee. Corrected forms may be resubmitted to the department for reevaluation provided resubmissions are received by the department no later than one year ~~60 days~~ after license expiration.

(f) No change.

(g) The licensee is responsible for ensuring that the CEUs required for license renewal are earned according to guidelines specified in this chapter. The licensee is also responsible for maintaining the completed record of attendance forms (form DACS-13325 ~~DACS-130325~~) and submitting these records to the department at the time of request for license renewal.

(13)(11) Forms. The following forms are hereby incorporated by reference. These forms may be obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29) MD-1 (L33), Tallahassee, Florida 32399-1650, telephone (850)488-3314 ~~488-6838~~.

(a) Request for Granting Continuing Education Units (CEUs) for Renewal of ~~Restricted Use~~ Pesticide Applicator Licenses (DACS-13326 ~~DACS-130326~~, Rev. 8/97).

(b) Record of Attendance for Continuing Education Units (CEUs) (DACS-13325 ~~DACS-130325~~, Rev. 7/97).

Specific Authority 487.049, 570.07(23) FS. Law Implemented 487.049 FS. History—New 6-9-94, Amended 7-2-95, 9-24-98, 6-28-99, _____.

5E-9.033 Pesticide Dealer Records.

(1) Licensed pesticide dealers shall maintain the following records relating to the sale or transfer of ownership of restricted use pesticides:

(a) Date of sale;

(b) Name and license number of licensed applicator making or authorizing the purchase ~~or authorized purchase agent purchasing the pesticide product;~~

(c) Name of authorized purchase agent purchasing the pesticide product, if applicable ~~License number of the applicator authorizing the purchase;~~

(d) Brand name and EPA registration number of each product sold or transferred;

(e) Size and number of containers of each product sold or transferred; and

(f) No change.

(2) The information listed in (1)(a) through (1)(e) shall be recorded immediately at the time of sale or transfer and may be incorporated into billing invoices or other business transaction records.

(3) No change.

(4) All required information shall be retained for a period of two (2) years from the date of sale or transfer in a manner that is accessible by authorized department representatives.

(5) No change.

Specific Authority 487.048(2), 570.07(23) FS. Law Implemented 487.048(2) FS. History--New 6-9-94, Amended 7-2-95, _____.

5E-9.034 Direct Supervision.

(1) Licensed applicators are responsible for the pesticide use activities and actions of individuals under their direct supervision and shall be in a location from which they can physically arrive on site before or during pesticide use, if and when their presence is needed. The licensed applicator must be immediately available for verbal communication with persons under his or her immediate supervision to provide direction and instruction during all times pesticides are being used.

(2) through (3) No change.

Specific Authority 487.1585(1), 570.07(23) FS. Law Implemented 487.1585(1) FS. History--New 6-9-94, Amended 7-2-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steven J. Rutz, Director, Division of Agricultural Environmental Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2001

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Personnel
RULE CHAPTER NO.: 14-17

RULE TITLES: Ethical Conduct
RULE NOS.: 14-17.011

Conduct Standards for Career Service Employees 14-17.012

Tuition Payment for Educational Courses 14-17.014

Driver's Record Requirements 14-17.015

PURPOSE AND EFFECT: Section 110.055, Florida Statutes, [Section 42 of Chapter 2001-43, Laws of Florida], enacted by the 2001 Legislature, provides that all existing rules relating to Chapter 110, Florida Statutes, are statutorily repealed January 1, 2002, unless otherwise readopted. The Department of Management Services is required to adopt rules pertaining to state employment necessary to effectuate the provisions of Chapter 110, Florida Statutes.

SUMMARY: Rule Chapter 14-17, F.A.C., is being repealed as required by law.

SPECIFIC AUTHORITY: 20.05, 20.23(3)(a), 110.105(1), 110.201(2), 110.213, 110.227, 110.233(6), 110.403(5), 110.605(5), 120.53(1)(a), 334.044(2) FS.

LAW IMPLEMENTED: 20.23(1)(b)1., 110.105(1), 110.213, 110.227, 110.233(6), 110.403(5), 110.605(5), 112.313, 112.3135, 112.3148, 112,3149, 112.3185, 112.3187, 112.3189, 120.53(1), 334.193, 334.195 FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

14-17.011 Ethical Conduct.

Specific Authority 20.23(3)(a), 110.233(6), 110.403(5), 110.605(5), 334.044(2) FS. Law Implemented 20.23(1)(b)1., 110.233(6), 110.403(5), 110.605(5), 112.313, 112.3135, 112.3148, 112.3149, 112.3185, 112.3187, 112.3189, 120.53(1), 334.193, 334.195 FS. History--New 7-9-89, Amended 1-22-92, 5-10-94, 4-21-98, Repealed _____.

14-17.012 Conduct Standards for Career Service Employees.

Specific Authority 20.05, 110.201(2), 120.53(1)(a), 334.044(2) FS. Law Implemented 110.227 FS. History—New 6-1-90, Amended 10-18-94, Repealed.

14-17.014 Tuition Payment for Educational Courses.

Specific Authority 334.044(2), 110.105(1) FS. Law Implemented 110.105(1) FS. History—New 5-10-94, Repealed.

14-17.015 Driver’s Record Requirements.

Specific Authority 110.213, 110.227, 334.044(2) FS. Law Implemented 110.213, 110.227 FS. History—New 5-30-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Ferguson, Personnel Officer
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2001

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Beautification and Landscape Management
RULE CHAPTER NO.: 14-40

RULE TITLE: Highway Landscape Projects
RULE NO.: 14-40.003

PURPOSE AND EFFECT: Part I General Provisions (Rule 14-40.003) is being amended. Part II Florida Highway Beautification Council was amended effective November 22, 2001, and Part III Vegetation Management at Outdoor Advertising Signs (Rule 14-40.030) was submitted in an earlier notice.

SUMMARY: This is an amendment to Part I General Provisions (Rule 14-40.003). Part II already was amended and Part III is being amended by a separate notice.

SPECIFIC AUTHORITY: 334.044(2), 337.2505 FS.

LAW IMPLEMENTED: 334.044(25), 335.167, 337.2505, 337.405, 339.2405, 479.106 FS.

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.

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

TIME AND DATE: 2:00 p.m., January 14, 2002

PLACE: Department of Transportation, Haydon Burns Building, 605 Suwannee Street, The Suwannee Room (Room 250), Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-40.003 Highway Landscape Projects.

(1) Department Authorization Required. No landscaping vegetation may be altered, removed, or installed on the Department’s right of way by any person without written authorization by the Department pursuant to this Rule Chapter. All requirements for restoring the Department’s right of way and highway landscape projects, where such restoration is made necessary by the construction or maintenance of utilities, are specified in the *Utility Accommodation Manual*, incorporated by reference under Rule 14-46.001. Requests This Part of the Rule Chapter does not apply to requests to remove, cut, or trim, or remove vegetation that screens outdoor advertising signs (~~billboards~~) for which outdoor advertising sign permits have been issued pursuant to Chapter 479, Florida Statutes. ~~Permits for cutting, trimming, or removal of vegetation for such purposes must be made in accordance with obtained under Part III of this Rule Chapter.~~

(2) Definitions.

(a) “Abutting Private Property Owner” means any person or entity having lawful control of land which adjoins, or is contiguous to, Department non limited access right of way.

(b) “Department” means the Florida Department of Transportation.

(c) “Highway Landscape Project” means any planned or actual landscape or landscaping on Department right of way, including construction or installation, planning, beautification, and maintenance thereof, by a local government entity, non governmental entity, or abutting private property owner.

(d) “Landscape” or “Landscaping” means any vegetation, mulches, irrigation systems, and any site amenities, such as, street furniture, decorative paving, fences, and lighting (excluding public utility street and area lighting).

(e) “Local Governmental Entity” means as defined in Section 11.45(1)(e), Florida Statutes.

(f) “Non Governmental Entity” means any person or organization who seeks approval of a highway landscape project.

(g) “Screen” or “Screening” means the planting or installation of any vegetation or other landscape material which will reach a height greater than the height of the bottom of the lowest sign face, as viewed from a height of 3.5 feet above the roadway surface at the edge of the travel lane closest to the outdoor advertising sign.

(3)(2) Approval Criteria.

(a) Approval is based on review of a complete set of landscape plans. The District Landscape Manager can be consulted during preparation of landscape plans. The following plan preparation guidelines must be used:

1. Project data must be included on sheet 1 of the plans, and must include a location map with beginning and end of project mile posts, index of plans included in the set, state road number, local government and contact information, and name and address of the person and firm who prepared the plans.

2. Plans must be drawn to scale, exhibiting an accurate and legible representation of existing conditions (above and below ground), and all proposed work. Plans must show all dimensions necessary to demonstrate compliance with this rule. If there is a baseline survey or centerline of construction, station points must be used. If there is no baseline survey or centerline, dimensioning must be from a fixed point. All dimensions must be noted in English system measurements (inches, feet, yards, miles, etc.). Plans must be drawn at no less than 100 scale (1 inch = 100 feet) on 24 inch by 36 inch or smaller sheets (folded, not rolled). Computer generated plans must use 11 inch by 17 inch sheets. Plans must contain a graphic scale and north arrow with standard orientation on each plan sheet, and reference the state road number, section number, milepost, and local street names. Plans must also include curbs, edge of pavement, edge of travel lanes, guardrails, right of way fence and/or right of way lines, sidewalks, intersections, median breaks, driveways, bike lanes, transit facilities, surveying monuments, signs, vegetation management zones of permitted outdoor advertising signs, lighting, traffic signals, other traffic control devices, drainage features, limits of clear sight, set backs and clear zone limits, existing off site features and conditions which affect or are affected by the project, easements, above and below ground utilities, and all existing vegetation. Details and text must be large enough to be legible on all plan sheets.

3. Only blackline, blue-line, or xerographic reproductions will be accepted for the review process.

4. All proposed landscaping must be identified on the plans. For all plants, give the following information in tabular form:

<u>Common Name</u>
<u>Botanical Name, including variety or cultivar</u>
<u>Quantity</u>
<u>Size when installed (height, caliper, spread, container size clear trunk, multi-trunk, or any other descriptive aspect of the desired plants)</u>
<u>Maximum maintained or typical mature height, spread, and trunk diameter of normal mature plant specimens measured 6 inches above the ground.</u>
<u>Specifications (written and/or graphic)</u>

5. A comprehensive maintenance plan for all proposed landscaping must accompany the plans. This may be on a separate set of plans or documents. Special maintenance requirements for the plant establishment period must be noted. The intent of design elements must be included in a description of the project, accompanied by a written or graphic guide as to the maintenance which will be provided to the plants and other areas within the project limits. When the landscape project is to be maintained by the Department, a maintenance cost estimate based on scheduled maintenance activities must be an attachment to the plans. Maintenance details and specifications must include the following:

<u>Mowing schedule and height of grass, along with physical depiction of the limits of the mowing that will be performed as part of the landscape project.</u>
<u>Fertilizing schedules, formulas, rates, and methods of application.</u>
<u>Weeding/edging schedule and method: chemical, mechanical, or manual.</u>
<u>Herbicide schedules, formulas, rates, methods of application, special instructions, and precautions.</u>
<u>Pruning schedule and methods. In order to have safe, healthy, and aesthetic plants, and to maintain limits of clear sight, special attention must be given to changes in the schedule due to the maturity and size as trees and shrubs grow.</u>
<u>Mulch materials, thickness, and replacement frequency.</u>
<u>Irrigation schedule, supply source, and method of application.</u>
<u>Special care required for any hardscape materials, lighting, signage, benches, or other site amenities.</u>
<u>Litter pick-up and removal schedule (prior to mowing cycle or as needed).</u>
<u>A work zone traffic control plan (if necessary) for installation and maintenance of the project.</u>
<u>An estimate of manpower and equipment required to achieve an acceptable level of maintenance.</u>

6. As-built plans, or a summary of changes, are required for all landscape projects.

7. Plans for highway landscape projects, the total estimated cost of which are \$10,000 or greater, must be prepared by a landscape architect. Signing and sealing of plans submitted to the Department for review must be in accordance with Part II of Chapter 481, Florida Statutes, Landscape Architecture.

(b) No planting or installation of vegetation or other landscape material for landscape projects, or issuance of permits for such planting or installation, including construction and beautification projects, is allowed on Department right of way which screens or which, when mature, will screen an

outdoor advertising sign permitted under Chapter 479, Florida Statutes. This prohibition applies to all landscape, construction, and beautification projects on Department right of way regardless of the source of funds for the project, except for landscape projects approved by the Department prior to the date of the original, state sign permit for the sign. For purposes of this Rule, a landscape, construction, or beautification project is approved when it is specifically identified in the Department's five year work program, is a permitted landscape project, is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

1. Screening is prohibited within a permitted vegetation management zone, as defined in Rule 14-40.030(1)(d).

2. Where there is no permitted vegetation management zone for an outdoor advertising sign, the landscape architect will notify the sign permittee that a highway landscape project is proposed within the view zone. The sign permittee will have 30 days to submit an Application for Vegetation Management that proposes a vegetation management zone (See Part III). The screening prohibition in 1. above will apply upon approval of the Permit for Vegetation Management at Outdoor Advertising Sign. If an Application for Vegetation Management has not been submitted by the sign permittee within 30 days of notification, screening will be prohibited wherever the sign face is not screened within the view zone, beginning at Terminus A and extending along the outside travel lane edge in advance of the sign until the sign face is not screened for a total of 500 feet. Contact information for any permitted sign may be obtained by contacting the State Outdoor Advertising Administrator, Florida Department of Transportation, 605 Suwannee Street, MS 22, Tallahassee, Florida 32399-0450.

3. The limits of the screening prohibition may be adjusted pursuant to a written agreement between the sign permittee and a local governmental entity.

(c)(a) A local governmental entity may request obtain approval to alter, remove, or install landscaping landscape materials on the Department's right of way through submission of a highway landscape plan construction and maintenance memorandum of agreement. After review by the Department, and the making of any necessary revisions by the local governmental entity, the Department will prepare a written agreement requiring the local governmental entity to properly construct and maintain the landscape project. The landscape plan will become Exhibit A to the agreement. If separate, the maintenance plan as described Subsection (2)(a)7. will become Exhibit B of the agreement. When the agreement is executed, and a Notice to Proceed is issued by the Department, the local governmental entity may proceed with the project.

(d)(b) Private entities and Non-governmental entities organizations may seek obtain approval to alter, remove, or install landscaping vegetation on the Department's right of

way through submission of a landscape plan, and a resolution from the appropriate local government that commits the local that government to execution of executing an agreement to properly construct and maintain the landscape project as described in Section (c) above highway landscape construction and maintenance memorandum of agreement.

(e)(e) An abutting private property owner is not required to comply with may disregard Subsection (3)(d)(2)(b) of this Rule and may apply for a permit to alter or install landscape materials on the Department's non limited non limited access right of way directly abutting the owner's property through submission approval of a Permit for Landscaping on State Road Right of Way, Form # 850-060-03, Rev. 05/00 03/98, which is incorporated herein by reference and. Form 850-060-03 is available at any Department District Maintenance Office. Abutting private property owners must submit for approval a landscape plan, maintenance plan, and work zone traffic control plan. Approval will only be granted when it is determined that all plans meet the requirements of this section. A permit for the cutting, trimming, or removal of any vegetation will only be approved in association with mitigation required by this subsection. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants. A permittee shall mitigate in accordance with the following requirements for the impact to vegetation from cutting, trimming, removal, or accidental damage of vegetation on the Department's right of way.

1. Mitigation is required where cutting or trimming of, or damage to vegetation permanently detracts from the appearance or health of trees (including palm trees), shrubs, or herbaceous plants, or where cutting and trimming of trees or shrubs is not done in accordance with the standards set forth in the American National Standards Institute (ANSI A300) publication, incorporated herein. This requirement does not apply to the cutting or trimming of, or damage to invasive exotic plants (plants listed by the Florida Department of Environmental Protection Rule Chapter 62C-52, Florida Prohibited Aquatic Plants, and plants listed by the Florida Department of Agriculture and Consumer Services, Rule Chapter 5B-57, Introduction or Release of Plant Pests, Noxious Weeds, Arthropods, and Biological Control Agents, or other plant species determined by the Department to be a nuisance to natural habitats or agriculture, or to have an adverse affect on the maintenance or safety of the Department's right of way).

2. Where mitigation is necessary, the applicant will provide a mitigation plan, a maintenance plan (including irrigation and establishment for a period of one year from the date of planting), and a schedule for completion for any vegetation planted. These plans are subject to the requirements of this Rule Chapter, the Florida Highway Landscape Guide,

and the Highway Landscape, Beautification, and Plan Review Procedure (650-050-001-e). Mitigation must be completed within six months after vegetation is cut, trimmed, or removed.

3. Mitigation of trees is not required when trimming maintains the tree's natural habit of growth, and is performed in accordance with professionally accepted arboricultural standards. The American National Standards Institute (ANSI) Tree Shrub and Other Woody Plant Maintenance Standard Practices, 1995, Publication #A300, and Tree Pruning Guidelines authored and published by the International Society of Arboriculture, 1995, are hereby incorporated by reference. Copies of these publications are available from the International Society of Arboriculture, Post Office Box GG, Savoy, Illinois 61874 9902, Phone 217 355 9411, FAX 217 355 9516. Invasive exotic plants may be removed without mitigation. Where the District Landscape Manager has determined that vegetation is diseased or structurally damaged beyond a point where restoration is practicable, the vegetation may be removed without mitigation.

4. On-site mitigation (mitigation provided on or adjacent to the impacted site) for removal or damage of trees shall be at 2:1 ratio measured in inches diameter of the trunk at breast height (DBH). DBH is to be measured 4 1/2 feet high. Multi-trunk trees are measured using the cumulative diameter of the three main trunks at breast height. To mitigate for trees with a DBH greater than 2", two or more trees (of one inch caliper or greater) with a combined equivalent diameter to the removed or damaged trees, may be used. Mitigation for removal of shrubs and herbaceous plants shall be at a 1:1 ratio calculating the total plant height per impacted species. Required mitigation is calculated by estimating the number of shrubs of a species impacted, and multiplying by their average height. Mitigation for removal of shrubs and herbaceous plants under 6" in height shall be calculated by measuring the area impacted, and replanting an equivalent area with the same or other approved species. Mitigation shall be completed pursuant to the requirements of the approved plan.

5. Remote mitigation (mitigation provided away from the impacted site but along the same state highway and within the same county) for removal of trees shall be at a 3:1 ratio measured in inches DBH. Mitigation for trees with a DBH greater than 2" may be provided as described in paragraph (c)4. Remote mitigation for removal of shrubs and herbaceous plants shall be at a 2:1 ratio. Required mitigation is calculated by estimating the number of shrubs of a species impacted, and multiplying by their average height. Mitigation for removal of shrubs and herbaceous plants under 6" in height shall be calculated by measuring the area impacted for replanting an equivalent area with the same or other approved species. A location for remote mitigation must be approved by the District Maintenance Engineer or designee. No vegetation will be cut, trimmed, or removed until after remote mitigation has occurred.

6. The permittee is required, at his/her expense, to remove and replace any mitigation materials that have not survived in a healthy condition for the first full year after planting. The replacement materials shall be of like size and variety as the replaced material, or may be other material proposed by the permittee and determined by the District Maintenance Engineer or designee to be more likely to survive. The permittee is also required, at his/her expense, to remove and replace any replacement materials that have not survived in a healthy condition for the first full year after planting.

7. The permittee may choose, in lieu of mitigation, to contribute funds to a District mitigation program for the beautification, aesthetic, and environmental improvement of the Department's right of way. The remote mitigation ratios shall apply and include wholesale cost of materials, installation, and one year establishment and maintenance. The permittee must contact the District Maintenance Engineer or designee to contribute to such a program(s) as part, or in lieu of other mitigation requirements. No vegetation will be cut, trimmed, or removed until after contribution.

(d) Approval to alter or install landscaping materials on the Department's right of way will only be granted when it is determined that the proposed landscape improvement meets the requirements of Part I of this Rule Chapter, the Florida Highway Landscape Guide, and Rule 14-40.030(1)(c) 3., 5., 6., and 8. The highway landscape construction and maintenance memorandum of agreement or permit will include conditions for maintenance of the landscaping pursuant to Rule 14-40.003(5)(e).

(3) Application Process. A request for Permit for Landscaping on State Road Right of Way or a highway landscape construction and maintenance memorandum of agreement shall be accompanied by landscape plan(s), landscape maintenance plan(s), and maintenance of traffic plan(s), prepared in accordance with the Florida Highway Landscape Guide, (650-050-001-e) and the landscape plan preparation provisions of the Highway Landscape, Beautification, and Plan Review Procedure (650-050-001-e), which are incorporated herein by reference. Applicants should meet and work with the District Maintenance Engineer or designee during preparation of application and landscape plan.

(4) Government Approvals.

(a) All proposed landscape projects shall be consistent with the policies and objectives of the approved local government comprehensive plan (LGCP) including the future land use element and any approved community design element.

(b) If the proposed highway landscape project improvement is to be located on an Interstate Highway facility, then Federal Highway Administration (FHWA) review is also required. Approval A permit issued pursuant to this Part does not relieve the local governmental entity, non governmental entity, or abutting property owner permittee of local or other jurisdictional requirements.

(5) Installation and Maintenance.

(a) ~~Prior to issuance of a Notice to Proceed for installation or the commitment of funds by the Department, landscape plans must be approved in writing and all necessary permits (including environmental) and agreements must be executed. The use of cypress mulch in landscape projects is strictly prohibited.~~

(b) ~~No vegetation that will interfere with the visibility of an outdoor advertising sign face shall be planted within a permitted vegetation management zone. Where there is no permitted vegetation management zone, no vegetation that will interfere with the visibility of the outdoor advertising sign face shall be planted within the first 500' of the view zone, measured from point A (See Figure 2 and Figure 3 contained in 14-40.030). Where there is a written agreement between affected parties, vegetation that partially interferes with the visibility of a sign face may be planted within the vegetation management zone.~~

(a)(e) ~~All landscape installation or maintenance activities performed by a local governmental entity, non governmental entity, or abutting property owner others on the Department's right of way must be performed in conformity with Department safety criteria as detailed in the Manual on Uniform Traffic Control Devices (incorporated by reference under Rule 14-15.010, F.A.C.), Standard Specifications for Road and Bridge Construction, (incorporated by reference under Rule 14-85.004, F.A.C.), and the Roadway and Traffic Design Standards (incorporated by reference under Rule 14-85.004, F.A.C.).~~

(d) ~~The responsibility for maintaining landscape projects which are constructed on the Department's right of way by parties, individuals, agencies, or organizations other than the Department shall be borne by the permittee or the appropriate local governmental entity. The responsibility for maintenance, whether by the abutting property owner or by a local government, shall include all landscaped, turfed, hard scaped, or otherwise modified areas installed on the Department's right of way within the limits of the project. All maintenance shall be in accordance with Department standards.~~

(b)(e) ~~If an landscape maintenance memorandum of agreement or maintenance memorandum of agreement already exists between the Department and a local governmental entity for the maintenance of an the existing median and grassed areas for the section of roadway for which a landscape project is proposed, and if the Department determines that such agreement obligates the local governmental entity to maintain the proposed this project in accordance with the approved maintenance plan Florida Highway Landscape Guide, the agreement will be applied to the maintenance of used for maintaining the landscape project. If the Department has previously agreed to provide funds for such maintenance, no increased compensation will be provided by the Department for maintenance of the landscape project.~~

(6) Donation of Landscape Projects Materials. The Department will accept donations of plants, materials, installation, and maintenance for landscape projects on the State Highway System that meet the requirements of this Rule Chapter.

(a) ~~The donated materials and services must conform to the requirements of this Rule Chapter and all other applicable Department criteria pertaining to landscape design, installation, and maintenance.~~

(b) ~~Signs acknowledging donated materials by an individual or entity may be erected in or near the landscaping when the donation includes installation and maintenance pursuant to an executed highway landscape construction and maintenance memorandum of agreement. The donated landscape projects materials or services must substantially improve the appearance or manageability of the median or roadside. The agreement must stipulate that the sign and the landscape project may be removed by the Department for failure to meet the requirements of this Rule Chapter or the agreement. The sign shall remain in place for a maximum of five years or a term specified in the agreement. An executed highway landscape construction and maintenance memorandum of agreement must be on file with the Department for the area in question before placement of the sign by the Department. Signs acknowledging donated landscape projects by an individual or entity may be erected on the right of way, when the donation includes installation and maintenance pursuant to an executed agreement. Such signs will remain in place for a term of five years, unless otherwise specified in the agreement. The appropriate sign must not contain commercial logos or trademarks. Signs will be placed at each end of the landscape project. shall be as follows:~~

(a)1- ~~Interstate Highways: The sign acknowledging donation of landscape projects on the Interstate Highway System will be provided by the Department. This sign will be similar to structure and face shall conform to the design used for the Adopt-a-Highway Program sign used by the Department, except that the word "landscaping" will shall be substituted for the words "litter control:" and the colors will be green lettering on white background. The signs shall be installed and maintained by the Department. Signs will not contain logos or trademarks. Signs will be placed at each end of the landscape project.~~

(b)2- ~~Arterial Other State Highways: The approved sign design for arterial highways is depicted in Figure 1. The sign panel will be 18 inches tall and 24 inches wide with white background and green lettering, using lettering shown in Figure 1 and fabricated with non-reflective materials. The signs shall be constructed by the permittee in conformance with the color and lettering prescribed for Recreational and Cultural Interest Signs by the Manual on Uniform Traffic Control Devices, incorporated by reference into Rule 14-15.010, except that reflective materials shall not be used~~

~~and the sign may be constructed of wood or composite materials. The sign must~~ Signs shall be mounted on 4 inch by 4 inch 4" X 4" pressure treated posts, or ~~alternate acceptable break away posts that meet or exceed the requirements of the Roadway and Traffic Design Standards (incorporated by reference under Rule 14-85.004, F.A.C.)~~ mounting system. The top of signs will be a maximum of no more than two feet above grade. ~~An approved sign design is depicted in Figure 1.~~

Installation of signs is ~~Signing will also be contingent upon an signed highway landscape construction and maintenance memorandum of agreement with the appropriate local governmental entity. The approved sign panel(s) must be provided and replaced by the local governmental entity. Signs will be placed according to the approved landscape plan.~~

INSERT CHART 14-40

Specific Authority 334.044(2), 337.2505(4) FS. Law Implemented 334.044(25), 335.167, 337.2505, 337.405, 339.2405, 479.106 FS. History--New 9-22-92, Amended 1-19-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Caster, Environmental Management Office

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Discrimination and Sexual Harassment Complaints
RULE CHAPTER NO.: 14-84

RULE TITLE: Discrimination and Sexual Harassment Complaints
RULE NO.: 14-84.0011

PURPOSE AND EFFECT: Section 110.055, Florida Statutes, [Section 42 of Chapter 2001-43, Laws of Florida], enacted by the 2001 Legislature, provides that all existing rules relating to Chapter 110, Florida Statutes, are statutorily repealed January 1, 2002, unless otherwise readopted. The Department of Management Services is required to adopt rules pertaining to state employment necessary to effectuate the provisions of Chapter 110, Florida Statutes.

SUMMARY: Rule 14-84.0011, F.A.C., is being repealed as required by law.

SPECIFIC AUTHORITY: 334.044(2), 339.05 FS.

LAW IMPLEMENTED: 110.105, 110.112, 110.201(3), 110.227, 119.07(3)(q), 760.10, 760.11 FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-84.0011 Discrimination and Sexual Harassment Complaints.

Specific Authority 334.044(2), 339.05 FS. Law Implemented 110.105, 110.112, 110.201(3), 110.227, 119.07(3)(q), 760.10, 760.11 FS. History--New 8-5-96, Amended 8-3-99, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE REPEALS: Art Wright, Manager, Equal Opportunity Office
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2001

DEPARTMENT OF TRANSPORTATION

Table with 2 columns: RULE CHAPTER TITLE and RULE CHAPTER NO.:. Includes rows for Highway Traffic Safety Program, Purpose, Definitions, Policy, Funds Availability, Application and Award Procedures, Funds Distribution, Grant Conditions, and Forms.

PURPOSE AND EFFECT: This notice, which includes changes resulting from the Joint Administrative Procedures Committee review and other suggested revisions, replaces a previously published notice, which was published in Vol. 27, No. 35, Florida Administrative Weekly, dated August 31, 2001, which was withdrawn. The rule chapter is being amended to include repeal of Rules 14-98.006 and 14-98.007, revise policy and procedures, revise purpose and definitions, and adopt revised forms.

SUMMARY: The rule chapter is amended to include procedural amendments, clarification, repeal of two rules, revised definitions, and the adoption of revised forms related to the Highway Traffic Safety Program. A previously proposed notice of rulemaking, published in the August 31, 2001, Florida Administrative Weekly was withdrawn.

SPECIFIC AUTHORITY: 334.044(2),(25) FS.

LAW IMPLEMENTED: 334.044(25) FS.

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.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

14-98.001 Purpose.

Section 334.044(24), Florida Statutes, transferred the Highway Traffic Safety Program from the Department of Community Affairs to the Florida Department of Transportation in 1991. The purpose of the Highway Traffic Safety Program is to develop, implement, and manage a data-driven comprehensive traffic safety program aimed at saving lives, preventing injuries, and reducing related costs associated with traffic crashes on Florida's roadways assist other State and local agencies in the management of the diverse array of activities comprising the State's total traffic safety resources in a manner that achieves the most effective focus on critical crash problems in accordance with the standards of the National Highway Safety Act of 1966, as amended. The Highway Traffic Safety Program provides for the acceptance of State and Community Highway Safety Funds grant funds provided through the United States Department of Transportation under Section 402, Title 23, United States Code, and Public Law 89-564, as amended, for the State's implementation of the provisions of the National Highway Safety Act of 1966, as amended. The law statutes establishes broad objectives for the purpose of funds allocation. This Rule Chapter These rules shall be liberally construed by the Department to effectuate the purposes of the statutes, and the National Highway Safety Act of 1966, as amended. It is the intent of the Department that these rules permit maximum flexibility within the limits of the statutes, yet define procedures consistent with sound public funds management principles and consistent with the need to apprise potential applicants, fund recipients, and the public of the Department's policy governing administration of the program. Funding for the Highway Traffic Safety program is based on the Federal Fiscal Year, from October 1 of each year through September 30 of the following year.

Specific Authority 120.53(4), 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History--New 12-30-84, Amended 6-10-85, Formerly 9B-32.01, 9B-32.001, 9G-15.001, Amended 12-7-93.

14-98.002 Definitions.

As used in these rules, except where the context clearly indicates a different meaning:

(1) "Activity" means elements of work that accumulate to accomplish subgrant objectives, such as hiring of personnel, purchasing of equipment or materials, conducting surveys, performing specific duties, and or any other duties or acts designated in the subgrant agreement.

(2) "Actual" means the attained level of resources expended or accomplishments, as opposed to planned expenditures or accomplishments.

(2)(3) "Applicant" means a unit of local government entity as defined in Section 11.45, Florida Statutes; or state agency as defined in Section 216.011, Florida Statutes; sheriff; special district; corporation not for profit; or a Florida university that

meets the minimum standards established in Rule 6E-1.0045, F.A.C., and is accredited by the Southern Association of Colleges and Schools or some other nationally recognized accreditation board, that requests approval of a Subgrant Application for Highway Safety Funds requesting highway safety funds or a non-governmental not-for-profit or non-profit agency requesting funding for a pilot project.

(3) "Corporation Not for Profit" means as defined in Section 617.01401, Florida Statutes, and shall include foreign corporations defined in that section. For purposes of this rule, the corporation must list in Article III of its Articles of Incorporation at least one purpose related to traffic safety or injury prevention.

(4) "Chief Financial Officer" means the employee of the subgrantee agency or the implementing agency who has overall fiscal responsibility for the subgrant. "DBE" means disadvantaged business enterprise as defined in rule chapter 14-78.

(5) "Concept Paper" means an initial request for highway safety funding, which includes a statement of the highway safety problem that the applicant has identified, a statement of proposed activities that the applicant will take to address the problem, an estimated budget for conducting the activities, and the name of a contact. Concept papers must be accompanied by a letter of support from the head of the agency that will implement the project, if funded. "CFR" means Code of Federal Regulations.

(6) "Cost Incurred" means costs are considered incurred on the date that goods or services are received and accepted.

(7) "Department" means Florida Department of Transportation.

(8) "Office" means State Safety Office.

(9) "U.S. DOT" means U.S. Department of Transportation.

(8)(10) "Evaluation" means a process that involves measuring the success or failure of a project in achieving predetermined objectives.

(9)(11) "FFY" means Federal Fiscal Year, the period beginning October 1 and ending September 30 the following year.

(10)(12) "FHWA" means Federal Highway Administration.

(13) "Unit of Local Government" means any municipality, special district, or board of county commissioners or other governing body of a county, however styled, including that of a consolidated or metropolitan government.

(14) "State Agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch, or the judicial branch of state government as defined in Section 216.011, Florida Statutes.

(11)(15) "Governor's Highway Safety Representative" means the State official appointed by the Governor of Florida, who is responsible to and represents the Governor in the conduct of the Statewide Highway Traffic Safety Program.

(12)(16) "HSP" means Highway Safety Plan. The HSP is a program document between the U.S. DOT National Highway Traffic Safety Administration, Federal Highway Administration, and the State of Florida. It is a plan to which available federal funds may be obligated. It is the overall funding plan for a given fiscal year.

(13)(17) "Implementing Agency" means the subgrantee's designee for performing the activity defined in agency responsible for implementation and management of the subgrant.

(14) "MBE" means minority business enterprise, which is a small business concern that is owned or controlled by one or more minorities as defined in 49 C.F.R. Part 23, incorporated herein by reference.

(18) "Pilot Project" means a special project implemented by either a governmental agency or non-governmental not-for-profit agency to demonstrate, evaluate, or enhance a specific countermeasure.

(15)(19) "Milestone" means the development of a specific activity within a specific period of time.

(16)(20) "NHTSA" means National Highway Traffic Safety Administration.

(17) "Office" means State Safety Office.

(18)(21) "OMB" means Federal Office of Management and Budget.

(22) "P.L." means Public Law.

(19)(23) "Program" means the Highway Traffic Safety Program or two or more consecutive traffic safety projects implemented by the same agency in consecutive years, with the succeeding projects being a continuation of the initial project.

(20)(24) "Program Manager" means a staff member of the State Safety Office, authorized by the Governor's Highway Safety Representative to act as the liaison between the State Safety Office, and the subgrantee, and implementing agency in all matters pertaining to a subgrant agreement.

(25) "Program Period" means the total of one or more project periods not to exceed 36 months without specific written approval from the Department.

(21)(26) "Project" means a specific plan of action being undertaken to improve an identified traffic highway safety problem.

(22)(27) "Project Director" means the person responsible to the implementing agency for the management and operation of the subgrant or contract.

(23)(28) "Project Number" means the identification a number assigned by the State Safety Office to each subgrant or contract.

(29) "Project Period" means the estimated length of time to complete a highway safety project. The project period cannot exceed twelve consecutive months or September 30th, whichever is earlier, without specific written approval from the Department.

(24)(30) "Subgrant" means the approved Subgrant Application for Highway Safety Funds, which constitutes a contract written agreement between the Department and the applicant, unit of local government, state agency, or other eligible recipient in which the applicant recipient agrees to perform certain specified activities toward reaching certain specified objectives in return for certain specified compensation from the Department.

(25)(31) "Subgrantee" means the unit of local government, state agency, or other eligible applicant to whom the Department awards a subgrant or contract.

(26)(32) "Subgrant Period" means the effective time between the beginning and ending dates of the subgrant.

(27) "U.S. DOT" means United States Department of Transportation.

(33) "WBE" means Women-owned Business Enterprise.

Specific Authority 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History—New 12-30-84, Amended 6-10-85, Formerly 9B-32.02, 9B-32.002, Amended 11-19-89, Formerly 9G-15.002, Amended 12-7-93,_____.

14-98.003 Policy.

(1) Subgrant Applications. Each pProject proposals must be designed to impact one or more address a range of services and activities having a measurable and potentially major impact on the causes of traffic crashes, injuries, and/or fatalities; to evaluate or identify traffic crash problems in Florida; or to increase public awareness of the state's crash problem. Each project must be capable of producing measurable results, which will be used to determine the effectiveness of the project.

(2) Annual Highway Safety Plan. The Office Department shall formulate an annual HSP which identifies projects that will be funded during the FFY Highway Safety Plan to define programs to achieve goals and objectives for improving highway safety and allocation of federal funds which will most economically and efficiently carry out the assigned mission.

(3) Technical Assistance. The Office Department will provide, within limitations of staff time and budget, training and technical assistance, within limitations of staff time and budget to all eligible applicants, subgrantees and members of other governmental units upon request, or upon a determination by the Department of a subgrantee's need.

(4) Monitoring and Evaluation. The Office Department will perform such activities as may be necessary to monitor subgrantee compliance with sState and fFederal laws, rules, and regulations, to evaluate the fiscal and programmatic effectiveness of the subgrantee's activities, and to confirm the status of fiscal and program activities.

(5) Annual Report. The Office shall prepare an Annual Report that summarizes the activities which took place during the previous FFY contributed to meeting the program's highway safety goals.

(6) Public Awareness. The Office will promote public awareness of traffic safety issues affecting the state by distributing educational and public awareness materials through law enforcement agencies, public health departments, and other traffic safety organizations.

Specific Authority 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History—New 12-30-84, Formerly 9B-32.03, 9B-32.003, Amended 11-19-89, Formerly 9G-15.003, Amended 12-7-93,_____.

14-98.004 Funds Availability.

(1) The amount of federal funds available shall be that amount allocated each FFY to the State of Florida by the Federal Government under the National Highway Safety Act of 1966, as amended, and all other applicable sections of Section 402, Title 23, United States Code.

(2) The Office Department shall attempt to distribute all of the funds available in the current FFY, but may distribute part of the funds in a later FFY, when permitted by Federal law and Florida Statutes to do so, and if such action, in the judgment of the Department, will best carry out the program objectives. Funds not distributed in the current FFY will be distributed in a subsequent FFY.

Specific Authority 420.53(4), 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History—New 12-30-84, Formerly 9B-32.04, 9B-32.004, 9G-15.004, Amended 12-7-93,_____.

14-98.005 Application and Award Procedures.

(1) The Office Department will conduct an annual problem analysis of the traffic crash history of the sState by April 30th of each year, based on the most currently available crash data from the Department of Highway Safety and Motor Vehicles, identifying those counties geographic areas with the most severe traffic crash problems, in a Traffic Safety Matrix ranked listing.

(2) The selection of potential subgrant recipients will be based, in part, on their position on the Traffic Safety Matrix ranked list for the particular type of highway safety problem. Data from the Department of Highway Safety and Motor Vehicles, pertinent local safety data, the Office's annual observational survey of safety belt use, and past subgrant history will also be considered when selecting potential subgrant recipients.

(3) To be eligible for funding, an applicant: to be considered as a potential subgrant recipient, the potential recipient

(a) Cannot have been previously funded for an the proposed activity in the same priority area of the Highway Safety Plan for more than three consecutive fiscal years in excess of 36 months nor can the proposed activity supplant funds allocated or appropriated for the same activity. Agencies that have received funding in the same priority area for three

consecutive years must wait one year before being eligible for highway safety grant funding in that priority area. The three-year limit shall not apply to statewide programs for training, coordination, evaluation, or public awareness.

(b) Cannot request funding that would supplant funds previously allocated or appropriated by the applicant for the same activity, nor can funding replace equipment previously purchased with local or federal funds.

(c) Shall not be eligible for funding if it has violated a condition of a previous subgrant.

(3) Each ranking is based on three components:

(a) Magnitude. "Magnitude" is the absolute number of injuries and fatalities in each of four categories: Total Crashes, Alcohol Related, Pedestrian, and Bicycle. The injuries and fatalities are totaled for a three year period.

(b) Rate. "Rate" is calculated by dividing the "Magnitude" by a normalizing variable. The total number of vehicle miles travelled in each of the three years is used to normalize "Total Crashes" and "Alcohol Related" crashes, and average annual population estimates are used to normalize the statistics for "Pedestrian" and "Bicycle" crashes.

(c) Trend. "Trend" is the ratio of a short term to a long term moving averages of the "Magnitude" over a seven year period.

(4) Indices are calculated to represent how each county compares to others in each factor. The rankings are based on the composite of these three components: magnitude, rate, and trend.

(4)(5) The Office Department will provide, upon request, the Highway Safety Concept Paper Form 500-065-17 as well as information on how to prepare a concept paper for highway safety funding an application package (Instructions for Highway Safety Subgrant Application for Highway Safety Funds, and Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, 09/94) to any potential local government, state agency, or other eligible applicant. Concept papers will be accepted annually from January 1 through March 31 for the upcoming fiscal year. Concept papers must be post marked no later than March 31 to be considered for funding. The Office will formally acknowledge receipt of all concept papers.

(5) The Office will review all concept papers for compliance with this rule and state and federal rules and regulations, hereby listed herein.

(a) Federal. The following listed federal rules are incorporated by reference:

1. 41 C.F.R., Part 60, *Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.*

2. 49 C.F.R., Part 18, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.*

3. 49 C.F.R., Part 19, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.*

4. 49 C.F.R., Part 20, *New Restrictions on Lobbying.*

5. 49 C.F.R., Part 26, *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.*

6. 49 C.F.R., Part 29, *Governmentwide Department and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).*

7. OMB Circular A-21, *Cost Principles for Educational Institutions.*

8. OMB Circular A-87, *Cost Principles for State, Local, and Indian Tribal Governments.*

9. OMB Circular A-102, *Grants and Cooperative Agreements with State and Local Governments.*

10. OMB Circular A-110, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.*

11. OMB Circular A-122, *Cost Principles for Non-Profit Organizations.*

12. OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations.*

13. 10 U.S.C. 2304(g), *Armed Forces, Contracts: Completion Requirements.*

14. 18 U.S.C.1001, *Crimes and Criminal Procedures, Statements or Entries Generally.*

15. 31 U.S.C. 3801, *The Program Fraud Civil Remedies Act of 1966.*

16. 33 U.S.C. 1251, *Federal Water Pollution Control Act.*

17. 41 U.S.C. 253(g), *Public Contracts, Completion Requirements.*

18. 42 U.S.C. 7401, *Clean Air Act.*

19. Executive Order 11246, *Equal Employment Opportunity.*

20. Executive Order 11375, *Amending Executive Order 11246, relating to Equal Employment Opportunity.*

(b) State. The following Florida Statutes are listed for reference purposes:

1. Section 112.061, Florida Statutes.

2. Chapter 119, Florida Statutes.

3. Section 216.347, Florida Statutes.

4. Chapter 287, Florida Statutes.

5. Section 768.28, Florida Statutes.

(6) Concept papers that comply with state and federal rules and regulations will be prioritized on the basis of:

(a) The Concept Paper Evaluation Form, FDOT Form 500-065-18,

(b) Subgrant history,

(c) The Traffic Safety Matrix, and

(d) Analysis of relevant crash data, citation data, and survey results.

(7) Two copies of the application form, Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 01/02, will be sent to those applicants whose concept papers are selected for funding. Applicants whose concept papers were not selected for funding will be notified by the Office.

(8)(6) Applicants shall forward one copy three copies of the completed application and a minimum of three signature pages, containing all each with an original signatures, to the Office Department.

(9) Each corporation not for profit applicant shall attach to its application a copy of its "certificate of status" from the Florida Department of State verifying its not for profit status, and a current financial statement which shows that it has funds equal to the amount of the subgrant award on deposit in a special account designated for project activities only.

(10)(7) The Office Department shall review all applications and will reject any applications not meeting the requirements of these rules and applicable Federal and State laws, within ten working days of receipt of said applications. In the event that an applicant submits a Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 01/02, for an activity that is not included in the Highway Safety Plan, the application shall be rejected. Failure to reject any application within ten days shall not result in the automatic award of a subgrant. All subgrants are subject to funds availability.

(11)(8) Notice of denial of grant award. Notice of the Office's Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action to deny will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111. Provision of any notice, denial, revocation, or notice of Administrative Hearing Rights by the Department under this rule shall not constitute, or create, entitlement to an administrative hearing where such right does not otherwise exist.

(9) The Department is authorized to select applicants for funding pilot projects for the purpose of demonstrating, evaluating or enhancing the effectiveness of highway traffic safety programs. The National Highway Traffic Safety Administration (NHTSA) shall review each pilot project for compliance with NHTSA program guidelines. No more than 10% of the highway safety funds allocated to the State of Florida under the State and Community Highway Traffic

Safety Program in any fiscal year may be awarded to pilot projects in that year. A nongovernmental not for profit or non-profit agency may qualify as recipient for a pilot project.

Specific Authority 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History--New 12-30-84, Amended 6-10-85, Formerly 9B-32.05, 9B-32.005, 11-19-89, Formerly 9G-15.005, Amended 12-7-93, 11-29-94, 1-17-99, _____.

14-98.006 Funds Distribution.

Specific Authority 120.53(1), 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History--New 12-30-84, Amended 6-10-85, Formerly 9B-32.06, 9B-32.006, 9G-15.006, Repealed _____.

14-98.007 Grant Conditions.

Specific Authority 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History--New 12-30-84, Amended 6-10-85, Formerly 9B-32.07, Amended 6-3-86, Formerly 9B-32.007, Amended 11-19-89, Formerly 9G-15.007, Amended 12-7-93, Repealed _____.

14-98.008 Forms.

The following forms used in the Highway Traffic Safety Program are hereby incorporated by reference:

- (1) Non-Expendable Property Accountability Record – FDOT Form 500-065-09, Rev. 01/02 8/93.
- (2) Statement of Highway Safety Project Costs – FDOT Form 500-065-04, Rev. 01/02 09/94.
- (3) Summary Statement of Personnel Personal Services Cost – FDOT Form 500-065-05, Rev. 01/02 08/93.
- (4) Personnel Personal Services Time Sheet – FDOT Form 500-065-06, Rev. 01/02 08/93.
- (5) Detail of Costs Expense (Except Personal Services Cost) – FDOT Form 500-065-07, Rev. 01/02 08/93.
- (6) Subgrant Application for Highway Safety Funds – FDOT Form 500-065-01, Rev. 01/02 09/94.
- (7) Highway Safety Concept Paper – FDOT Form 500-065-17, Rev. 01/02.
- (8) Concept Paper Evaluation Form – FDOT Form 500-065-18, Rev. 01/02.

Copies of these forms may be obtained by writing or calling the Florida Department of Transportation, State Safety Office, 605 Suwannee Street, MS-17, Tallahassee, Florida 32399-0450; Telephone (850)(904)488-5455.

Specific Authority 334.044(2),(25)(24) FS. Law Implemented 334.044(25)(24) FS. History--New 6-10-85, Formerly 9B-32.08, 9B-32.008, Amended 11-19-89, Formerly 9G-15.008, Amended 12-7-93, 6-14-94, 11-29-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Carla G. Sims, Traffic Safety Administrator
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLES: RULE NOS.:
 Food Services – Definitions 33-204.002
 Food Services – Standards of Operation 33-204.003

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

SUMMARY: The proposed rules clarify definitions and correct staff titles used in conjunction with food services operations, clarify circumstances under which menu substitutions may be made, set forth requirements for food items to be served, and provide for the use of contract food services providers.

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: 20.315, 944.09 FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

33-204.002 Food Services – Definitions.

For the purposes of this chapter:

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

(2) through (3) No change.

(4) “Master Menu Committee” consists of the central office’s Bureau of Food Services staff as designated by the bureau chief, the public health nutrition program manager, the field food service coordinators ~~managers~~, the central office

food service managers, and the field public health nutrition consultants. The chief of food services has the authority to invite other staff.

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

(6) through (7) No change.

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

33-204.003 Food Services – Standards of Operation.

(1) General. Inmates in general population shall receive three meals per day, of which at least two shall be hot meals. The meals shall be provided at regular meal times during each 24-hour period, with a period of no more than 14 hours between the end of the evening meal and the beginning of the morning meal, weather and security permitting. The warden, ~~or~~ work release center major or the lieutenant in charge of a probation and restitution center or drug treatment center shall be allowed to authorize an altered meal schedule of two meals for approved holidays listed in the master menu manual, but both must be hot meals. Holiday substitutions that deviate from the master menu must be approved in advance by the chief of food services ~~or the central office food service managers~~. An alternate meal schedule for therapeutic diets shall provide regular meal times during each 24-hour period with no more than 14 hours between the end of the evening and thevance by the chief of food services or the central office food service managers. An alternate meal schedule for therapeutic diets shall provide regular meal times during each 24-hour period with no more than 14 hours between the end of the evening and thevance by the chief of food services or the central office food service managers. An alternate meal schedule for therapeutic diets shall provide regular meal times during each 24-hour period with no more than 14 hours between the end of the evening and thetained from the Bureau of Food Services, Office of Administration, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of the Revised Recommended Dietary Allowances is January 18, 1989. The Dietary Reference Intakes were copyrighted in 2001.

(a) through (b) No change.

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

(d) The master menu shall be adhered to except that specific menus and menu items are subject to change by the person in charge of food service at each facility due to production problems, product availability, ~~cost~~, or security issues. Failure to order a product does not constitute a lack of availability. Substitutions will not be planned to utilize leftovers. When menu substitutions are required, the

substitutions will be from the same food group as the original menu item. ~~Menu substitutions will be initially reviewed and approved by a field food service manager. If menu substitutions are determined to deviate from the list of approved substitutions, they will be referred by the field food service manager to the central office public health nutrition program manager for evaluation and final approval.~~ The master menu manual provides a list of appropriate substitutions within food groups. All inmates shall receive the same food items as specified on the master menu. Adequate amounts of food must be prepared to serve all inmates according to the master menu.

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

(4) Sanitation.

(a) through (b) No change.

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

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

2. Preparing a frequency chart for the regular periodic cleaning of the physical plant, equipment and utensils, and ensuring that cleaning is done according to the frequency chart; and

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

(d) No change.

(5) Maintenance of Equipment. ~~The person responsible for food service at each institution or facility shall, with the participation of the person in charge of the maintenance department; shall~~ prepare a schedule for periodic, preventative maintenance of the physical plant and equipment. The preventative maintenance program shall include inspection, lubrication, replacement of parts as necessary, and any other maintenance to extend equipment life as suggested by manufacturer's instructions. The person in charge of responsible for food service shall monitor the program to ensure that preventative maintenance is performed. He or she will also ensure that equipment is utilized properly, abuse of equipment is minimized, and that sanitation standards are maintained. It will be the responsibility of the person in charge of maintenance to ensure that the preventative maintenance

program operates effectively. He or she will maintain a file on each piece of major equipment denoting when and what was done and at what cost.

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

(7) through (9) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sam Siler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Peggy Ball

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

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Death Notification Process

RULE NO.: 33-602.112

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for reporting inmate deaths.

SUMMARY: The proposed rule provides for the notification of the duty officer for the Office of the Inspector General, the institutional inspector, and the Office of Health Services in the event of an inmate death.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 245.06, 245.08, 382, 406, 936 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.112 Inmate Death Notification Process.

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

(a) The institution shall immediately notify:

1. The district medical examiner of the district in which the death occurred,
2. The State Attorney of the judicial circuit in which the death occurred,
3. The person designated by the inmate to receive notice of his death; the chaplain will normally be responsible for giving or arranging such notice;
4. The Office of the Inspector General duty officer via emergency action center, as well as the local institution appropriate prison inspector; ~~The prison inspector shall be provided with a brief statement of currently known facts about the death. The prison inspector shall forward such statement along with notice of the death to the Bureau of Health Services and the Bureau of Offender Records, and, if the death occurred in the absence of an attending physician or from causes other than natural causes, to the secretary, the chief inspector and the regional director; and~~

5. The Office of Health Services; and

~~6.5.~~ Any authorized organ donor organization which has received prior approval from the deceased for removal and donation of organs.

(b) through (4) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Vaughan

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001 (Notice of Rule Development published as 33-401.201, subsequently renumbered as 33-602.112)

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Inpatient Hospital Services
RULE NO.: 59G-6.020

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) payment methodology, effective only for Fiscal year 2001-2002, to provide the following changes based on Legislative direction provided in Senate Bill 2000, General Appropriations Act 2001-2002, Specific Appropriation 254:

1. Special Medicaid payments will be made to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals that operate designated or provisional trauma centers and rural hospitals.
2. Inpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. Hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. Inpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
4. Special Medicaid payments will be made to hospitals that serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals.
5. The Medicaid inpatient per diem rate will be adjusted for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes.
6. From the funds made available under the Medicare program, the Medicaid program, and the State Children's Health Insurance Program Benefits Improvement and Protection Act of 2000 for the 2001 federal fiscal year, disproportionate share program funds shall be distributed as follows: \$13,937,997 to Jackson Memorial; \$285,298 to Mount Sinai Medical Center; \$313,748 to Orlando Regional Medical Center; \$2,734,019 to University Medical Center - Shands; \$1,060,047 to Shands - University of Florida; \$1,683,415 to Tampa General Hospital; and \$2,231,910 to North Broward Hospital District.
7. Special Medicaid payments of \$379,036,725 will be made to inpatient hospitals providing enhanced services to low-income individuals.

Additional changes to the Plan unrelated to Senate Bill 2000 are as follows:

1. The audited data for charity care days has been updated to 1994 charity data to be used to calculate payments under the regular disproportionate share program.
2. The definition for charity care or uncompensated charity care has been updated to reflect the Federal poverty level is equal to or less than 200 percent for charity care or uncompensated charity care in Section X, Definitions, subsection F.
3. All Code of Federal Regulations (CFR) references have been updated to the year 2000.
4. The Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS).

5. The definition for Community Hospital Education Program (CHEP) hospitals has been expanded in Section X, Definitions, subsection R.
6. Hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002. (Senate Bill 792)
7. Section II.E.6 (page 6), the statutory reference relating to repayments was changed to "Section" 414.41, F.S., instead of "Chapter" 414.41, F.S.
8. Section V.C.6.b.4 (page 18), the reference to "Department" was changed to "AHCA."
9. Section J.1.h. (page 41) referred to two non-existent entities, the Florida Health Care Purchasing Cooperative and the Florida Health Access Corporation, each of which has been disbanded and repealed from statute. These references have been deleted.
10. Section X.H. (page 52), the definition of "Community Hospital Education Program (CHEP) hospitals" referred to the Board of Regents as the administering entity. Chapter 2001-222, Laws of Florida, transferred this responsibility to the Department of Health and therefore the reference to the Board of Regents has been changed to the Department of Health.
11. Revision to the definition of "Rural Hospital" (Section X) to reflect the current statutory definition found in s. 395.602(2)(e), F.S., and s. 408.07(42), F.S.

The effect of the proposed amendment will be Special Medicaid Payments will be made to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals that operate designated or provisional trauma centers and rural hospitals; inpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent; hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target; inpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center; Special Medicaid payments will be made to hospitals that serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals; the Medicaid inpatient per diem rate will be adjusted for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes; hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002; from the funds made available under the Medicare program, the Medicaid program, and the State Children's Health Insurance Program Benefits Improvement and Protection Act of 2000 for the 2001 federal fiscal year, disproportionate share program funds shall be distributed as follows: \$13,937,997 to Jackson Memorial;

\$285,298 to Mount Sinai Medical Center; \$313,748 to Orlando Regional Medical Center; \$2,734,019 to University Medical Center – Shands; \$1,060,047 to Shands – University of Florida; \$1,683,415 to Tampa General Hospital; and \$2,231,910 to North Broward Hospital District; Special Medicaid payments of \$379,036,725 will be made to inpatient hospitals providing enhanced services to low-income individuals; the audited data for charity care days has been updated to 1994 charity data to be used to calculate payments under the regular disproportionate share program; the definition for charity care or uncompensated charity care has been updated to reflect the Federal poverty level is equal to or less than 200 percent for charity care or uncompensated charity care in Section X, Definitions, subsection F; all Code of Federal Regulations (CFR) references have been updated to the year 2000; the Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS); the definition for Community Hospital Education Program (CHEP) hospitals has been expanded in Section X, Definitions, subsection R.

SUMMARY: The proposed amendment to rule number 59G-6.020 incorporates revisions to the Florida Title XIX Inpatient Hospital Reimbursement Plan by providing for Special Medicaid Payments made to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals that operate designated or provisional trauma centers and rural hospitals; inpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent; hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target; inpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center; Special Medicaid payments will be made to hospitals that serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals; the Medicaid inpatient per diem rate will be adjusted for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes; hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002; from the funds made available under the Medicare program, the Medicaid program, and the State Children's Health Insurance Program Benefits Improvement and Protection Act of 2000 for the 2001 federal fiscal year, disproportionate share program funds shall be distributed as follows: \$13,937,997 to Jackson Memorial; \$285,298 to Mount Sinai Medical Center; \$313,748 to Orlando Regional Medical Center; \$2,734,019 to University Medical Center – Shands; \$1,060,047 to Shands – University of Florida; \$1,683,415 to Tampa General Hospital; and \$2,231,910 to North Broward Hospital District; Special

Medicaid payments of \$379,036,725 will be made to inpatient hospitals providing enhanced services to low-income individuals; the audited data for charity care days has been updated to 1994 charity data to be used to calculate payments under the regular disproportionate share program; the definition for charity care or uncompensated charity care has been updated to reflect the Federal poverty level is equal to or less than 200 percent for charity care or uncompensated charity care in Section X, Definitions, subsection F; all Code of Federal Regulations (CFR) references have been updated to the year 2000; the Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS); the definition for Community Hospital Education Program (CHEP) hospitals has been expanded in Section X, Definitions, subsection R.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

IF REQUESTED 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., January 14, 2002

PLACE: Building 3, Conference Room C, 2727 Fort Knox Boulevard, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Program Analysis, Agency for Health Care Administration, Building 3, Room 2120B, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version ~~XX~~ XIX, Effective Date: ~~September 20, 2000~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid Director, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. John Owens

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Bob Sharpe

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

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

PURPOSE AND EFFECT: The purpose of the amendments is to update the rule text with regard to citation violations.

SUMMARY: The Board proposes to add a new subsection (4)(h) which will set forth the fine to be charged for operating a veterinary establishment without a permit for more than 60 days but less than one year.

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

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

SPECIFIC AUTHORITY: 455.224, 474.206 FS.

LAW IMPLEMENTED: 455.224 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-30.003 Citations.

(1) through (3) No change.

(4) Pursuant to Section 455.224, Florida Statutes (1991), the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. The Board hereby designates the following as citation violations which shall result in a penalty of five hundred dollars (\$500.00) unless otherwise noted:

(a) through (g) No change.

(h) Operating a veterinary establishment without a premises permit for more than 60 days but less than one year. The fine shall be \$100 per month, to a maximum of \$1,200.

(5) through (7) No change.

Specific Authority 474.206, 455.224 FS. Law Implemented 455.224 FS. History—New 1-1-92, Formerly 21X-30.003, Amended 7-4-95, 5-13-96,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Veterinary Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2001

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Fees
RULE NO.: 61H1-31.001

PURPOSE AND EFFECT: The Board proposes to update this rule to increase the fees to \$60.00 for an applicant to sit for the Uniform CPA Examination. In anticipation of an increase in charges from the AICPA, the Board proposes to increase the fee in November 2002 to \$75.00. If the AICPA does not increase its fees, the Board will not increase the fees to \$75.00.

SUMMARY: This rule sets forth the cost and requirements for an applicant to sit for the Uniform CPA Examination. Explains how and when the Department will defer the fees if an individual is unable to sit for the exam at the time of the initial application. Sets out fees for active, inactive licenses, for renewal of licenses for individuals, for partnerships and for corporations; how to obtain a duplicate license; how to obtain a refund if ineligible to sit for the exam.

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

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

SPECIFIC AUTHORITY: 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS.

LAW IMPLEMENTED: 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Willis, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite 1, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-31.001 Fees.

(1) For the applicant to sit for the Uniform CPA Examination, as a first time candidate or for candidates transferring partial credits from another state, thirty-five dollars (\$35.00) and ~~sixty dollars (\$60.00) fifty dollars (\$50.00)~~ per part; ~~sixty dollars (\$60.00) fifty dollars (\$50.00)~~ per part for extended/conditioned candidates. The charge will go to \$75.00 for the November 2002 exam and thereafter if the American Institute of Certified Public Accountants increases its charge as expected. If the charge does not occur, the fee will remain \$60.00. The Department will defer the fee until the next examination if the applicant is unable to sit for the examination due to illness, death in the immediate family, military service, or jury duty provided the applicant's illness is supported by a notarized statement of a physician, or absence, by reason of military service is supported by a copy of military order or a letter from the Commanding Officer or death in immediate family is supported by a notarized statement by the applicant and a copy of the death certificate or obituary, or jury duty is supported by evidence from the appropriate court. Such request must be made in writing within sixty (60) days from the last day of the examination.

(2) For initial licensure the fee shall be twenty-five dollars (\$25.00). However, in no event will an initial license be issued if the initial licensure fee and all required documents are not received within 12 months of the date of certification by the Board. In such a case, the certification expires and the individual affected must reapply and requalify for licensure based on the laws and rules in effect at the time of the new application.

(3) For individual active and inactive status licenses, biennial renewal fee provided in Section 473.305, F.S., ninety-five dollars (\$95.00).

(4) For change of status other than during the renewal period, fifty dollars (\$50.00); for reactivation of an inactive status license to active status, fifty dollars (\$50.00); for reactivation of a delinquent status license to active or changing a delinquent status license to inactive status, fifty dollars (\$50.00).

In all cases completion of the requirements of Rule 61H1-33.006, F.A.C., and passage of the examination on Chapters 455 and 473, F.S., and related rules shall be required for reactivation.

(5) The biennial renewal fee provided in Section 473.305, F.S., for partnerships, corporations, and limited liability companies licensed in Section 473.3101, F.S., one hundred fifty dollars (\$150.00). The penalty for late renewal for partnerships, corporations, and limited liability companies shall be fifty dollars (\$50.00). The biennial renewal fee provided in Section 473.305, F.S., for sole proprietor firms and other legal entities owned by a sole proprietor licensed in Section 473.3101, F.S., twenty-five dollars (\$25.00). The

penalty for late renewal for sole proprietor firms and other legal entities owned by a sole proprietor shall be twenty-five dollars (\$25.00).

(6) Persons, partnerships and corporations licensed in the first year of the biennial period, as established by the Department, shall pay the fees established above. Those persons, partnerships and corporations licensed in the second year of the biennial period, as established by the Department, shall pay one half of the fees established above.

(7) For application for license by endorsement provided in Section 473.308, F.S., One Hundred Fifty Dollars (\$150.00) per person. If such application is withdrawn or denied, no portion of the fee will be refunded by the Department.

(8) The fee for the examination is refundable in the amount of fifty dollars per part if the applicant is found to be ineligible to sit for the examination.

(9) For fees relating to the Foreign Language Examination refer to Section 455.11, F.S.

(10) The scan sheet for the Laws and Rules Examination must be postmarked by or on July 15. No Laws and Rules Examination scan sheet will be accepted if it is postmarked after December 1.

(11) The CPE reporting form must be postmarked by or on July 15. If it is postmarked after July 15 but by or on December 1, a \$50 delinquency fee will be imposed by the Board. No CPE reporting form will be accepted if it is postmarked after December 1.

(12) Duplicate licensee fee – If a licensee requests a duplicate license, the Board will issue the duplicate if the request is made in writing and is accompanied by a payment of \$25.

Specific Authority 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS. Law Implemented 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS. History—New 12-4-79, Amended 2-3-81, 3-4-82, 11-6-83, 3-29-84, Formerly 21A-31.01, Amended 6-4-86, 9-16-87, 2-1-88, 8-30-88, 2-6-89, 12-18-89, 12-28-89, 8-16-90, 4-8-92, 12-2-92, Formerly 21A-31.001, Amended 11-4-93, 2-14-95, 11-3-97, 6-22-98, 10-28-98, 7-15-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2001

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-53R

RULE CHAPTER TITLE: Wastewater Facility and Activities

Permitting

RULE TITLE: General Conditions for All Permits

RULE CHAPTER NO.:

62-620

RULE NO.:

62-620.610

PURPOSE AND EFFECT: Certain unauthorized releases or spills of treated or untreated wastewater would be reported to the Department using the State Warning Point Toll Free Number so that these spills can be responded to on an expedited basis in order to protect public health and the environment. These notifications are already required under the existing rule.

SUMMARY: This rulemaking amends language in Rule 62-620.610(20), F.A.C., to provide that certain unauthorized discharges be reported to the Department by calling the State Warning Point's toll free telephone number to facilitate communication and enable immediate response action where necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

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

IF REQUESTED IN WRITING WITHIN 21 DAYS OF DATE OF THIS NOTICE, A HEARING WILL 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., January 14, 2002

PLACE: Department of Environmental Protection, Room 609, 2600 Blair Stone Road, Tallahassee, FL 32301

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Bureau of Personnel Services at (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800)955-8771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

62-620.610 General Conditions for All Permits.

(1) through (19) No change.

(20) The permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a

description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(a) No change.

(b) For releases or spills of treated or untreated wastewater to surface or ground waters, unless authorized elsewhere in this permit, oral reports as required above shall be provided as follows:

1. For unauthorized releases or spills in excess of 1,000 gallons per incident, or where public health or the environment may be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:

a. Name, address, and telephone number of person reporting.

b. Name, address, and telephone number of permittee or responsible person for the discharge.

c. Date and time of the discharge and status of discharge (ongoing or ceased).

d. Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater).

e. Estimated amount of the discharge.

f. Location or address of the discharge.

g. Source and cause of the discharge.

h. Whether the discharge was contained on-site, and cleanup actions taken to date.

i. Description of area affected by the discharge, including name of water body affected, if any.

j. Other persons or agencies contacted.

2. For unauthorized releases or spills of 1,000 gallons or less, per incident, oral reports shall be provided to the Department within 24 hours from the time the permittee becomes aware of the discharge.

(c)(b) If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mimi Drew, Division Director
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan Bedwell, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2001

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Definitions
RULE NO.: 64B3-2.003

PURPOSE AND EFFECT: The Board proposes to clarify which courses will be counted as academic science.

SUMMARY: Physics and physical science are not acceptable courses for purposes of academic science.

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

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 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 Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-2.003 Definitions.

(1) through (5) No change.

(6) Academic science is a science course with a physical, chemical or biological science prefix. Acceptable courses include general chemistry, organic chemistry, biochemistry, qualitative or quantitative analysis, physics, general biology, zoology, physiology, comparative anatomy, bacteriology, parasitology, cell biology and immunology. For purposes of this rule, the courses of geology, astronomy, entomology, oceanography marine biology, physics and physical science or remedial, preparatory or introductory science courses shall not be acceptable.

(7) through (20) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History—New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 590-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2001

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Technologist

RULE NO.: 64B3-5.003

PURPOSE AND EFFECT: The Board proposes to update cytology qualifications and to delete a duplicative provision relating to technologists.

SUMMARY: The proposal clarifies the qualifications for Cytology technologist and deletes technologist responsibilities that are set forth elsewhere in the rules.

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

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.003 Technologist.

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to subsection 64B3-6.002(6), F.A.C. All associate degrees used to qualify shall include, at a minimum, 60 semester hours of academic credit including a total of 16 ~~eight~~ semester hours ~~each~~ of academic biological and/or chemical science. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, radioassay, histocompatibility, blood

banking and blood gas analysis shall have four hours of Board approved HIV/AIDS continuing education and at a minimum have one of the following:

(a) through (k) No change.

(2) Qualifications for Cytology Technologist. For the specialty of cytology, applicants for technologist shall ~~be have earned a baccalaureate degree with coursework including at least 16 semester hours of academic science, and shall have successfully completed an accredited training program in cytology. Applicants who were nationally certified in cytology prior to 1985 by the American Society of Clinical Pathologists must have an associates degree or the equivalent.~~ Applicants shall have four hours of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department.

(3) Qualifications for Histology Technologist. For the category of histology, applicants for technologist licensure shall have four hours of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department, and have one of the following:

(a) Board certification gained by examination in histology through the Board of Registry of the American Society of Clinical Pathologists certification at the Histotechnologist (HTL) level.

(b) Board certification gained by examination in histology through the Board of Registry of the American Society of Clinical Pathologists certification at the Histotechnician (HT) level, 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and five years of pertinent clinical laboratory experience ~~post certification.~~

(c) Graduation from a NAACLS approved associate degree histotechnology program and Board certification gained by examination in histology through the Board of Registry of the American Society of Clinical Pathologists certification at the Histotechnician (HT) level.

(d) Board certification gained by examination in histology through the Board of Registry of the American Society of Clinical Pathologists certification at the Histotechnician (HT) level and Qualification in Immunohistochemistry (QIHC).

(e) Florida licensure as a histology technician, 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and 10 years of pertinent clinical laboratory experience ~~post licensure.~~

(4) through (5) No change.

~~(6) Responsibilities of Technologists. Technologists shall:~~

~~(a) Assist the supervisor in fulfilling the supervisor's responsibilities, as assigned, or, in the absence of the supervisor, handle supervisory responsibilities as needed.~~

~~(b) Follow the clinical laboratory's procedures for specimen handling and processing, test analyses, reporting and maintaining records of patient test results.~~

~~(e) Adhere to the clinical laboratory's quality control policies, document all quality control activities, instrument and procedural calibrations and maintenance performed in accordance with the clinical laboratory's policies and procedures.~~

~~(d) Follow the clinical laboratory's established policies and procedures whenever test systems are not within the clinical laboratory's defined acceptable levels of performance and document corrective action taken.~~

~~(e) Identify problems that may adversely affect test performance or reporting of test results and either correct the problems or immediately notify a supervisor or director.~~

~~(f) Exercise professional judgement in evaluation of specimen integrity, result accuracy and validity and take corrective action as necessary. If a specimen appears to be compromised, the technologist shall cause a disclaimer statement to appear in the report indicating the potential compromised nature of the result and why, in accordance with Chapter 64B3-7, F.A.C.~~

~~(g) When performing cytology procedures, document slide interpretation results of each case examined or reviewed as specified in Chapter 64B3-7, F.A.C., and the clinical laboratory's policies and procedures. In each 24 hour period, record the number of slides and the number of hours spent examining or reviewing slides.~~

~~(6)(7) Qualifications for Molecular Genetics Technologist. For the specialty of molecular genetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree, which shall include 16 semester hours of academic science, four hours of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department, and one of the following:~~

- ~~(a) Successfully completed a technologist level accredited or Board approved program in molecular genetics.~~
- ~~(b) One year of pertinent clinical laboratory experience in molecular genetics; or~~
- ~~(c) Successfully passed the molecular biology examination given by NCA (National Certification Agency for Medical Laboratory Personnel).~~

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 59O-5.003, Amended 5-26-98, 1-11-99, 7-5-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines
RULE NO.: 64B8-8.001

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify guidelines with regard to fraud violations.

SUMMARY: The proposed rule amendments set forth guidelines pursuant to new statutory provisions with regard to violations for fraud.

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: 458.331(5), 458.309, 456.079 FS.

LAW IMPLEMENTED: 458.331(5), 456.072, 456.079 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., January 16, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Acting Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and 120.57(2), Florida Statutes, 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.

RECOMMENDED RANGE OF PENALTY

VIOLATION	FIRST OFFENSE	SECOND OFFENSE
(a) Attempting to obtain, <u>obtaining or renewing</u> a license or certificate by bribery, fraud or through an error of the Department or the Board. (458.331(1)(a), F.S.)	(a) From denial or revocation of license with ability to reapply upon payment of \$5,000.00 fine to denial of license without ability to reapply, or permanent revocation.	(a) From denial or revocation without the ability to reapply and payment of a \$10,000 fine, to denial or revocation without the ability to reapply and a \$10,000.00 fine.
(456.072(1)(h), F.S.)		
1. <u>Attempting to obtain an initial license by bribery or fraud.</u>	1. <u>Denial of application and a \$10,000.00 fine.</u>	
2. <u>Attempting to renew a license by bribery or fraud.</u>	2. <u>From revocation of the license with ability to reapply upon payment of a \$10,000.00 fine to permanent revocation.</u>	2. <u>Revocation and a \$10,000.00 fine.</u>
3. <u>Obtaining or renewing a license by bribery or fraud.</u>	3. <u>From revocation of the license with ability to reapply upon payment of a \$10,000.00 fine to permanent revocation.</u>	3. <u>Revocation and a \$10,000.00 fine.</u>
4. <u>Obtaining or renewing a license through error of the Department or the Board.</u>	4. <u>Revocation.</u>	4. <u>Revocation.</u>
(b) Action taken against license by another jurisdiction.	(b) From imposition of discipline comparable to the discipline which would have been imposed if the occurred in Florida to suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$1,000.00 to \$5,000.00.	(b) From imposition of discipline comparable to the discipline which would have been imposed if the occurred in Florida to revocation or denial of the license, and an administrative fine ranging from \$5,000.00 to \$10,000.00.
(458.331(1)(b), F.S.)		
(456.072(1)(f), F.S.)		
1. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts in excess of \$5,000.00.	1. <u>Revocation or in the case of application for licensure, denial of licensure, and a fine of \$10,000.00.</u>	1. Revocation or denial without the ability to reapply and payment of a \$10,000.00 fine.
2. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts of \$5,000.00 or less.	2. A \$10,000.00 administrative fine, and suspension of the license, followed by a period of probation.	2. <u>Revocation or denial and a fine of \$10,000.00.</u>
(c) Guilty of crime directly relating to practice or ability to practice.	(c) From probation to revocation or denial of the license and an administrative fine ranging from \$1,000.00 to \$10,000.00.	(c) From suspension to revocation or denial of the license and an administrative fine ranging from \$5,000.00 to \$10,000.00
(458.331(1)(c), F.S.)		
(456.072(1)(c), F.S.)		
1. Involving a crime related to healthcare fraud in dollar amounts in excess of \$5,000.00.	1. <u>Revocation or in the case of application for licensure, denial of licensure and a fine of \$10,000.00.</u>	1. Revocation without the ability to reapply or in the case of application for licensure, denial of licensure, and payment of a \$10,000.00 fine.

2. Involving a crime related to healthcare fraud in dollar amounts of \$5,000.00 or less.

(d) False, deceptive, or misleading advertising.
(458.331(1)(d), F.S.)

1. Negligent false, deceptive, or misleading advertising.
(458.331(1)(d), F.S.)

2. Fraudulent false, deceptive or misleading advertising.

(e) through (f) No change.

(g) Failure to perform legal obligation.
(458.331(1)(g), F.S.)
(456.072(1)(k), F.S.)

1. No change.
2. Continuing medical education (CME) violations.
(456.072(1)(e), F.S.)
(456.072(1)(s), F.S.)

a. Failure to document required HIV/AIDS and related infections of TB or domestic violence or medical errors CME, or substituted end-of-life care CME.

~~b. Failure to document required domestic violence CME, or substituted end of life care CME.~~

b.e. Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence and failure to document medical errors CME.

~~c.d.~~ No change.

d.e. No change.

3. No change.

2. A \$10,000.00 administrative fine, compliance with any criminal probation, a reprimand and suspension of the license, followed by a period of probation.

~~(d) From a letter of concern to one (1) year suspension or denial, and an administrative fine from \$1,000.00 to \$5,000.00.~~

1. From a letter of concern to one (1) year suspension or denial, and an administrative fine from \$1,000.00 to \$5,000.00.

2. From reprimand to up to one (1) year suspension or denial, and an administrative fine of \$10,000.00.

(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a letter of concern to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.

2. Within twelve months of the date of the filing of the final order, the licensee must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND:

a. An administrative fine of \$500.00 to \$1,000.00.

~~b. An administrative fine of \$500.00 to \$1,000.00.~~

b.e. An administrative fine of \$1,000.00 to \$2,000.00.

2. Revocation and a fine of \$10,000.00.

~~(d) From reprimand to up to one (1) year suspension or denial, and an administrative fine from \$5,000.00 to \$10,000.00.~~

1. From reprimand to up to one (1) year suspension or denial, and an administrative fine from \$5,000.00 to \$10,000.00.

2. From suspension up to revocation and a fine of \$10,000.00.

(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.

2. Within twelve months of the date of the filing of the final order, the licensee must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND:

a. A reprimand and an administrative fine of \$1,000.00 to \$5,000.00.

~~b. A reprimand and an administrative fine of \$1,000.00 to \$5,000.00.~~

b.e. A reprimand and an administrative fine of \$5,000.00 to \$10,000.00.

4. Failing to comply with the requirements for profiling and credentialing.

(456.072(1)(v), F.S.);
(458.319, F.S.);
(458.565, F.S.)

a. Involving a violation of any provision of Chapter 456, F.S., for failing to comply with the requirements for profiling and credentialing, by failing to timely provide updated information, on a profile, credentialing, or initial or renewal licensure application, not appropriate for a notice of noncompliance.

b. Involving violations of any provision of Chapter 456, F.S., for making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

(I) negligently making misleading or untrue representations on a profile, credentialing, or initial licensure or renewal application.

(II) fraudulently making misleading, untrue, deceptive or fraudulent representations on a profile, credentialing, or initial licensure or renewal application.

5. through 9. No change.

(h) Filing a false report or failing to file a report as required.

(458.331(1)(h), F.S.)
(456.072(1)(l), F.S.)

1. Negligently filing a false report or failing to file a report as required.

2. Fraudulently filing a false report or failing to file a report as required.

~~3.1.~~ Involving healthcare fraud in dollar amounts in excess of \$5,000.00.

~~4.2.~~ Involving healthcare fraud in dollar amounts of \$5,000.00 or less.

(i) through (ff) No change.

a. If the licensee complies within six (6) months of the violation, then an administrative fine of up to \$2,000.00; if compliance after six (6) months, an administrative fine of up to \$5,000.00 and a reprimand.

~~b. Referral to State Attorney for prosecution pursuant to Sections 456.067 and 456.066, F.S., and from suspension and a reprimand and a \$5,000.00 administrative fine to revocation or denial.~~

(I) From a \$1,000.00 fine and 3 hours CME on ethics to suspension and a reprimand and a \$5,000.00 administrative fine.

(II) Referral to State Attorney for prosecution pursuant to Sections 456.067 and 456.066, F.S. and from suspension and a reprimand and a \$10,000.00 fine to revocation or denial.

~~(h) From a letter of concern or denial to one (1) year probation, and an administrative fine from \$1,000.00 to \$5,000.00.~~

1. From a letter of concern or denial to one (1) year probation, and an administrative fine from \$1,000.00 to \$5,000.00.

2. From one (1) year probation to revocation or denial, and a \$10,000.00 fine.

~~3.1.~~ Revocation or in the case of application for licensure, denial of licensure, and a \$10,000.00 fine.

~~4.2.~~ A \$10,000.00 administrative fine, suspension of the license, followed by a period of probation.

a. If the licensee complies within six (6) months of the violation, then a reprimand and an administrative fine from \$5,000.00 to \$10,000.00; if compliance after six (6) months, from suspension to revocation and an administrative fine of \$10,000.00.

~~b. Referral to State Attorney for prosecution and from suspension and a reprimand and a \$10,000.00 fine to revocation or denial.~~

(I) From suspension and a reprimand and a \$10,000.00 fine to revocation or denial.

(II) Referral to State Attorney for prosecution and revocation or denial and a \$10,000.00 fine.

~~(h) From one (1) year probation to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.~~

1. From one (1) year probation to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.

2. From suspension to revocation and a \$10,000.00 fine.

~~1. Revocation or denial without the ability to reapply and payment of a \$10,000.00 fine.~~

~~4.2.~~ Revocation and a \$10,000.00 fine

(gg) Misrepresenting or concealing a material fact.
(458.331(1)(gg), F.S.)

(gg) From denial or revocation of license with ability to reapply upon payment of up to a \$10,000 fine ~~\$1,000.00 fine~~ to denial of license without ability to reapply.

(gg) From suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.

(hh) through (oo) No change.

(3) through (7) No change.

Specific Authority 458.331(5), 458.309, 456.079 FS. Law Implemented 458.331(5), 456.072, 456.079 FS. History--New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2001

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: Definitions
RULE NO.: 64B9-3.001

PURPOSE AND EFFECT: The Board proposed a review of this rule to determine if any amendments are necessary.

SUMMARY: The Board determined a C- grade reflects substantial equivalency as required for licensure by endorsement.

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: 464.006, 464.022(4) FS.

LAW IMPLEMENTED: 464.008(1)(b), 464.015(4), 464.022(4), 464.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Interim Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.001 Definitions.

(1) through (7) No change.

(8) Practical Nursing Education Equivalency – professional nursing courses of study, successfully completed with a grade of “C-” “C” or better, which meet the standards of practical nursing education required in approved practical nursing programs in Florida.

(9) No change.

Specific Authority 464.006, 464.022(4) FS. Law Implemented 464.008(1)(b), 464.015(4), 464.022(4), 464.019 FS. History--New 4-27-80, Amended 7-11-83, Formerly 21O-8.20, Amended 3-3-87, Formerly 21O-8.020, 61F7-3.001, Amended 7-5-95, 11-15-95, Formerly 59S-3.001, Amended 11-2-98, 1-22-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLES: Disciplinary Proceedings
RULE NOS.: 64B9-8.005

Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances 64B9-8.006

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

SUMMARY: Rule 64B9-8.005 is being amended to set forth and define what qualifies as failing to meet or departing from minimal standards of acceptable and prevailing practice. The substantial rewrite of rule is 64B9-8.006 is intended to clarify the minimum and maximum penalties and appropriate citations to violations of any present rules or statutory provisions relating to the Board of Nursing.

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

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

SPECIFIC AUTHORITY: 456.072, 456.079, 464.006 FS.

LAW IMPLEMENTED: 456.072, 456.079, 464.018, 464.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Interim Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02 Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 64B9-8.005 follows. See Florida Administrative Code for present text.)

64B9-8.005 Disciplinary Proceedings.

(1) Unprofessional conduct shall include:

(a) Inaccurate recording; or

(b) Misappropriating supplies or equipment; or

(c) Leaving a nursing assignment without advising licensed nursing personnel; or

(d) Practicing registered nursing or practical nursing in the State of Florida with a delinquent license for no more than 90 days; or

(e) Acts of negligence either by omission or commission; or

(f) Submitting the attestation of 24 hours of continuing education and one hour continuing education on domestic violence for licensure renewal under Rule 64B9-3.013 when the licensee has not attended or completed all such hours in the biennium; or

(g) Failure of an ARNP dispensing practitioner to comply with the registration and compliance requirements of Rule 64B9-4.011.

(2) Failing to meet or departing from minimal standards of acceptable and prevailing nursing practice shall include, but not be limited to, the following:

(a) Falsifying or altering of patient records or nursing progress records, employment applications or time records; or

(b) Administering medications or treatments in negligent manner; or

(c) Misappropriating drugs; or

(d) Violating the confidentiality of information or knowledge concerning a patient; or

(e) Discrimination on the basis of race, creed, religion, sex, age or national origin, in the rendering of nursing services as it relates to human rights and dignity of the individuals; or

(f) Engaging in fraud, misrepresentation, or deceit in taking the licensing examination; or

(g) Aiding and abetting the practice of registered nursing or practical nursing by any person not licensed as a registered nurse or a licensed practical nurse; or

(h) Impersonating another licensed practitioner, or permitting another person to use his certificate for the purpose of nursing for compensation; or

(i) Acts of gross negligence, either by omission or commission; or

(j) Exercising influence on a patient in such a manner as to exploit the patient for financial gain of the licensee or a third party; or

(k) Testing positive for any drugs under Chapter 893 on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drug; or

(l) Violation of a Board order entered in a licensure proceeding.

(m) Providing false or incorrect information to the employer regarding the status of the license; or

(n) Practicing beyond the scope of the licensee's license, educational preparation or nursing experience.

Specific Authority 464.006 FS. Law Implemented 464.018 FS. History—New 11-28-79, Amended 3-16-81, 10-8-81, 9-11-83, Formerly 21O-10.05, Amended 4-21-86, 2-5-87, 8-2-90, 3-12-91, 9-16-91, 4-18-92, 9-29-92, Formerly 21O-10.005, Amended 9-7-93, Formerly 61F7-8.005, Amended 11-6-94, 5-1-95, 11-16-95, Formerly 59S-8.005, Amended 2-18-98, 3-23-00, _____.

(Substantial rewording of Rule 64B9-8.006 follows. See Florida Administrative Code for present text.)

64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The legislature created the Board to assure protection of the public from nurses who do not meet minimum requirements for safe practice or who pose a danger to the public. The suspensions, restrictions of practice, and conditions of probation used by the Board in discharging its duties under Sections 464.018 and 456.072, F.S., shall include, but are not limited to, the following:

(a) Suspension until appearance before the Board or for a definite time period and demonstration of ability to practice safely.

(b) Suspension until appearance before the Board, or for a definite time period, and submission of mental or physical examinations from professionals specializing in the diagnosis or treatment of the suspected condition, completion of counseling, completion of continuing education, demonstration of sobriety and ability to practice safely.

(c) Suspension until fees and fines paid or until proof of continuing education completion submitted.

(d) Suspension until evaluation by and treatment in the Intervention Project for Nurses. In cases involving substance abuse, chemical dependency, sexual misconduct, physical or

mental conditions which may hinder the ability to practice safely, the Board finds participation in the IPN under a stayed suspension to be the preferred and most successful discipline.

(e) Suspension stayed so long as the licensee complies with probationary conditions.

(f) Probation with the minimum conditions of not violating laws, rules, or orders related to the ability to practice nursing safely, keeping the Board advised of the nurse's address and employment, and supplying both timely and satisfactory probation and employer/supervisor reports.

(g) Probation with specified continuing education courses in addition to the minimum conditions. In those cases involving unprofessional conduct or substandard practice, including record keeping, the Board finds continuing education directed to the practice deficiency to be the preferred punishment.

(h) Probation with added conditions of random drug screens, abstention from alcohol and drugs, participation in narcotics or alcoholics anonymous, psychological counseling, the prohibition on agency work, or the requirement that work must be under direct supervision on a regularly assigned unit.

(i) Personal appearances before the Board to monitor compliance with the Board's order.

(j) Administrative fine and payment of costs associated with probation or professional treatment.

(2) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners and applicants for licensure guilty of violating Chapters 464 and 456, F.S. The purpose of the disciplinary guidelines is to give notice to licensees and applicants of the range of penalties which will normally be imposed upon violations of particular provisions of Chapters 464 and 456, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapters 464 and 456, F.S., or the rules promulgated thereto, or other unrelated violations will be grounds for enhancement of penalties. All penalties set forth in the guidelines include lesser penalties, i.e., reprimand and or course-work which may be included in the final penalty at the Board's discretion.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the noted statutes and rules:

(a) Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the department or the board.

(456.072(1)(h) or 464.018(1)(a), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	denial of licensure or revocation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or permanent revocation

(b) Having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(464.018(1)(b), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100 fine and same penalty imposed by the other jurisdiction	denial of licensure or \$250 fine and suspension followed by probation
SECOND OFFENSE	\$250 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of probation	denial of licensure or \$500 fine and revocation
THIRD OFFENSE	\$500 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of suspension	denial of licensure or \$750 fine and permanent revocation

(c) Having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.

(456.072(1)(f), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100 fine and same penalty imposed by the other jurisdiction	denial of licensure or \$250 fine and suspension followed by probation
SECOND OFFENSE	\$250 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of probation	denial of licensure or \$500 fine and revocation
THIRD OFFENSE	\$500 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of suspension	denial of licensure or \$750 fine and permanent revocation

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing.

(456.072(1)(c) or 464.018(1)(c), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(e) Being found guilty, regardless of adjudication, of a forcible felony as defined in Chapter 776, F.S.

(464.018(1)(d)1., F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(f) Being found guilty, regardless of adjudication, of a violation of Chapter 812, F.S., relating to theft, robbery, and related crimes.
(464.018(1)(d)2., F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(g) Being found guilty, regardless of adjudication, of a violation of Chapter 817, F.S., relating to fraudulent practices.
(464.018(1)(d)3., F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(h) Being found guilty, regardless of adjudication, of a violation of Chapter 800, F.S., relating to lewdness and indecent exposure.
(464.018(1)(d)4., F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine, IPN evaluation, and probation	denial of licensure or \$500 fine, IPN evaluation, and suspension to be followed by a term of probation
<u>SECOND OFFENSE</u>	\$750 fine, IPN evaluation, and suspension to be followed by a term of probation	denial of licensure and \$1000 fine and permanent revocation

(i) Being found guilty, regardless of adjudication, of a violation of Chapter 784, F.S., relating to assault, battery, and culpable negligence.
(464.018(1)(d)5., F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation

<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and revocation
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(j) Being found guilty, regardless of adjudication, of a violation of Chapter 827, F.S., relating to child abuse.
(464.018(1)(d)6., F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and permanent revocation

(k) Being found guilty, regardless of adjudication, of a violation of Chapter 415, F.S., relating to protection from abuse, neglect, and exploitation.
(464.018(1)(d)7., F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and permanent revocation

(l) Being found guilty, regardless of adjudication, of a violation of Chapter 39, F.S., relating to child abuse, abandonment, and neglect.
(464.018(1)(d)8., F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and permanent revocation

(m) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03, F.S., or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in s. 741.28, F.S.
(464.018(1)(e), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and permanent revocation

(n) Making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law,

willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the nurse's capacity as a licensed nurse.

(464.018(1)(f), or 456.072(1)(l), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	\$500 fine and suspension followed by probation
SECOND OFFENSE	\$500 fine and probation	\$750 fine and suspension followed by probation
THIRD OFFENSE	\$750 fine and suspension	\$1000 fine and revocation followed by probation

(o) False, misleading, or deceptive advertising.

(464.018(1)(g), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100 fine	\$250 fine and probation
SECOND OFFENSE	\$250 fine	\$500 fine and suspension followed by probation
THIRD OFFENSE	\$500 fine and probation	\$750 fine and suspension followed by probation

(p) Unprofessional conduct in which case actual injury need not be established.

(464.018(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	citation	citation
SECOND OFFENSE	\$500 fine	\$750 fine and suspension followed by probation
THIRD OFFENSE	\$750 fine and probation	\$1000 fine and suspension followed by probation

Unprofessional conduct in which case actual injury has been established.

(464.018(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	\$500 fine and suspension followed by probation
SECOND OFFENSE	\$750 fine and suspension followed by probation	\$1000 fine and revocation

(q) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in Chapter 893, F.S., for any other than legitimate purposes authorized by this part.

(464.018(1)(i), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine, IPN evaluation, and probation	denial of licensure or \$500 fine, IPN evaluation, and suspension followed by probation
SECOND OFFENSE	\$750 fine, IPN evaluation, and suspension followed by probation	denial of licensure and \$1000 fine and permanent revocation
THIRD OFFENSE	\$750 fine and revocation	\$1000 fine and permanent revocation

(r) Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition.

(456.072(1)(y) or 464.018(1)(j), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine, IPN evaluation and probation	denial of licensure or \$500 fine, IPN evaluation, and suspension followed by probation
SECOND OFFENSE	\$750 fine, IPN evaluation, and suspension followed by probation	denial of licensure and \$1000 fine and permanent revocation
THIRD OFFENSE	\$750 fine and revocation	\$1000 fine and permanent revocation

(s) Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or the board; however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant.

(456.072(1)(i) or 464.018(1)(k), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100 fine	\$250 fine and probation
SECOND OFFENSE	\$250 fine	\$500 fine and suspension followed by probation
THIRD OFFENSE	\$500 fine and probation	\$750 fine and suspension followed by probation

(t) Knowingly violating any provision of this part, a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.

(456.072(1)(b) or 464.018(1)(l), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and compliance with rule or terms of prior order	\$500 fine and suspension until compliance with rule or terms of prior order
SECOND OFFENSE	\$500 fine and suspension until compliance with rule or terms of prior order	\$750 and suspension until compliance with rule or terms of prior order plus extended probation
THIRD OFFENSE	\$750 fine and suspension until compliance with rule or terms of prior order plus extended probation	\$1000 fine and revocation

(u) Failing to report to the department any licensee under Chapter 458, F.S., or under Chapter 459, F.S., who the nurse knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under Chapter 395, F.S., or a health maintenance organization certificated under part I of Chapter 641, F.S., in which the nurse also provides services.

(464.018(1)(m), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$100 fine	\$250 fine and probation
<u>SECOND OFFENSE</u>	\$250 fine	\$500 fine and suspension followed by probation
<u>THIRD OFFENSE</u>	\$500 fine and probation	\$750 fine and suspension followed by probation

(v) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.
(456.072(1)(a), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension followed by probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(w) Intentionally violating any rule adopted by the board or the department, as appropriate.
(456.072(1)(b), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine and compliance with rule or terms of prior order	\$500 fine and suspension until compliance with rule or terms of prior order
<u>SECOND OFFENSE</u>	\$500 fine and suspension until compliance with rule or terms of prior order	\$750 and suspension until compliance with rule or terms of prior order plus extended probation
<u>THIRD OFFENSE</u>	\$750 fine and suspension until compliance with rule	\$1000 fine and revocation or terms of prior order plus extended probation

(x) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices.
(456.072(1)(d), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$100 fine	\$250 fine and probation
<u>SECOND OFFENSE</u>	\$250 fine	\$500 fine and suspension followed by probation
<u>THIRD OFFENSE</u>	\$500 fine and probation	\$750 fine and suspension followed by probation

(y) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.
(456.072(1)(e), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine and complete the course	\$500 fine and suspension until the course is completed
<u>SECOND OFFENSE</u>	\$500 fine and complete the course	\$750 and suspension until the course is completed
<u>THIRD OFFENSE</u>	\$750 fine and suspension until the course is completed plus probation	\$1000 fine and suspension until the course is completed plus probation

(z) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.
(456.072(1)(g), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension followed by probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(aa) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.
(456.072(1)(j), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension followed by probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(bb) Failing to perform any statutory or legal obligation placed upon a licensee.
(456.072(1)(k), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine and compliance with legal obligation	\$500 fine and suspension until compliance with legal obligation
<u>SECOND OFFENSE</u>	\$500 fine and suspension until compliance with legal obligation	\$750 and suspension until compliance with legal obligation plus extended probation
<u>THIRD OFFENSE</u>	\$750 fine and suspension until compliance with legal obligation plus extended probation	\$1000 fine and revocation

(cc) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.
(456.072(1)(m), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension followed by probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(dd) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.
(456.072(1)(n), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine and probation	denial of licensure or revocation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or permanent revocation

(ee) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

(456.072(1)(o), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	denial of licensure or revocation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or permanent revocation

(ff) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.

(456.072(1)(p), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	denial of licensure or revocation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or permanent revocation

(gg) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(456.072(1)(r), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	denial of licensure or \$500 fine and suspension followed by probation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(hh) Failing to comply with the educational course requirements for domestic violence.

(456.072(1)(s), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and complete the course	\$500 fine and suspension until the course is completed
SECOND OFFENSE	\$500 fine and complete the course	\$750 and suspension until the course is completed
THIRD OFFENSE	\$750 fine and suspension until the course is completed plus probation	\$1000 fine and suspension until the course is completed plus probation

(ii) Failing to comply with the requirements of ss. 381.026 and 381.0261, F.S., to provide patients with information about their patient rights and how to file a patient complaint.

(456.072(1)(t), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100 fine	\$250 fine and probation
SECOND OFFENSE	\$250 fine	\$500 fine and suspension followed by probation
THIRD OFFENSE	\$500 fine and probation	\$750 fine and suspension followed by probation

(jj) Engaging or attempting to engage in sexual misconduct as defined and prohibited in s. 456.063(1), F.S.

(456.072(1)(u), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine, IPN evaluation, and probation	denial of licensure or \$500 fine, IPN evaluation, and suspension followed by probation
SECOND OFFENSE	\$750 fine, IPN evaluation, and suspension followed by probation	denial of licensure and \$1000 fine and permanent revocation

(kk) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

(456.072(1)(v), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	\$500 fine and suspension followed by probation
SECOND OFFENSE	\$500 fine and probation	\$750 fine and suspension followed by probation

(ll) Failing to report to the board, or the Department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. Convictions, findings, adjudications, and pleas entered into prior to the enactment of this paragraph must be reported in writing to the board, or Department if there is no board, on or before October 1, 1999.

(456.072(1)(w), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	denial of licensure or revocation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or permanent revocation

(mm) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents pursuant to s. 316.066, F.S., or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of commercial or any other solicitation whatsoever of the people involved in such accidents.

(456.072(1)(x), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100 fine	\$250 fine and probation
SECOND OFFENSE	\$250 fine	\$500 fine and suspension followed by probation
THIRD OFFENSE	\$500 fine and probation	\$750 fine and suspension followed by probation

(nn) Testing positive for any drug, as defined in s. 112.0455, F.S., on any confirmed preemployment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug.

(456.072(1)(z), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine, IPN evaluation, and probation	denial of licensure or \$500 fine, IPN evaluation, and suspension followed by a probation
SECOND OFFENSE	\$750 fine, IPN evaluation, and suspension followed by probation	denial of licensure and \$1000 fine and permanent revocation

(oo) Falsifying or altering of patient records or nursing progress records, employment applications or time records.
(64B9-8.005(2)(a), F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	\$500 fine and suspension followed by probation
SECOND OFFENSE	\$500 fine and probation	\$750 fine and suspension followed by probation
THIRD OFFENSE	\$750 fine and suspension followed by probation	\$1000 fine and permanent revocation

(pp) Administering medications or treatments in negligent manner.
(64B9-8.005(2)(b), F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	\$500 fine and suspension followed by probation
SECOND OFFENSE	\$500 fine and probation	\$750 fine and suspension followed by probation
THIRD OFFENSE	\$750 fine and suspension followed by probation	\$1000 and revocation

(qq) Misappropriating drugs.
(64B9-8.005(2)(c), F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine, IPN evaluation, and probation	denial of licensure or \$500 fine, IPN evaluation, and suspension followed by probation
SECOND OFFENSE	\$750 fine, IPN evaluation, and suspension followed by probation	denial of licensure and \$1000 fine and permanent revocation

(rr) Violating the confidentiality of information or knowledge concerning a patient.
(64B9-8.005(2)(d), F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	denial of licensure or revocation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or permanent revocation

(ss) Discrimination on the basis of race, creed, religion, sex, age or national origin, in the rendering of nursing services as it relates to human rights and dignity of the individuals.
(64B9-8.005(2)(e), F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	\$500 fine and suspension followed by probation
SECOND OFFENSE	\$500 fine and probation	\$750 fine and suspension followed by probation
THIRD OFFENSE	\$750 fine and suspension followed by probation	\$1000 fine and permanent revocation

(tt) Impersonating another licensed practitioner, or permitting another person to use his certificate for the purpose of nursing for compensation.
(64B9-8.005(2)(f), F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	denial of licensure or revocation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or permanent revocation

(uu) Acts of gross negligence, either by omission or commission.
(64B9-8.005(2)(g), F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	\$500 fine and suspension followed by probation
SECOND OFFENSE	\$500 fine and probation	\$750 fine and suspension followed by probation
THIRD OFFENSE	\$750 fine and suspension	\$1000 fine and revocation followed by probation

(vv) Testing positive for any drugs under Chapter 893, F.S., on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drug.
(64B9-8.005(2)(h), F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine, IPN evaluation, and probation	denial of licensure or \$500 fine, IPN evaluation, and suspension followed by probation
SECOND OFFENSE	\$750 fine, IPN evaluation, and suspension followed by probation	denial of licensure and \$1000 fine and permanent revocation

(ww) Providing false or incorrect information to the employer regarding the status of the license.
(64B9-8.005(2)(i), F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	denial of licensure or revocation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or permanent revocation

(4) In licensure and disciplinary matters involving impairment, the applicant or licensee may be referred to IPN in addition to the imposition of the above-outlined disciplinary action.

(5)(a) The Board shall be entitled to deviate from the foregoing guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence, presented to the Board prior to the imposition of a final penalty at informal hearing. If a formal hearing is held, any aggravating or mitigating factors must be submitted to the hearing officer at formal hearing. At the final hearing following a formal hearing, the Board will not hear additional aggravating or mitigating evidence.

(b) Circumstances which may be considered for purposes of mitigation or aggravation of penalty shall include, but are not limited to, the following:

1. The danger to the public.

- 2. Previous disciplinary action against the licensee in this or any other jurisdiction.
- 3. The length of time the licensee has practiced.
- 4. The actual damage, physical or otherwise, caused by the violation.
- 5. The deterrent effect of the penalty imposed.
- 6. Any efforts at rehabilitation.
- 7. Attempts by the licensee to correct or stop violations, or refusal by the licensee to correct or stop violations.
- 8. Cost of treatment.
- 9. Financial hardship.
- 10. Cost of disciplinary proceedings.

Specific Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History--New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 21O-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, 3-23-00, 5-8-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLE: Carriage of Proscribed Nets Across Florida Waters
RULE NO.: 68B-4.0082

PURPOSE AND EFFECT: The purpose of this proposed new rule is to provide clarification and readopt portions of Section 370.092, Florida Statutes, a statute implementing the prohibitions of Article X, Section 16 of the Florida Constitution. Persons operating vessels transporting nets whose use is prohibited by the constitutional provision or laws or rules implementing it, will be required to proceed directly to and from waters where the use of such nets is legal. Hovering or drifting inconsistent with direct transit will constitute a violation of the rule. Minimum sizes for vessels transporting proscribed nets are retained. The effect of the effort will be to assist enforcement and assure that persons operating vessels to transport nets otherwise illegal in the waters of the State of Florida to federal waters (or other jurisdictions where legal) proceed to such destinations as directly and expeditiously as possible, minimizing opportunities for illegal use.

SUMMARY: Subsection (1) of proposed new Rule 68B-4.0082 requires persons operating any vessel with otherwise illegal nets aboard to proceed directly to and from

waters where use of such nets is allowed. Hovering, drifting, or similar activities inconsistent with direct transit is affirmatively prohibited so as to constitute a violation by all persons aboard. Exceptions for persons with docked vessels, persons engaged in aquaculture, and persons operating vessels with trawl nets not deployed are retained.

Subsection (2) prohibits possession of otherwise illegal net gear aboard any vessel less than 22 feet in length and aboard any vessel less than 25 feet in length if the primary power of the vessel is mounted forward of the center point. Vessel length will be determined according to Section 327.02(13), Florida Statutes. Subsection (3) provides an exception from the rule for persons transporting dry nets properly stowed so as to make their immediate use impracticable.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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

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

LAW IMPLEMENTED: Article IV, Section 9 and Article X, Section 16, Florida Constitution.

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, January 23-25, 2002

PLACE: Holiday Inn – Capitol, 1355 Apalachee Parkway, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-4.0082 Carriage of Proscribed Nets Across Florida Waters.

(1) No person shall operate (as that term is defined by Section 327.02(25), Florida Statutes) any vessel containing or otherwise transporting in or on Florida waters any gill net, entangling net, or seine or other rectangular net containing a mesh size larger than two inches stretched mesh, or any vessel containing or otherwise transporting in or on nearshore and inshore Florida waters any net containing more than 500 square feet of mesh area, unless such person proceeds as directly, continuously, and expeditiously as possible from the place where the vessel is regularly docked, moored, or otherwise stored to waters where the use of said nets is lawful, and from waters where the use of said nets is lawful back to the place where the vessel is regularly docked, moored, or otherwise stored or back to the licensed wholesale dealer where the catch is to be sold. Hovering, drifting, and other similar activities inconsistent with the direct, continuous, and expeditious transit of such vessels shall constitute a violation of this rule by each person present aboard the vessel. The presence of fish in such a proscribed net shall not constitute a violation hereof if the persons on board the vessel are otherwise in compliance with this rule. This subsection shall not apply to:

- (a) Persons with docked vessels;
- (b) Persons with vessels utilizing nets in a licensed aquaculture operation; or
- (c) Persons operating vessels containing trawl nets as long as the trawl doors or frame are not deployed in the water.

(2) Notwithstanding subsection (1), no person shall possess any gill or entangling net, any seine or other rectangular net with mesh size larger than 2 inches stretched mesh, or any seine larger than 500 square feet in mesh area, on any airboat, or on any other vessel less than 22 feet in length and on any vessel less than 25 feet in length if the primary power of the vessel is mounted forward of the vessel center point. Vessel length shall be determined as provided in Section 327.02(13), Florida Statutes.

(3) This rule shall not apply to persons operating vessels containing or otherwise transporting dry nets that are rolled, folded, or otherwise properly and securely stowed in sealed containers or compartments so as to make their immediate use as fishing implements impracticable.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9 and Art X, Sec. 16, Fla. Const. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Southwest Florida Shells

RULE TITLE: Live Shellfish, Regulation RULE NO.: 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 amendment 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.

SUMMARY: Subsection (1) of Rule 68B-26.003, F.A.C., is amended to extend the prohibition on live shellfish harvest that currently applies to Sanibel and Ft. Myers Beach in Lee County to include all of the county.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, January 23-25, 2002

PLACE: Holiday Inn – Capitol, 1355 Apalachee Parkway, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

THE FULL TEXT OF THE PROPOSED RULE 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Shrimp

RULE TITLE:

RULE NO.:

Statewide Live Bait Shrimp

Production Restrictions

68B-31.008

PURPOSE AND EFFECT: The purpose of this rule amendment is to standardize statewide the capacity requirements for shoreside live well storage facilities for live bait shrimp at 32 cubic feet of water. The effect of this rule amendment should be to bring small-scale live bait dealers into compliance with the rule.

SUMMARY: Paragraph (2)(a) of Rule 68B-31.008, F.A.C., is stricken and the live well requirements of paragraph (2)(b) for vessels, transport vehicles, and shoreside facilities holding live bait shrimp currently applicable to Northeast Florida are made statewide requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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

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

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

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, January 23-25, 2002

PLACE: Holiday Inn – Capitol, 1355 Apalachee Parkway, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-31.008 Statewide Live Bait Shrimp Production Restrictions.

Each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall comply with the requirements specified in this rule.

- (1) No change.
- (2) Live Well Requirements

~~(a) Except as provided in paragraph (b), Each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall have aboard the vessel being used for such harvest a continuously circulating live well with a capacity of at least 16 cubic feet of water for the purpose of maintaining harvested shrimp in a healthy condition. Each person selling live bait shrimp as a wholesale or retail dealer shall store and transport such shrimp in a continuously circulating live well, with a capacity of at least 64 cubic feet of water in the storage facility and 32 cubic feet of water on any delivery vehicle, for the purpose of maintaining the shrimp in a healthy condition until transfer of possession upon sale.~~

~~(b) In Nassau, Duval, St. Johns, and Flagler Counties, Shrimp harvested as live bait pursuant to this rule shall be constantly maintained in wet live storage condition to~~

minimize mortality. All such shrimp harvested by use of allowable trawling gear shall be directly and expeditiously transported from the harvesting vessel to onshore facilities on the premises of a licensed wholesale or retail saltwater products dealer with equipment functioning to maintain the quality of shrimp delivered in a live, healthy condition. Shrimp so delivered shall be placed in a tank of clean saline, aerated water at that facility and shall be maintained alive throughout all handling and storage processes. Equipment to maintain live bait shrimp during harvest pursuant to this rule and during subsequent transport and storage shall, at a minimum, meet the following requirements.

~~(a)1-~~ Vessel requirements – Each vessel engaged in the harvest of live bait shrimp ~~in these counties~~ pursuant to this rule shall be equipped with a watertight tank, containing a minimum of 16 cubic feet of continuously aerated saline water during such harvest and during transport of any live bait shrimp.

~~(b)2-~~ Vehicle requirements – Each vehicle used to transport live bait shrimp harvested ~~in these counties~~ pursuant to this rule shall be equipped with a watertight tank, containing a minimum of 32 cubic feet of continuously aerated saline water during transport and holding on the vehicle.

~~(c)3-~~ Storage requirements – Each facility used to store live bait shrimp harvested pursuant to this rule, on the premises of a licensed wholesale or retail saltwater products dealer, shall be equipped with a watertight tank, containing a minimum of 32 cubic feet of continuously aerated saline water during storage.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-92, Amended 10-3-94, 1-1-96, Formerly 46-31.008, Amended 12-2-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Marine Life

RULE TITLE: RULE NO.:

Commercial Season, Harvest Limits 68B-42.006

PURPOSE AND EFFECT: The purpose of this rule amendment is to extend the current moratorium on the issuance of new marine life fishery endorsements from July 1, 2002,

until July 1, 2005. The effect will be to retain the cap on the number of participants in this highly competitive fishery and assist in the management of these tropical marine life species.

SUMMARY: Subsection (1) of Rule 68B-42.006, F.A.C., is amended by designating the current subsection as paragraph (1)(a) and adding a paragraph (1)(b) to extend the moratorium on issuance of new marine life endorsements until July 1, 2005, while retaining current provisions in Section 370.06(2)(d), Florida Statutes, regarding renewal deadlines and the endorsement fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, January 23-25, 2002

PLACE: Holiday Inn – Capitol, 1355 Apalachee Parkway, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-42.006 Commercial Season, Harvest Limits.

(1)(a) Except as provided in Rule 68B-42.008(7), no person shall harvest, possess while in or on the waters of the state, or land quantities of tropical ornamental marine life species or tropical ornamental marine plants in excess of the bag limits established in Rule 68B-42.005 unless such person possesses a valid saltwater products license with both a marine life fishery endorsement and a restricted species endorsement issued by the Fish and Wildlife Conservation Commission.

(b) Notwithstanding s. 370.06(2)(d)2.a., Florida Statutes, effective July 1, 2002, and until July 1, 2005, a marine life fishery endorsement may not be issued, except that those endorsements that were active during the 2001-2002 fiscal year may be renewed. In 2002 and in subsequent years until July 1, 2005, persons or corporations holding a marine life fishery endorsement that was active in the 2001-2002 fiscal year or an immediate family member of that person must request renewal of the marine life fishery endorsement before September 30 of each year. All provisions of s. 370.06(2)(d)1., 2. d.-g., and 3., Florida Statutes, shall continue to apply to the issuance and renewal of marine life fishery endorsements with the applicable dates specified in this paragraph.

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 46-42.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2001

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Blue Crabs

RULE TITLE:	RULE NO.:
Regulation and Prohibition of Certain Harvesting Gear	68B-45.004

PURPOSE AND EFFECT: The purpose of this rule amendment is to extend the current moratorium on the issuance of new blue crab endorsements from July 1, 2002, until July 1, 2005. The effect will be to retain the cap on the number of participants in this highly competitive fishery and assist in the management of blue crabs.

SUMMARY: This rule will create a Slow Speed Minimum Wake boating restricted area within the right-of-way of the Florida Intracoastal Waterway from 300 feet east-southeast of the abandoned CSX railroad bridge to 300 feet west-northwest of the center fender system of the Gasparilla Island Causeway Bridge and a Slow Speed Minimum Wake boating restricted area from shoreline to shoreline within 300 feet north and south of the center line of the Tom Adams Bridge.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: The Commission has not prepared a formal statement of the estimated regulatory cost.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE COMMISSION MEETING DESCRIBED BELOW:

TIME AND DATES: 8:30 a.m. each day, January 23-25, 2002

PLACE: Holiday Inn Capital, 1355 Apalachee Parkway, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Captain Alan S. Richard, Coordinator, Boating Safety and Waterway Management, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-24.108 Charlotte County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Intracoastal Waterway in Charlotte County, Florida, the following Boating Restricted Areas are ~~Area is~~ established:

(a) 1. Cape Haze – A Slow Speed Minimum Wake boating restricted area zone from shoreline to shoreline, in and adjacent to the Intracoastal Waterway, from a line drawn east/west

across the waterway 4,982 feet south east of platted Lot Number 6 within the Cape Haze Subdivision, Section 3, Township 42S, Range 20E, in Charlotte County, Florida, to a line drawn perpendicular to the centerline of the waterway 2,552 feet northwest of said Lot, as depicted in drawing A.

2. Gasparilla Island Bridge – a Slow Speed Minimum Wake boating restricted area within the right-of-way of the Florida Intracoastal Waterway from a line drawn perpendicular to the center line of the waterway 300 feet east-southeast of the abandoned CSX railroad bridge to a line drawn perpendicular to the center line of the waterway 300 feet west-northwest of the center fender system of the Gasparilla Island Causeway Bridge, as depicted in drawing B.

3. Tom Adams Bridge – a Slow Speed Minimum Wake boating restricted area on all waters in and adjacent to the Florida Intracoastal Waterway, from shoreline to shoreline, bounded on the northwest by a line drawn parallel to the center line of the Tom Adams Bridge 300 feet northwest of the centerline of said bridge, bounded on the southwest by the shoreline and by a line drawn perpendicular to the centerline of said bridge running from the southwest terminus of the bridge northwest until it intersects with the northwest boundary line (26°56'00"N, 82°21'19"W), bounded on the southeast by a line drawn parallel to the center line of said bridge 300 feet southeast of the centerline of said bridge, and bounded on the east and northeast by the shoreline, as depicted in drawing C.

(b) Charlotte County and the Gasparilla Island Bridge Authority are ~~is~~ authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within such boating restricted areas.

(2) The boating restricted areas described in Rule 68D-24.108, F.A.C. ~~are~~ is depicted on the following drawings:

SEE FLORIDA ADMINISTRATIVE CODE FOR
THE CAPE HAZE BOATING RESTRICTED AREA
DRAWING
WHICH WILL BE DESIGNATED AS DRAWING A.

ADD DRAWING B AND DRAWING C
1 PAGE OF 1

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History--New 6-27-95, Formerly 62N-24.108, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Captain Alan S. Richard, Coordinator, Office of Boating Safety and Waterway Management, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Colonel Robert Edwards, Director, Division of Law Enforcement, Fish and Wildlife Conservation Commission, Tallahassee, Florida 32399-1600

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

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

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.028
RULE TITLE: State Write-in Ballot

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.028, published in the Florida Administrative Weekly, Pages 5207-5208, Vol. 27, No. 45, on November 9, 2001, has been changed to reflect comments received from the Joint Administrative Procedures Committee.

Paragraph (4) has been added to Section 1S-2.028 so that it now reads:

(4) Additional local races, for which the voter may otherwise be entitled to vote, may be inserted at the end of the form.

Specific Authority 101.6951 FS. Law Implemented 101.6951 FS. History--New _____.

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.029
RULE TITLE: Eligibility for Late Registration by Overseas Voters

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, published in the Florida Administrative Weekly, Vol. 27, No. 45, on November 9, 2001, has been withdrawn.

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.030
RULE TITLE: Electronic Transmission of Absentee Ballots

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, published in the Florida Administrative Weekly, Vol. 27, No. 45, on November 9, 2001, has been withdrawn.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE NO.: 3C-560.906
RULE TITLE: Consumer Credit Counseling Services

NOTICE OF CHANGE

Notice is hereby given that the Department has made the following changes to the above referenced rule, which was originally published in the September 28, 2001, Vol. 27, No. 39, issue of the Florida Administrative Weekly.

3C-560.906 Consumer Credit Counseling Services.

(1) The Department shall publish a list of consumer credit counseling agencies by October 1 of each calendar year via the Department's website (www.dbf.state.fl.us). The Department will accept requests from consumer credit counseling agencies to be included on the list on an ongoing basis and may periodically republish the list at its discretion. If the Department makes a decision to publish the list more often, a notice of such change will be posted on the Department's website. The provider will then be responsible for making and distributing such additional copies of the list to all branch locations engaging in deferred presentment transactions.

(2) Every deferred presentment provider shall maintain a copy of the Department's list of approved consumer credit counseling agencies and shall provide a copy of the list, free of charge, to any drawer who requests the grace period in accordance with the provisions of Section 560.404(22), F.S.

(3) The list shall consist of nonprofit agencies that provide consumer credit counseling services to Florida residents in person, by telephone, or through the internet and may be used by drawers to satisfy the requirements for obtaining a sixty (60) day grace period.

(4) In order to verify that a drawer has made an appointment with a consumer credit counseling agency, the provider may require the drawer to provide it with the name and telephone number of the agency with which the drawer has made the appointment.

(5)(a) If the drawer completes consumer credit counseling within sixty (60) days and chooses to enter into a contractual repayment plan, the drawer shall have until the end of the

repayment plan to pay the deferred presentment provider the total amount owed in accordance with the terms of the repayment plan.

(b) A repayment plan should be based upon each drawer's individual financial needs as assessed by the consumer credit counseling agency. The counseling agency shall exercise its discretion in arriving at the terms of a repayment plan and is not required to negotiate or obtain the approval of the deferred presentment provider regarding the terms of such repayment plan. A consumer credit counseling agency shall not reduce the amount owing on a deferred presentment agreement without the consent of the deferred presentment provider.

(c) Payments on such repayment plans may be made directly to the deferred presentment provider or to the consumer credit counseling agency depending upon the normal business practice of the counseling agency. Any payment in full by a drawer to a consumer credit counseling agency, made in accordance with the terms of the repayment agreement, shall be considered paid to the deferred presentment provider as of that date. The consumer credit counseling agency shall forward all such payments to the deferred presentment provider within thirty (30) days. Under no circumstances shall a consumer credit counseling agency hold or aggregate any such payments unless they have obtained the consent of the deferred presentment provider.

(6) In situations where a drawer has chosen to enter into a repayment plan, the drawer shall submit a copy of the repayment proposal affecting the provider to such provider not later than the 60th day after the end of the deferment period. A provider who has not received such a proposal may deposit or present the drawer's check for payment in accordance with the provisions of subsection (8) of this rule.

(7) Upon the drawer's completion of the debt repayment plan, the deferred presentment provider shall pay one-half of the drawer's fee for the deferred presentment transaction to the consumer credit counseling agency as its contribution to the agency.

(8)(a) A provider may deposit or present the drawer's check for payment or seek collection through any civil remedy allowed by Part IV of Chapter 560, F.S., at any time after the expiration of the sixty (60) day grace period if:

1. the drawer has failed to enter into a debt repayment plan within the sixty (60) day grace period; or
2. the drawer entered into and subsequently withdrew or defaulted on the debt repayment plan.

(b) A provider shall be limited to collecting only the face amount of the drawer's check. The provider shall refund to the drawer any amount received by the provider in excess of the face amount of the drawer's check. The calculation of this excess amount shall include all payments made by the drawer on the repayment plan and the total amount collected on the check.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New _____.

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-204.001	Purpose and Scope
4-204.002	Definitions
4-204.004	Form Filings
4-204.006	Forms Review
4-204.010	Viatical Settlement Contracts and Forms Related Thereto
4-204.012	Viatical Settlement Purchase Agreements
4-204.022	Required Business Records in General
4-204.025	Department forms

NOTICE OF ADDITIONAL HEARING

PROPOSED RULE DEVELOPMENT PUBLICATION: Vol. 26, No. 41, October 13, 2001

PROPOSED RULE HEARING PUBLICATION: Vol. 27, No. 45, November 9, 2001

PURPOSE AND EFFECT: To promulgate a rule chapter to implement the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes. The rule is mandatory.

SUMMARY: This rule is mandated by the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes. The rule contains, among other things, definitions of terms used in the act, disclosure for purchases of viatical settlements, record keeping requirements related to executed viatical settlement contracts and viatical settlement purchase agreements, collection of date, advertising and reporting of life expectancies. There have been two (2) previous workshops on this matter.

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: 626.9921, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925 FS.

LAW IMPLEMENTED: 626.9911, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925, 626.99277 FS.

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

TIME AND DATE: 9:00 a.m., April 1, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ted Straughn, Specialty Insurers, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0331, phone (850)413-2474

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NOS.:	RULE TITLES:
5L-1.001	General Requirements and Intent
5L-1.002	Definitions
5L-1.004	Production and Market Standards
5L-1.005	Shellfish Processing Plant Certification License and Fees
5L-1.006	Compliance and Penalties
5L-1.007	Container Identification, Terminal Sale Date; Prohibitions
5L-1.008	Shellfish Handling
5L-1.009	Shellfish Relaying
5L-1.010	Buildings and Facilities
5L-1.012	Sanitary Operations

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. 39, September 28, 2001, issue of the Florida Administrative Weekly:

- 5L-1.001(3)(a)(c) "Aquacultured" shellfish were added.
- 5L-1.001(3) "Local" agencies were added.
- 5L-1.001(6)(a)1.-7. The revised date of April 1, 2000 was added.
- 5L-1.002(5) It was clarified that the certified shellfish dealer shall be held accountable for compliance with all laws, rules and permits which are applicable to the shellfish business operation.
- 5L-1.002(17) Adds "as described in Chapter XV of the National Shellfish Sanitation Program Guide For the Control of Molluscan Shellfish Model Ordinance 1999 as incorporated herein under paragraph 5L-1.001(6)(b), F.A.C." to describe the approved controlled purification process.
- 5L-1.002(18) Applicability clarified "The designated representative shall be held accountable for compliance with all laws, rules and permits applicable to 'the shellfish' business operation."
- 5L-1.002(21) Defines shellfish in the shell as food.
- 5L-1.002(25) Adds clam meat.
- 5L-1.002(41) Adds dogs and cats.
- 5L-1.002(42) Applicability clarified "The plant supervisor shall be held accountable for compliance with all laws, rules and permits applicable to 'the shellfish' business operation."
- 5L-1.002(45) Adds "revised as of July 1, 2000."

5L-1.004(1) Adds the term adulterated and refers to sections that define it for use in this section, and further directs the Department to reject or seize product that meets the definition of adulterated.

5L-1.004 Authority – Florida Statutes 500.10 and 500.172 were added as Law Implemented and 500.09 as Specific Authority.

5L-1.005(1) Emphasizes that the completed application form is required for certification or re-certification.

5L-1.005(3) States that after a water supply has been repaired or disinfected, a water sample be immediately submitted for testing and approval.

5L-1.005(6) Making sure that people understand that the application is the Shellfish Processing Plant Certification License form.

5L-1.006(1)(c) This verbiage clarifies that sanctions will be imposed on certified shellfish dealers when there are repeat "Critical" deficiencies after the initial inspection after certification.

This verbiage makes certain that it is the certified shellfish dealer who is sanctioned for a repeat "Key" deficiency.

This verbiage makes certain that it is the certified shellfish dealer who is sanctioned when repeat "Other" deficiencies are found after an initial inspection that leads to certification.

5L-1.006(1)(d) Changes terminology to "Notice of Rights" and informs the regulated industry that they can contest a warning letter by requesting an administrative hearing to be conducted in accordance with Sections 120.569 and 120.57, Florida Statutes.

5L-1.006(6) Delete verbiage that states fine money will be used to educate people in the shellfish industry.

5L-1.006 Authority – Florida Statutes 500.172 and 500.121(1) were added to Specific Authority and Law Implemented.

5L-1.007(3) Added indelible to help describe commercial harvester's tags.

5L-1.007(5) Semantics change, proper verbiage. Added "during" depuration and wet "storing".

5L-1.007(6) Added "waterproof" to describe dealer's tags.

5L-1.008(2) Added "or pets" to describe to the regulated industry that pets shall not be allowed on vessels or vehicles used to harvest or transport shellfish.

5L-1.008(5) Added "it is the harvesters responsibility that" and "the harvester shall assure that" shellfish shall be "delivered to a certified dealer". This verbiage clarifies the responsibility of the harvester and the responsibility of the certified shellfish dealer.

5L-1.008(6) Added "cumulative" to help describe the amount of time shellstock could remain outside of temperature control.

5L-1.008(6) Added “within the processing plant” to help describe where the points of transfer are located.

5L-1.008(7) This subsection was added “Shellfish leaving a certified shellfish dealer must be transported in an enclosed, refrigerated conveyance with doors closed securely. The refrigeration unit must be capable of maintaining an ambient temperature of 45°F or less at all times” because industry wants to make certain that product is transported in an acceptable manner.

5L-1.009(4)(e) Added “of the Florida Fish and Wildlife Conservation Commission” to clarify who the local Marine Enforcement District Office people are.

5L-1.009(4)(n)1. Added “of the Florida Fish and Wildlife Conservation Commission” to clarify who the local Marine Enforcement District Office people are.

5L-1.009(6)(a) Taken out at JAPC request. FDACS does not enforce 370.021, F.S.

5L-1.010(1) Added “At a minimum for shellstock, depuration and on shore wet storage operations, the structure shall have a sealed roof and screened walls. At a minimum, shucker packer and repacker operations shall have a sealed roof, solid walls, and sealed flooring.” because industry wanted more strict rules to adequately protect the product and reputation of the industry.

5L-1.012(3) The revision date of “April 1, 2000” was added.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-72	Product Approval
RULE NOS.:	RULE TITLES:
9B-72.010	Definitions
9B-72.030	Local Product Approval Generally
9B-72.040	Product Evaluation for Local Approval
9B-72.050	Approval by Local Jurisdiction
9B-72.060	Statewide Product Approval Generally
9B-72.070	Product Evaluation for Statewide Approval
9B-72.080	Validation of Evaluation for Statewide Approval
9B-72.090	Statewide Approval by Building Commission
9B-72.100	Approval of Entities to Perform Evaluation, Validation Testing, Certification and Quality Assurance
9B-72.110	Criteria for Certification of Independence

9B-72.120	List of Approved Entities
9B-72.130	Forms
9B-72.160	Revocation or Modification of Product Approval and Approval of Entities
9B-72.170	Investigation
9B-72.180	Equivalence of Standards
9B-72.190	Reference Standards

NOTICE OF ADDITIONAL PUBLIC

HEARING AND RULEMAKING PROCEEDINGS

The Florida Building Commission hereby gives notice that additional public hearings on the above-referenced rule will be held on January 8, 2002, 9:15 a.m. and February 12, 2002, 9:00 a.m., Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida. The hearing in January is being held to consider public comments regarding the proposed rule including the Product Approval Ad Hoc Committee’s recommendations in response to public comments at the rule hearings of October 2, 2001 and December 4, 2001. The Commission had previously recommended changes in the proposed rule based upon comments made at the rule hearing on October 2, 2001, but has not finalized those recommendations to permit additional public input. On January 8, 2002, the Commission shall review its previous actions as well as additional comments received since October and approve proposed changes to the proposed rule. The text of the changes within the proposed rule will be considered at the Commission meeting on February 12, 2002. The rule was originally published in Vol. 27, No. 31, of the August 3, 2001 issue of the Florida Administrative Weekly.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

ADMINISTRATION COMMISSION

RULE NO.:	RULE TITLE:
28-20.100	Land Planning Regulations for the Florida Keys Area of Critical State Concern – Monroe County

NOTICE OF CORRECTION

The following language for the above proposed rule published in Vol. 27, No. 44, November 2, 2001 issue of the Florida Administrative Weekly contained an error on page 5115 – the words “cesspits in areas” were inadvertently stricken out. It should read as follows:

YEAR SIX (July 13, 2002 through July 12, 2003)

~~D.E.~~ Complete the elimination of all cesspits in areas outside of Hot Spots.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.506 RULE TITLE: Staff Housing Agreement Form

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 43, August 24, 2001, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.205 RULE TITLE: Inmate Telephone Use

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 34, August 24, 2001, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-4.002 RULE TITLE: Advertising and Soliciting by Dentists

NOTICE OF PUBLIC HEARING

The Board of Dentistry hereby gives notice of a public hearing on the above-referenced rule to be held on January 18, 2002, 1:00 p.m., or shortly thereafter at The Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida. The rule was originally published in Vol. 27, No. 40, of the October 5, 2001, Florida Administrative Weekly. This hearing is being held in response to several letters received from the staff of the Joint Administrative Procedures Committee.

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

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).

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.0075 RULE TITLE: Osteopathic Physician Office Incident Reporting

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 44, November 2, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee. Subsection (2)(a) of this rule shall now read as follows:

(2)(a) Incident Reports. The incident reporting system shall include the prompt, postmarked and sent by certified mail within 15 calendar days after the occurrence of the adverse incident, reporting of incidents to the Agency for Health Care Administration, Consumer Services Unit, Post Office Box 14000, Tallahassee, Florida 32317-4000. The report shall be made on the Physician Office Incident Report, Form # DH-MQA 1030-created 2-00; revised 9-6-01, incorporated herein by reference, effective _____. The report must be submitted by every licensee who was involved in the adverse incident. If multiple licensees are involved in the adverse incident, they may meet this requirement by signing off on one report; however, each signee is responsible for the accuracy of the report. This report shall contain the following information:

1. The patient’s name, locating information, gender, age, diagnosis, date of office visit, and purpose of office visit.
2. A clear and concise description of the incident including time, date, and exact location within the office.
3. A listing of all persons then known to be involved directly in the incident, including license numbers and locating information, and a description of the person’s exact involvement and actions.
4. A listing of any witnesses not previously identified in 3.
5. The name, license number, locating information, and signature of the osteopathic physician or licensee submitting the report, along with date and time that the report was completed.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Easton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Road, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-2.002 RULE TITLE: Initial Licensure Fee for Physical Therapists

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 42, October 19, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-2.004
 RULE TITLE: Initial Licensure Fee for Physical Therapists Assistants

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 42, October 19, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.002
 RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 42, October 19, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.002
 RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 42, October 19, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-9.001
 RULE TITLE: Continuing Education

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 42, October 19, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**Section IV
 Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Electronic Funds Transfer Delinquencies
 RULE NO.: 53ER01-77

SUMMARY OF THE RULE: This emergency rule replaces Emergency Rule 53ER94-62 and sets forth the procedures that the Florida Lottery shall apply to retailers with Electronic Funds Transfer (EFT) delinquencies.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-77 Electronic Funds Transfer Delinquencies.

(1) The following procedures apply to Electronic Funds Transfer (EFT) delinquencies:

(a) For all delinquencies that occur in a twelve-month period, the retailer's ability to sell on-line lottery tickets and order instant tickets shall be suspended.

(b) For a first or second delinquency in a twelve-month period, the retailer shall be required to pay the delinquency in full plus applicable service charges prior to reactivation of its ability to sell on-line lottery tickets and order instant tickets.

(c) For a third delinquency in a twelve-month period, the retailer shall be required to pay the delinquency in full plus applicable service charges and post a certificate of deposit or performance bond with the Florida Lottery prior to reactivation of its ability to sell on-line lottery tickets and order instant

tickets. The amount of the security shall not exceed twice the retailer's average weekly ticket sales as determined by the Lottery.

(d) For a fourth delinquency in a twelve-month period, a review of the retailer account will be performed by the Lottery to determine if the retailer's contract will be terminated. In making its determination, the Lottery will review factors such as the retailer's Lottery accounts receivable transactions and Lottery sales history. If the retailer contract is not terminated, the Lottery will make a determination as to whether the security amount is to be increased.

(e) The Lottery is authorized to terminate a retailer's contract prior to a fourth delinquency in a twelve-month period if the Lottery determines that such action is necessary in order to protect the state's financial interests.

(f) For each delinquency, the retailer shall be assessed a non-refundable service charge of fifteen dollars per incident or five percent of the amount due per incident, whichever is greater, up to a maximum of one hundred-fifty dollars. The Lottery will assess only one service fee to retailer chain accounts that use the same bank account for all stores. The assessed fee shall be five percent of the total amount due for all locations up to a maximum of one hundred-fifty dollars. Payment of the delinquent settlement amount and any applicable service charges is due immediately from the retailer.

(g) If the delinquency and/or service charges are outstanding for more than five business days, the Lottery district office will be instructed to settle the sold instant tickets and pick up any remaining instant ticket inventory. An on-line retailer's access to computerized Lottery transactions will be limited to redeeming winning tickets and printing reports until Lottery Headquarters has received notification of payment in full.

(h) To satisfy an EFT delinquency, the retailer may:

1. Deposit a Cashier's check or money order made payable to the Florida Lottery into a specified Lottery bank account;

2. Wire transfer the funds into a specified Lottery bank account; or

3. Deliver a Cashier's check or money order to a Lottery office.

(i) In the event a bank account is unavailable for EFT activity, the Lottery will accept a prepayment for the settlement amount if the prepayment is received by the Lottery prior to 5:00 p.m., Eastern Time, on the day before the EFT would normally occur. A service charge will not be applied to the first five prepayments made by a retailer in a twelve-month period; however, retailers who make more than five prepayments in a twelve-month period will be assessed a service charge as described in paragraph (1)(f) above for each additional prepayment. The Lottery reserves the right to waive the service charge upon showing of good cause by a retailer.

(j) The Lottery will actively pursue collection of all delinquencies that are not paid through the process described above. Methods of collection may include, but are not limited to, filing judicial proceedings and referral of the delinquent accounts to the Office of the Comptroller.

(2) The emergency rule replaces Emergency Rule 53ER94-62, Florida Administrative Code.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(1) FS. History--New 12-11-01, Replaces 53ER94-62, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: December 11, 2001

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from BellSouth Telecommunications, Inc. in Docket No. 010097-TL, filed December 7, 2001, seeking waiver from subsection 25-4.066(2), paragraph 25-4.070(3)(a), and 25-4.070(1)(b), Florida Administrative Code. The rules address service standards.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services. Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice.

For additional information, please contact Jason Fudge, Division of Legal Services, at the above address or telephone (850)413-6236.

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Florida Power Corporation, filed November 28, 2001, in Docket No. 011611-EI, seeking a waiver of paragraph 25-6.0436(8)(a), Florida Administrative Code. The rule requires investor-owned electric utilities to file a comprehensive depreciation study at least once every four years from the submission date of the previous study. Comments on the petition should be filed with the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services. For additional information, please contact Linda Dodson, Division of Legal Services, at the above address or telephone (850)413-6216.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

On December 14, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from E-Z Serve Convenient Stores, Incorporated, requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1137. A Notice of Receipt of Petition for Variance/Waiver was published in the December 29, 2000, F.A.W. On June 20, 2001, the petition was granted for certain records from ViroGroup.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn: Rebecca Grace.

On May 29, 2001, the Department received a request, pursuant to Section 120.542, F.S. (2000), from United States Air Force, for Eglin Air Force Base, seeking a waiver from subparagraph 62-761.500(3)(b)1., F.A.C., regarding aboveground storage tank construction requirements for its mobile fuel tanks used with jet engine test cells. The petition was assigned OGC case #01-0897. A Notice of Receipt of Petition for Variance/Waiver was published in the June 15, 2001, F.A.W. On December 4, 2001, the United States Air Force withdrew the request for waiver. No comments from the public were received.

Copies may be obtained from: Department of Environmental Protection, Bureau of Petroleum Storage Systems, Mail Station 4575, 2600 Blair Stone Rd., Tallahassee, Florida 32399-2400, Attn: John Svec.

On September 21, 2001, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from Waste Management, Incorporated, requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #01-0957. A Notice of Receipt of Petition for Variance/Waiver was published in the October 12, 2001, F.A.W. On November 26, 2001, the petition was granted for certain records from TransAmerican Environmental, Inc. and payment records from Ruth O'Connell and Florida Industrial Management.

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: Rebecca Grace.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on December 3, 2001, a petition from Natural Resource Recovery Group, Inc. for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 01-1544 and is for the Remedial Action-Year One, First Half program task for the Mad Hatter Muffler facility located at 10050 N. W. 7th Avenue, Miami, FL, FDEP Facility #139101150.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on December 5, 2001, a petition from Armand and Carmel Guida requesting a waiver pursuant to Chapter 120.542, F.S., of the \$500 ATRP deductible required under paragraph 62-769.800(4)(c), F.A.C. The petition has been assigned OGC case number 01-1928.

Copies may be received from, and written comments submitted to: Ms. Megan Moreau, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors hereby gives notice that on November 8, 2001, it received a petition from Rene R. Glover Seuntjens, seeking a waiver from Rule 64B4-3.003, F.A.C. which addresses licensure examination.

The Board will discuss this matter on January 17, 2002, 9:00 a.m. or shortly thereafter, at the Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida, (813)874-5004.

Comments on this petition should be filed with the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors hereby gives notice that on October 10, 2001, it received a petition from Wanda Furs-Julius, seeking a waiver from subsection 64B4-3.003(3)(c), F.A.C. which addresses the licensure examination of mental health counselors.

The Board will discuss this matter on January 3, 2002, 9:00 a.m. or shortly thereafter, during a telephone conference call General Business meeting at meet me number (850)488-5776, Suncom 278-5776.

Comments on this petition should be filed with the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3255.

For a copy of the petition, contact: Sue Foster Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

FLORIDA HOUSING FINANCE CORPORATION

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Variance from or Waiver of subsection 9I-47.140(5), Florida Administrative Code.

NAME OF THE PETITIONER: Timberwind Estates, Inc.

DATE PETITION WAS FILED: October 12, 2001

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 9I-47.140(5), Florida Administrative Code, Timberwind Estates, Inc. requests a variance from the rule which provides that the all units receiving HOME Second Mortgage loan financing to have closed by November 30, 2001.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 19, 2001, Vol. 27, No. 42.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: December 6, 2001

THE GENERAL BASIS FOR THE DECISION: Failure to grant a variance from subsection 9I-47.140(5), Florida Administrative Code, will create a substantial hardship on Timberwind Estates, Inc. as they will not be able to complete the construction and will not be able to close on the pre sale contracts with the Eligible Home Buyers of the homes.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila

Freaney, Public Records Clerk, at the above address, telephone (850)488-4198 or e-mail to Sheila.freaney@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Variance from or Waiver of subsection 9I-47.140(5), Florida Administrative Code.

NAME OF THE PETITIONER: Cross Creek Joint Venture

DATE PETITION WAS FILED: October 12, 2001

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 9I-47.140(5), Florida Administrative Code, Cross Creek requests a variance from the rule which provides that the all units receiving HOME Second Mortgage loan financing to have closed by September 4, 2001

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 26, 2001, Vol. 27, No. 43.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: December 6, 2001

THE GENERAL BASIS FOR THE DECISION: Failure to grant a variance from subsection 9I-47.140(5), Florida Administrative Code, as promulgated in 1997, will create a substantial hardship on Cross Creek as they will not be able to complete the construction and will not be able to close on the pre sale contracts with the Eligible Home Buyers of the homes.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198 or e-mail to Sheila.freaney@floridahousing.org.

NOTICE IS HEREBY GIVEN that on October 4, 2001, Florida Housing Finance Corporation (“Florida Housing”) received a Petition for Variance From or Waiver of paragraph 67-44.003(6)(a), Florida Administrative Code, from Three Rivers Housing Foundation (the “Petition”). On October 11, 2001, Florida Housing received a withdrawal of the Petition. Based on the withdrawal of the Petition, Florida Housing entered an Order Closing File on December 7, 2001.

Requests for copies or inspections of the Petition, Order Closing File or withdrawal should be made to: Sheila Freaney, Public Records Clerk, Florida Housing Finance Corporation,

227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329, telephone (850)488-4198 or e-mail to Sheila.freaney@floridahousing.org.

227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329, telephone (850)488-4198 or e-mail to Sheila.freaney@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Variance from or Waiver of subsection 67-44.004(3), Florida Administrative Code.

NAME OF THE PETITIONER: Tampa Bay Community Development Corporation

DATE PETITION WAS FILED: October 3, 2001

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-44.004(3), Florida Administrative Code, Petitioner, seeks to substitute five (5) lots in Phase I, which are owned by the seller, Hunter’s Lake Joint Venture, for 5 of the 19 lots identified in Tampa Bay’s Application for HAP funds.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 19, 2001, Vol. 27, No. 42.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: December 6, 2001

THE GENERAL BASIS FOR THE DECISION: Failure to grant a variance from subsection 9I-47.140(5), Florida Administrative Code, will create a substantial hardship on Timberwind Estates, Inc. as they will not be able to complete the construction and will not be able to close on the pre sale contracts with the Eligible Home Buyers of the homes.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198 or e-mail to Sheila.freaney@floridahousing.org.

NOTICE IS HEREBY GIVEN that on September 25, 2001, Florida Housing Finance Corporation (“Florida Housing”) received an Amended Petition for Variance from or Waiver of subsection 67-47.100(2), F.A.C. (“Petition”) from Florida Low Income Housing Associates, Inc. (2000HH-011) Marion County Scattered Sites, II. On October 19, 2001, Florida Housing received a withdrawal of the Petition. Based on the withdrawal of the Petition, Florida Housing entered an Order Closing File on December 7, 2001.

Requests for copies or inspections of the Petition, Order Closing File or withdrawal should be made to: Sheila Freaney, Public Records Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329, telephone (850)488-4198 or e-mail to Sheila.freaney@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting in part Petition for Waiver of Rules 67-47.120, .130, .140 & .150, Florida Administrative Code.

NAME OF THE PETITIONER: Ocala Housing Authority

DATE PETITION WAS FILED: October 12, 2001

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rules 67-47.120, .130, .140 & .150, Florida Administrative Code. Ocala Housing Authority is seeking a variance from the rule which provides that the HOME Homeownership Construction Funds be used during the construction for down payment and closing cost assistance only.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 2, 2001, Vol. 27, No. 44.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: December 6, 2001

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila

NOTICE IS HEREBY GIVEN that on October 11, 2001, Florida Housing Finance Corporation received a Petition for Variance from or Waiver of subsection 67-44.004(3), Florida Administrative Code, from Hope Properties, Inc. (the “Petition”). On October 11, 2001, Florida Housing received a withdrawal of the Petition. Based on the withdrawal of the Petition, Florida Housing entered an Order Closing File on December 7, 2001.

Requests for copies or inspections of the Petition, Order Closing File or withdrawal should be made to: Sheila Freaney, Public Records Clerk, Florida Housing Finance Corporation,

Freaney, Public Records Clerk, at the above address, telephone (850)488-4198 or e-mail to Sheila.freaney@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting in part Petition for Waiver of Rules 67-47.120, .130, .140 & .150, Florida Administrative Code.

NAME OF THE PETITIONER: Lake Forest Glen, Inc.

DATE PETITION WAS FILED: October 8, 2001

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rules 67-47.120, .130, .140 & .150, Florida Administrative Code. Lake Forest Glen, Inc. is seeking a variance from the rule which provides that the HOME Homeownership Construction Funds be used during the construction for down payment and closing cost assistance only.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 26, 2001, Vol. 27, No. 43.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: December 6, 2001

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198 or e-mail to Sheila.freaney@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Waiver from paragraph 67-48.012(2)(g), Florida Administrative Code.

NAME OF THE PETITIONER: CEDO Housing Development Corp.

DATE PETITION WAS FILED: October 25, 2001

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.012(2)(g), Florida Administrative Code. The Petition seeks a waiver of the Rule which requires a minimum debt service coverage ration of 1.10 for the SAIL mortgage and all other superior mortgages.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 9, 2001, Vol. 27, No. 9.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 6, 2001

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans eligible housing providers and home buyers for the construction and development of affordable housing. The variance from the minimum 1.10 debt service ratio will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198 or e-mail to Sheila.Freaney@floridahousing.org.

FISH AND WILDLIFE CONSERVATION COMMISSION

Notice is hereby given that the petition submitted by Pamela A. Stoppelbein for a waiver or variance from the Collier County manatee protection Rule 68C-22.023, Florida Administrative Code, has been withdrawn.

Copies of the Petition for Variance or Waiver may be obtained by contacting: Florida Fish and Wildlife Conservation Commission, Office of General Counsel, 620 South Meridian Street, Tallahassee, FL 32399-1600, Attn: Ross Burnaman (Case No. FWC 01-0081).

**Section VI
Notices of Meetings, Workshops and Public Hearings**

DEPARTMENT OF STATE

The Florida Secretary of State, **Select Task Force on Voting Accessibility** will hold a workshop to public hearing on:

DATE AND TIME: January 7, 2002, 1:00 p.m. – 5:00 p.m.

PLACE: Room “EL” (#110), Ground Floor, Senate Office Building, Capitol Complex, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and discussion of draft report to be presented to the Legislature, regarding the work of the commission on the issue of Voter Accessibility in the Voting Process.

If you need an accommodation because of disability in order to participate, please notify Ginger Simmons, Staff Secretary, in writing at least five days in advance at Suite 200, 301 South Bronough Street, Tallahassee, Florida 32301.

DEPARTMENT OF LEGAL AFFAIRS

The Finance and Budget Committee of the **Florida Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: January 18, 2002, 1:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The **Office of the Attorney General**, Florida Motor Vehicle Theft Prevention Authority announces a public meeting of the Board of Directors of the Florida Motor Vehicle Theft Prevention Authority to which all interested persons are invited.

DATE AND TIME: Wednesday, February 6, 2002, 10:00 a.m.

PLACE: Florida Department of Highway Safety and Motor Vehicles (DHSMV), Room A-427, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Board of Directors as required by Florida Statute. Consideration of matters as presented in the agenda for the meeting.

A copy of the agenda may be obtained by contacting: Karen O'Bryan, Florida Motor Vehicle Theft Prevention Authority, Office of the Attorney General, The Capitol, Room PL-01, Tallahassee, Florida 32399-1050 or by calling (850)414-3362. A request for the agenda may be faxed to the Authority office, (850)413-0633. TDD users, please call through the Florida Relay Service at 1(800)955-8771.

If special accommodations are needed to attend this meeting because of a disability, please contact Karen O'Bryan no later than seven days prior to the proceedings, (850)414-3362. If hearing impaired, contact Karen O'Bryan via Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BANKING AND FINANCE

The **Florida Financial Management Information System** (FFMIS) Coordinating Council announces the following public meeting to which all persons are invited.

DATE AND TIME: January 7, 2002, 10:00 a.m.

PLACE: Room 2103, State Capitol Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relating to the Florida Financial Management Information System.

A copy of the agenda may be obtained by contacting: Martin Young, Department of Banking and Finance, Division of Accounting and Auditing, FFMIS Design and Coordination Staff, Room 434E, Fletcher Building, 101 E. Gaines Street, Tallahassee, FL 32399-0350, (850)410-9415, Fax (850)410-9934, e-mail: myoung@mail.dbf.state.fl.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** and The Tobacco Certification Board announces a meeting of the Certification Board.

DATE AND TIME: January 9, 2002, 12:00 Noon

PLACE: Room 409, Senate Office Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Certification Board will be meeting to determine the amount of payment of Phase II funds for 2001 to be paid to the growers and quota holders and to certify the eligible recipients.

If special accommodations are needed to attend this meeting because of a disability, please contact Pleas Strickland, (850)488-5831.

DEPARTMENT OF EDUCATION

The Florida **Department of Education** announces a public conference call which all interested parties are invited to participate in.

DATE AND TIME: Monday, December 17, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Call: (850)921-2530, Suncom 291-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Council of Student Financial Aid Advisors.

A copy of the agenda may be obtained by writing: Office of Student Financial Assistance, Department of Education, Attention: Sherall Jackson, Suite 70, 1940 North Monroe Street, Tallahassee, Florida 32303-4759.

Pursuant to the provisions of the American Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency by contacting Sherall Jackson, (850)410-6804, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the agency by calling (850)410-6804.

The **Department of Education** announces the following meetings of the Occupational Access and Opportunity Commission and its Committees and to which all persons are invited and to which all interested individuals are encouraged to attend.

RFP REVIEW/EVALUATION WORKGROUP

DATE AND TIME: January 3, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: DVRS Headquarters, Meeting Room: TBA, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the RFP Review/Evaluation Workgroup and to review proposals received for ITN #2002-10.

FIELD SERVICES COMMITTEE

DATE AND TIME: January 10, 2002, 9:00 a.m. – 12:00 Noon

PLACE: DVRS Headquarters, Meeting Room: TBA; Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Field Services Committee.

Compliance and Oversight Committee

DATE AND TIME: January 10, 2002, 9:00 a.m. – 12:00 Noon

PLACE: DVRS Headquarters, Meeting Room: TBA, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Compliance and Oversight Committee.

GOVERNMENT AND CUSTOMER RELATIONS COMMITTEE

DATE AND TIME: January 10, 2002, 1:00 p.m. – 5:00 p.m.

PLACE: DVRS Headquarters, Meeting Room: TBA, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301
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: January 10, 2002, 1:00 p.m. – 5:00 p.m.

PLACE: DVRS Headquarters, Meeting Room: TBA, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Budget, Policy and Planning Committee.

EXECUTIVE COMMITTEE

DATE AND TIME: January 10, 2002, 5:00 p.m. – 7:30 p.m.

PLACE: DVRS Headquarters, Meeting Room: TBA, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

OAOC FULL COMMISSION MEETING

DATE AND TIME: January 11, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: DoubleTree Hotel, 101 South Adams, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Occupational Access and Opportunity Commission.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact: V. Virginia Rhoden, (850)488-0059, Ext. 207, at least seven days before the meeting.

The **Department of Education**, Occupational Access and Opportunity Commission, and the Florida Rehabilitation Council announces a series of public meetings to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: January 22, 2002, 4:00 p.m. – 7:00 p.m.

PLACE: Holiday Inn Orlando Downtown, 304 West Colonial Drive, Orlando, Florida 32801

DATE AND TIME: January 23, 2002, 4:00 p.m. – 7:00 p.m.

PLACE: Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461

DATE AND TIME: January 24, 2002, 4:00 p.m. – 7:00 p.m.

PLACE: The Hyatt On Sarasota Bay, 1000 Blvd. of the Arts, Sarasota, FL 34236

DATE AND TIME: January 29, 2002, 4:00 p.m. – 7:00 p.m.

PLACE: Double Tree Hotel, 101 South Adams Street, Tallahassee, FL 32301

The State Plan Amendment Public Meetings: Sponsored by the Occupational Access and Opportunity Commission (OAOC) and the Florida Rehabilitation Council (FRC), the series of public meetings will review changes to the State Plan for the implementation of additional Demonstration projects and service delivery initiatives.

Share your opinions and recommendations on the Vocational Rehabilitation Services (VRS) Draft State Plan Amendment addressing the needs, services and employment of Floridians with disabilities.

You may obtain a copy of the Draft OAOC/VRS State Plan Amendment on our website at <http://rehabworks.org>, in local VRS Area Administrative Offices or by calling 1(800)451-4327.

For further information regarding the meeting, please contact: OAOC Office, (850)488-6210 or 1(800)451-4327 (Voice/TDD).

Please note that the following accommodations will be provided: American Sign Language Interpreters, Assistive Listening Devices, Real-Time Captioning, Large Print and Braille materials.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, seven days before the meeting.

The State of Florida, **Education Standards Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, January 24, 2002, 8:30 a.m. – 5:00 p.m.; Friday, January 25, 2002, 8:30 a.m. – 12:00 Noon

PLACE: Florida Department of Education, Room 1704, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-1523

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Florida Education Standards Commission will meet and discuss issues related to the Commission's charge.

To obtain a copy of the agenda, please call or write: Florida Education Standards Commission, Room 224, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399, (850)488-1523 or Suncom 278-1523.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact Dr. Adeniji Odutola at the above address or telephone number.

The **Florida State University** announces the following public meeting to which all persons are invited:

COMMITTEE: Art-in-State-Buildings Art Selection Committee

DATE AND TIME: January 9, 2002, 10:00 a.m.

PLACE: City Hall, 3rd Floor, Economic Development Conference Room, Tallahassee, FL 32306

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation meeting for Art-in-State-Buildings Project BR #057, FAMU-FSU Challenger Learning Center, Tallahassee, Florida State University.

For more information or to obtain a copy of the agenda, please contact: Diane Greer, Director of Cultural Resources, Florida State University, 216 Westcott, Tallahassee, FL 32306-1350.

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 Florida State University.

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 Diane Greer, (850)644-1001. If you are hearing or speech impaired, please contact the agency by calling (850)644-1001.

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Monday, January 14, 2002, 9:00 a.m.

PLACE: Treasure Coast Campus, 500 Northwest University Boulevard, Port St. Lucie, Florida 34986

GENERAL SUBJECT MATTER TO BE CONSIDERED: University/Trustees Business.

PUBLIC COMMENT: A public comment segment is scheduled immediately following the board meeting. Public comment will be taken on items on the board agenda. Presenters will be required to complete a public comment request card prior to the public hearing. Comment cards will be available at the meeting.

A copy of the agenda may be obtained by contacting: Dr. Anthony Lombardo, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-3032.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD (561)297-2130.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting of the Community Assistance Advisory Council, and a public hearing to receive input from all interested parties on the Weatherization Assistance Program (WAP) State Plan for federal fiscal year (FFY) 2002-2003, to which all interested parties are invited.

COMMUNITY ASSISTANCE ADVISORY COUNCIL MEETING

DATE AND TIME: Wednesday, January 23, 2002, 9:30 a.m. – 11:30 a.m.

PLACE: Florida Department of Community Affairs, Randall Kelley Training Center, Room 305, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)488-7541

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Council will review the WAP State Plan for FFY 2002-2003, and receive an update on the Community Services Block Grant Program.

PUBLIC HEARING FOR THE WAP STATE PLAN FOR FFY 2002-2003

DATE AND TIME: Wednesday, January 23, 2002, 1:00 p.m. – 3:00 p.m.

PLACE: Florida Department of Community Affairs, Randall Kelley Training Center, Room 305, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)488-7541

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain input and recommendations from the public and interested parties concerning the WAP State Plan for FFY 2002-2003 which will be submitted to the United States Department of Health and Human Services.

A copy of the state plan and agenda may be obtained by writing: Department of Community Affairs, Norm Gempel, Planning Manager, The Sadowski Building, 2555 Shumard

Oak Boulevard, Tallahassee, Florida 32399-2100, by telephoning (850)488-7541, by Fax, (850)488-2488 or by appearing in person at the agency headquarters.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a record of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Any person requiring a special accommodation at this public hearing because of a disability or physical impairment should contact the Community Assistance Section, (850)488-7541, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Thursday, January 10, 2002, 1:30 p.m. – 5:00 p.m.

PLACE: Room 330, Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and provide comments for the FSHP designation application for the Scenic and Historic A1A Candidate Scenic Highway and the National Scenic Byways applications for A1A Coastal Byway, Scenic and Historic A1A and Indian River Lagoon Scenic Highways.

SPECIAL ACCOMMODATIONS: Special Accommodation requests should be made at least seven days prior to the meeting.

INFORMATION: Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS #37, Tallahassee, Florida 32399-0450, (850)922-7221 or e-mail mariano.berrios@dot.state.fl.us or Fax (850)922-7217.

The Florida **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

DATE AND TIME: January 17, 2002, 6:00 p.m.

PLACE: Leesburg Community Center, 109 East Dixie Highway, Leesburg, Florida

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 Item Number 238394-1, Federal Aid Number

XA-399-4(31), otherwise known as the US 441 transportation improvement project from Picciola Road to State Road 44 in Lake County, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address below or call, (386)943-5387. 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. Frederick R. Birnie, P.E., District Environmental Management Engineer, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 10, 2002, 9:00 a.m.

PLACE: Building C, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Commission Business Meeting.

A copy of the agenda and subsequent agenda, if any, may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450, Attention: Monica David, Commissioner-Secretary.

If you need an accommodation in order to participate in this process, please notify the Commission in advance.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces an issue identification conference to be held in the following docket, to which all interested persons are invited.

DOCKET NO. 001148-EI – Review of the Retail Rates of Florida Power & Light Company.

DATE AND TIME: Monday, January 7, 2002, 10:00 a.m. (EST)

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine the appropriate issues to address for purposes of establishing retail rates for Florida Power & Light Company.

Any person requiring some accommodation at the issue identification 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 prehearing conference. Any person who is hearing or

speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces that a special ceremony will be held:

DATE AND TIME: January 8, 2002, 9:00 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This ceremony will include the investiture of reappointed Commissioner Braulio L. Baez and Commissioner-elect Rudolph "Rudy" Bradley.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: January 8, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearings has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Rule 25-22.002, F.A.C.), by contacting: Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which 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 for January 8, 2002, to which all interested persons are invited.

DATE AND TIME: January 8, 2002, Immediately following the Commission Conference which commences at 9:30 a.m., in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, Conference Room 140, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

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

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 010503-WU – Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.

DATES AND TIME: January 9-11, 2002, Customer testimony will be taken on January 9, 2002, 10:00 a.m. and 6:00 p.m.

PLACE: Clarion Hotel, 5316 U.S. Highway 19, North, New Port Richey, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc., 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 December 20, 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).

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Transportation Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: Thursday, January 3, 2002, 9:00 a.m.
 PLACE: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending transportation issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL 32256.

Notice is given that two or more members of the Boards of County Commissioners, City/Town Councils/Commission and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, January 3, 2002, 9:00 a.m.
 PLACE: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: Thursday, January 3, 2002, 9:00 a.m.
 PLACE: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, January 3, 2002, 10:00 a.m.
 PLACE: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Peggy Conrad, (904)363-6350, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, Exercise Sub-Committee and Risk Management Program Sub-Committee to which all persons are invited.

DATE AND TIME: Wednesday, January 9, 2002, 9:00 a.m.
 PLACE: Southwest Florida Water Management District, Conference Room, 170 Century Boulevard, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC and Special Sub-Committee Meetings.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may

need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** will hold its meeting and the Council's Executive Committee meeting to which all persons are invited:

DATE AND TIME: Wednesday, January 9, 2002, 9:30 a.m.
 PLACE: DeSoto County Commission Chambers, 201 East Oak Street, Arcadia, FL 34266

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.

All interested parties within Hardee, Highlands and Okeechobee Counties are hereby advised that the **Central Florida Regional Planning Council** (CFRPC) is applying to the Florida Department of Transportation for a capital grant under Section 5310 of the Federal Transit Act of 1991, as amended, for the purchase of four (4) raised roof, wheelchair accessible vans used for the provision of public transit services with the three county service area. A Public Hearing has been scheduled for:

DATE AND TIME: Wednesday, January 9, 2002, 9:30 a.m.
 PLACE: DeSoto County Commission Chambers, 201 East Oak Street, Arcadia, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purpose of advising all interested parties of service being contemplated if a grant is awarded, and to ensure that contemplated services would not represent a duplication of current or proposed services provided by existing transit or paratransit operators in the area.

This hearing will be conducted if and only if a written request for the hearing is received by January 4, 2002.

Requests for a hearing must be addressed to: Central Florida Regional Planning Council, 555 East Church Street, Bartow, FL 33830, and a copy sent to Mr. John W. Starling, Florida Department of Transportation, District One, P. O. Box 1249, Bartow, FL 33831.

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, January 2, 2002, 10:00 a.m.
 PLACE: County Commission Chambers, 201 East Oak Street, Arcadia, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, Suite A, 1645 Barber Road, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

DATE AND TIME: January 11, 2002, 10:00 a.m. – 4:00 p.m.
 PLACE: Hyatt Regency Orlando International Airport (located inside the airport), 9300 Airport Blvd., Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In compliance with Auditor General Report No. 02-047, the Department of Elder Affairs has established a task force “to provide a coordinated approach to addressing the issues discussed in this report and to obtain input from the various stakeholders in planning and policy development.” This will be an organizational meeting to determine tasks, set time lines, schedule future meeting forums and dates, and provide for a reporting mechanism.

For additional information or if you need special accommodations, call: Norine Tindall, (850)414-2088.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that the **Digital Divide Council** will hold a one day meeting to which all persons are invited.

DATE AND TIME: Thursday, January 17, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Room 110, Senate Office Building, 404 South Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The primary purpose of the meeting will be to continue work on the statutory mandates set out for the Council in Section 445.049, Florida Statutes.

For additional information, please contact: Stacey McMillian, State Technology Office, Suite 180, Building 4030, 4050 Esplanade Way, Tallahassee, Florida 32399, (850)410-4777.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Council at least 48 hours before the meeting by contacting Stacey McMillian, at the above stated number.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Florida Barbers' Board** announces a Board meeting open to the public and all persons are invited to participate.

DATE AND TIME: Monday, January 14, 2002, 9:00 a.m.

PLACE: Holiday Inn Express, Orlando Airport West, 1853 McCoy Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business and Committee Matters.

A copy of the agenda may be obtained by writing: Florida Barbers' Board, Suite 60, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Cosmetology** announces a Board meeting open to the public and all persons are invited to participate.

DATES AND TIMES: Sunday, January 6, 2002, 9:00 a.m.; Monday, January 7, 2002, 9:00 a.m.

PLACE: Embassy Suites Hotel, 555 North Westshore Boulevard, Tampa, Florida 33609

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business and Committee Matters.

A copy of the agency may be obtained by writing: Florida Board of Cosmetology, Suite 60, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such

purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida **Department of Environmental Protection** gives notice of a rule development workshop to be held:

DATE AND TIME: January 18, 2002, 9:30 a.m.

PLACE: Albertson Room, Orlando Public Library, 101 E. Central Boulevard, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss rule amendments necessary to Chapters 62-4, 62-620, 62-621 and 62-624, F.A.C. to implement Phase II of the NPDES stormwater program.

A copy of the agenda for the meeting may be obtained by writing: Fred Noble, P.E., Department of Environmental Protection, 2600 Blair Stone Road, NPDES Stormwater Section, MS #2500, Tallahassee, Florida 32399-2400 or by calling (850)921-9904.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

This is to announce variance meetings of the **Public Swimming and Bathing Facilities Advisory Review Board** members. These meetings are open to the public.

DATES AND TIME: Wednesday, January 9, 2002; Wednesday, March 13, 2002; Wednesday, May 8, 2002; Wednesday, July 10, 2002; Wednesday, September 11, 2002; Wednesday, November 13, 2002, 9:30 a.m. – 3:00 p.m.

PLACE: Conference Room A, South Tower, Hurston Building, First Floor, 400 West Robinson Street, Orlando, FL 32801, (407)317-7172

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these meetings will be for the board to make recommendations to the department for agency action on variance requests, rule and policy development, and other technical review problems.

The person to be contacted regarding these meetings or agendas is: Mr. Robert S. Pryor, Environmental Engineering, Department of Health, Bureau of Water Programs, 4052 Bald Cypress Way, BIN #C22, Tallahassee, FL 32399-1742, (850)245-4444, Ext. 2369.

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Tuesday, January 22, 2002, 9:30 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL, at Meet Me Number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a general business meeting to be held via telephone conference call. All interested parties are invited to attend.

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

PLACE: Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general board business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is made. Those who are hearing impaired; using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, by Thursday, December 27, 2001.

The **Department of Health** and the Dietetics and Nutrition Practice Council, under the **Board of Medicine** announces a meeting to which all persons are invited.

DATE AND TIME: January 25, 2002, 10:00 a.m. or soon thereafter

PLACE: Department of Health, Room 301, 4042 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4373

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Council Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Council Office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Optometry**, Probable Cause Panel will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, January 23, 2002, 6:30 p.m.

PLACE: Quality Inn, 2020 Apalachee Parkway, Tallahassee, Florida, (850)877-4437

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Optometry, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Optometry** will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Thursday, January 24, 2002, 9:00 a.m.

PLACE: Department of Health, Capital Circle Office Center, Building 4042, Conference Room 301, Tallahassee, FL, (850)245-4444, Ext. 3617.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Optometry, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIME: February 4-5, 2002, 8:00 a.m. (EST)

PLACE: Best Western Gateway Grand, 4200 N. W. 97th Blvd., Gainesville, FL 32606

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will conduct disciplinary proceedings, general board business and rules review.

The probable cause panel will meet February 3, 2002, 3:00 p.m. This meeting is closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered on February 4, 2002.

A copy of the board agenda and any probable cause materials which are open to the public may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Page Merkison, (850)245-4292, Ext. 3600, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Physical Therapy Practice** announces a meeting to which all persons are invited.

DATES AND TIMES: January 13, 2002, 1:00 p.m.; January 14, 2002, 8:00 a.m. or soon thereafter

PLACE: The Jacksonville Hilton and Towers, 1201 Riverplace Blvd., Jacksonville, FL 32207, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting, Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Respiratory Care** announces meetings to which all persons are invited.

DATE AND TIMES: January 11, 2002, Probable Cause Panel, 8:00 a.m. or soon thereafter; General Board Meeting, 9:15 a.m. or soon thereafter

PLACE: Department of Health, Room 301, 4042 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4373

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel and General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/

meeting by contacting the Board Office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD). Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, January 11, 2002, 1:00 p.m. or soon thereafter

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Ave., Tampa, Florida 33607, (813)877-6688

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Margaret Anglin, Regulation Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record or the proceeding is made, which record includes the testimony and evidence upon which it is to be based.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces the District 8, Lee County Community Alliance Strategic Planning Subcommittee to which all persons are invited.

DATE AND TIME: January 10, 2002, 2:00 p.m.

PLACE: 2295 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning for an education and training session on community-based care issues.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit, (941)338-1343.

The Florida **Department of Children and Family Services** announces the District 8, Lee County Community Alliance will meet on the following dates in 2002, to which all persons are invited.

DATES AND TIME: January 31, 2002; February 28, 2002; March 28, 2002; April 25, 2002; May 30, 2002; June 27, 2002; July 25, 2002; August 29, 2002; September 26, 2002; October 31, 2002, 3:30 p.m.

PLACE: Regional Service Center, 2295 Victoria Avenue, Fort Myers, Florida (Conference room numbers will be posted on the meeting schedule in the lobby.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Community-Based Care Alliance meetings.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit, (941)338-1343.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** has scheduled a public meeting. This notice announces the date, time and place of that meeting to which all interested persons are invited:

DATES AND TIME: January 23-25, 2002, 8:30 a.m. each day

PLACE: Holiday Inn Capital, 1355 Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement** announces the following Boating Advisory Council public meeting, to which all persons are invited:

DATE AND TIME: February 21, 2002, 9:00 a.m.
 PLACE: Ramada Inn North, 2900 North Monroe Street, Tallahassee, Florida 32303
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Boating Advisory Council.

An agenda of the meeting may be obtained by contacting: Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or by calling Paul Ouellette or Shelly Gurr, (850)488-5600.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should notify Cindy Hoffman, (850)488-6411, at least five calendar days before the meeting.

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: January 9, 2002, 8:00 a.m.
 PLACE: Central Florida Research Park, Suite 100, 12424 Research Parkway, Orlando, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Friday, January 11, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: Pennington Law Firm, 215 S. Monroe Street, 2nd Floor, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing: Brenda DeYounks, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200 or by Facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

FLORIDA HEALTHY KIDS

The **Florida Healthy Kids** Corporation announces its Board of Directors meeting to which all persons are invited to attend.

DATE AND TIME: January 18, 2002, 10:00 a.m.
 PLACE: Crowne Plaza Hotel, 13400 W. Sunrise Blvd., Sunrise, FL 33323
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Further details and an agenda for the meeting may be obtained by contacting: Florida Healthy Kids Corporation, P. O. Box 980, Tallahassee, Florida 32302, (850)224-5437.

FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST

The Board of Trustees for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: January 18, 2002, 10:30 am.
 PLACE: Nabors, Giblin & Nickerson, P.A., CNL Center, Suite 510, 450 South Orange Avenue, Orlando, FL 32801
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: Trust's Administrator, FACC Service Corporation, (850)921-0808.

**Section VII
 Notices of Petitions and Dispositions
 Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on December 6, 2001, from Donald C. Herrmann, TECO BGA, Inc., with regards to Section 608.ABC.1.3 Fossil Fuel Heating

Equipment of the State of Florida Energy Efficiency Code for Building Construction. It has been assigned the number DCA01-DEC-226.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Edward Campbell. The Department denied the Petition to amend Rule 33-401.401, Florida Administrative Code, to require that inmates be provided outdoor areas to smoke at night.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Edward Campbell. The Department denied the Petition to amend Rule 33-401.401, Florida Administrative Code, to require that inmates be provided outdoor areas to smoke at night.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors has received a Petition for Declaratory Statement with regard to Section 491.003(7), Florida Statutes, which was filed November 20, 2001, by Victoria C. Wooten, L.C.S.W. Petitioner requests a declaratory statement from the Board in regards to the Minnesota Multiphasic Personality Inventory II test. This matter will be addressed during the regularly scheduled board meeting on January 17, 2002, 9:00 a.m. or shortly thereafter, at the Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida, (813)874-5004.

A copy of the Petition for Declaratory Statement may be obtained by writing: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

**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:

William Scotsman, Inc. vs. Department of Community Affairs, Division of Housing and Community Development and GE Capital Modular Space; Case No.: 01-1660RP; Rule No.: 9B-1.003(16)(a); Closed

American Insurance Association vs. Department of Insurance; Case No.: 01-3485RP; Rule No.: 4-128.001-.023; Closed

Boca Raton Community Hospital, Inc. vs. State of Florida, Agency for Health Care Administration and Tenet Healthsystem Hospital, Inc., d/b/a Delray Medical Center; Florida Health Sciences, Inc., d/b/a Tampa General Hospital; Indian River Memorial, Inc., d/b/a Indian River Memorial Hospital and Martin Memorial Medical Center; Case No.: 01-2526RP; Rule No.: 59C-1.033; Voluntary Withdrawal

Bristol-Myers Squibb Company vs. Department of Health, Board of Pharmacy and Department of Health, Board of Medicine; Case No.: 01-4269RE; Rule No.: 64B16ER01-2; Closed

Diving Equipment and Marketing Association, Aqua Shot, Atlantic Pro Dive, Atlantis Dive Center, Best Dive Centers, Dean's Dive Center, Deep Blue Divers, Depth Perception, Divers Cove, Diversion Excursions, Inc., et al. vs. Fish and Wildlife Conservation Commission; Case No.: 01-4027RP; Rule No.: 68B-5.005; Closed

United Wisconsin Life Insurance Company vs. Department of Insurance; Case No.: 01-3135RU; Dismissed

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

The Florida International University Board of Trustees announces that construction management services 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 7,700 NASF of which 800 NASF will be office area and 6,900 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 2,600 NASF and a Food Court Seating area with 4,200 NASF.

The total building construction cost is estimated to be \$2,900,000, of which \$1,500,000 are earmarked for the construction of the east addition, the Fitness Center portion of this project and \$1,400,000 are earmarked for the construction of the south renovation/expansion, the Food Court portion of this project. The total project cost is approximately \$3,600,000. Construction Management – at risk is the proposed construction delivery method.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, construct ability analysis, development of a cost model, estimating, and the

development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program, a description of the final interview requirements, and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed (former Board of Regents) Construction Manager Qualifications Supplement. Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The (former Board of Regents) Construction Manager Qualifications Supplement (CMQS) forms and the Project Fact Sheet may be obtained by contacting: Facilities Management, Florida International University, University Park, Miami, Florida 33199, by mail or by FAXING a request to

(305)348-4010. Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to Mary Varela Witham of Facilities Management.

Seven (7) bound copies of the required proposal data will be submitted to: Mary Varela Witham, Facilities Planner/Contract Administrator, Facilities Management, Florida International University, University Park, CSC 236, Miami, Florida 33199.

Submittals must be received by 2:00 p.m. (Local Time), Tuesday, January 22, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

Polk County School Readiness Coalition, Inc. announces the following Request for Proposal to which all persons are invited to bid.

TIME: Proposal available January, 2002
PLACE: Polk County
PURPOSE: The Polk County School Readiness Coalition will be soliciting proposals for subsidized child care and related services for the 2002-2003 fiscal year. Services will be funded through federal, state and local allocations. Providers must meet state and federal criteria for subsidized child care, Project Safety Net and other support services. School Readiness Legislation requires specific services including Eligibility/Enrollment and Provider Payments, Parent and Child Services, Provider Services and Health Screening and Diagnostic Services.

All multi-agency collaboration with a lead agency or single agencies are encouraged to submit a proposal. Please contact the Polk County School Readiness Coalition, P. O. Box 8091, Lakeland, FL 33802-8091, (863)499-2440 or (863)499-2637 (Fax) for more information. The proposal will be available for distribution by early 2002, with the successful bidder's contract for approximately \$16 million to begin July 1, 2002.

**REQUEST FOR PROPOSAL 02-01
 FOOD SERVICE MANAGEMENT OPERATION**

The Purpose of this RFP is to enter into a one year contract with option to renew on a year-to-year basis for an additional four years with a qualified firm to provide management services for school food service operations. The current budget is \$6,800,000.

A mandatory pre-proposal conference will be held at the Santa Rosa County School Board Professional Development Center, 6556 Firehouse Road, Milton, FL 32570, 9:00 a.m., January 8, 2002. Site visits will begin immediately after the conference

and will continue, as needed, through January 11, 2002. An advanced copy of the proposal may be found on the Purchasing website <http://www.santarosa.k12.fl.us/purchasing/>.

Proposal will be opened at 8:00 a.m., February 11, 2002, at the Purchasing, Department, 6544 Firehouse Road, Milton, FL 32570.

Point of contact is: Judson C. Crane, CPPB, CPPO, Purchasing Manager, 6544 Firehouse Road, Milton, FL 32570, (850)983-5130.

*****CORRECTION*****

Request for Proposal (RFP)

Professional Services for Annual Contract for Mechanical Construction Management Services

Note the correct due date for response is January 7, 2002 and not January 5, 2002, as stated in the ad published on December 7, 2001.

Facilities Planning and Construction announces that professional services are required for an annual contract for Mechanical Construction Management Services for Duval County Public Schools. The firm selected under an annual contract will be responsible for assigned projects having estimated construction costs not exceeding the threshold amount of \$500,000 (construction), provided for in Section 287.055, Florida Statutes.

If you have any questions, please contact John McKean, (904)858-6310.

REGIONAL PLANNING COUNCILS

NOTICE TO PROFESSIONAL CONSULTANTS

The North Central Florida Regional Hazardous Materials Response Team (Team) desires that consultants knowledgeable of 29 CFR 1910.120(q) and NFPA 472 submit a Letter of Qualifications for professional services on the following project:

PROJECT NAME: "Hazardous Materials Team Proficiency and Competency Training Check Off Project"

DESCRIPTION: Develop a proficiency and competency-based program to assure that the members of the Team are able to demonstrate the same basic technical skills and knowledge. The final product will include a check-off list. A detailed projection description is available upon request at the address listed below.

QUALIFICATION REQUIREMENTS: Project Manager: Should hold a degree in management or have an equal number of years experience in the management of projects utilizing the Instructional Systems Design (ISD) process. Should have experience in facilitating ISD development team processes. Subject Matter Experts (SME) should have substantial hazardous materials emergency response experience and experience developing educational program using the ISD Process. Consultants must be very knowledgeable of 29 CFR

1910.120(q), NFPA 472 and the State Emergency Response Commission's hazmat team's assessment tool. Experience in development of state and national hazardous materials response standards is a plus.

SUBMITTAL REQUIREMENTS: Firms desiring consideration for this project must submit three (3) copies of their qualifications to the requesting unit listed below. One of these copies must be a clean, single-side original that can be used to make additional copies. The Letter of Qualifications must, as a minimum, include the following information:

1. Name, address, contact person and phone number;
2. Listing of key staff and resumes;
3. Listing of any subconsultants anticipated to be used on this project;
4. An indication of the firm's potential (available manpower) to complete the work prior to June 30, 2002;
5. Experience on similar type projects, including location, date completed, contact (reference) name and phone number;
6. Indication as to whether the prime firm and/or subconsultants are disadvantaged business enterprises.

RESPONSE EVALUATION: All responses will be evaluated by a Checklist Committee as to their qualifications to perform the advertised work requirements.

SHORTLIST SELECTION PROCESS: From the Letters of Qualifications received, the Checklist Committee shall prepare a shortlist of firm to be further evaluated. Tentative shortlist date: January 16, 2002. The shortlist firms will be requested to submit technical proposals. Oral Technical Proposals may be considered during the selection process in lieu of written technical proposals. Estimated Deadline for technical proposals: Friday, January 25, 2002, 3:00 p.m.

SELECTION PROCESS: After the completion of the technical proposals, the Checklist Committee will rank the respondents. The Team will appoint a member to negotiate a contract with the highest-ranked respondent. If a contract can be agreed upon, that respondent will be awarded the contract. If a contract can not be agreed upon with the highest-ranked respondent, the next highest ranked respondent will be selected and negotiated with until a contract can be reached. This procedure can be repeated until a contract has been awarded. Estimated Date of ranking respondents: Tuesday, January 29, 2002, 3:00 p.m.

LETTER OF RESPONSE DEADLINE: Thursday, January 10, 2002, 3:00 p.m. Late letters will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice."

REQUESTING RESPONSE ADDRESS: North Central Florida Regional Hazardous Materials Response Team, ATTN: Mr. Charles Justice, 2009 N. W. 67th Place, Suite A, Gainesville, FL 32653-1603, (352)955-2200. Faxed and e-mailed responses will not be accepted.

ESTIMATED MAXIMUM PROJECT BUDGET: \$15,000.

The North Central Florida Regional Hazardous Materials Response Team reserves the right to accept or reject any and all responses in the best interest of the Team.

DEPARTMENT OF MANAGEMENT SERVICES

**PUBLIC ANNOUNCEMENT OF
A/E SELECTION RESULTS**

The Department of Management Services, Division of Facilities Management and Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Professional Services in accordance with the Consultants Competitive Negotiation Act for the following:

DATE: December 7, 2001

PROJECT NAME: Continuing Area Contracts for Architectural Services, Area 1

1. Caldwell Associates – Pensacola
2. Heffernan Holland Morgan Architecture – Pensacola
3. Harvard Jolly Clees Toppe Architects – Panama City

JAMES B. PIRTLE CONSTRUCTION COMPANY

James B. Pirtle Construction Co., Inc. will be accepting Pre-Qualification packages from companies interested in supplying Modular Classroom Facilities for Miami-Dade County Public Schools. Pre-Qualified companies will be eligible to bid on one or more packages of projects. Each package will consist of up to 50 classrooms, located at various sites in groups of 4, 6 or 8. This is the first year of a five year program by Miami-Dade County Public Schools to replace all older portables. All interested parties should submit a letter of interest to Mike Geary no later than January 4, 2002.

James B. Pirtle Construction Co., Inc.
4740 Davie Road, Davie FL 33314
Tel: (954)797-0410
Fax: (954)797-6330
Email: Mike@jamesbpirtle.com

**Section XII
Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of

Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Rule 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., January 11, 2002):

EXPANDED FIELD OF MEMBERSHIPS

Name and Address of Applicant: Central Florida Postal Credit Union, 301 East Michigan, Orlando, Florida 32806

Expansion Includes: Professional Massage Center, Inc.

Received: December 5, 2001

Name and Address of Applicant: Bell-Tel Credit Union, Post Office Box 4900, Orlando, Florida 32801

Expansion Includes: Persons who live or work in the following zip codes: 32922, 32819 and 32809.

Received: December 10, 2001

DEPARTMENT OF INSURANCE

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 01-2339

In Re: The Receivership of UNISOURCE INSURANCE COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH UNISOURCE 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 25th day of October, 2001, the Department of Insurance of the State of Florida was appointed as Receiver of UNISOURCE 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 UNISOURCE INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59 p.m., October 24, 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 UNISOURCE INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF APPROVAL FOR PRESERVATION 2000 FUNDS

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, Series P9A and P10 funding cycles. The project plans listed below were

approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the projects and that funds be released as follows:

Project: 99-001-P9A/Pepper Park Addition

Grantee: St. Lucie County

Amount of Approved Funds: the lesser of 91.67% of the final total project costs or \$550,000.00

Project: 00-035-P10/Jackson View

Grantee: Leon County

Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$2,200,000.00

Project: 00-042-P10/Clam Bayou Expansion Project

Grantee: Leon County

Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$750,000.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The State of Florida, Department of Business and Professional Regulation, Pilotage Rate Review Board announces the increase in rate for the Port of Jacksonville effective January 1, 2002:

1. A draft charge of \$18.87 per draft foot with a minimum of 15 feet.
2. A tonnage charge of \$00.04129 per International Gross Registered Ton (GRT) with 3,000 GRT minimum.
3. Detention of pilots – \$200 per hour or fraction thereof (maximum of \$400 per day).
4. Canceled or delayed sailing (not due to weather) – \$200 per hour or fraction thereof, with a maximum of \$400 per day.
5. Pilots kept on board – \$250 per day plus return transportation.
6. Failure to amend ETA before pilot arrives on station – \$200 per hour or fraction thereof with a maximum of \$400 per day.
7. Shifting – within zone – 1/2 regular pilotage; from zone to zone – regular (full) pilotage.
8. Towing – one pilot required – regular (full) pilotage; two pilots required – regular (full) pilotage (first pilot), plus minimum (second pilot).
9. Standby of Pilot – when the presence of a pilot is required on board as in, but not limited to, a vessel at anchor – \$200 per hour or each fraction thereof without limit.

Thereafter, the rates of pilotage at the Port of Jacksonville shall be then be INCREASED to the following on January 1, 2003:

1. A draft charge of \$20.00 per draft foot with a minimum of 15 feet.
2. A tonnage charge of \$00.04377 per International Gross Registered Ton (GRT) with 3,000 GRT minimum.
3. Detention of pilots – \$200 per hour or fraction thereof (maximum of \$400 per day).
4. Canceled or delayed sailing (not due to weather) – \$200 per hour or fraction thereof, with a maximum of \$400 per day.
5. Pilots kept on board – \$250 per day plus return transportation.
6. Failure to amend ETA before pilot arrives on station – \$200 per hour or fraction thereof with a maximum of \$400 per day.
7. Shifting – within zone – 1/2 regular pilotage; from zone to zone-regular (full) pilotage.

8. Towing – one pilot required – regular (full) pilotage; two pilots required – regular (full) pilotage (first pilot), plus minimum (second pilot).
9. Standby of Pilot – when the presence of a pilot is required on board as in, but not limited to, a vessel at anchor – \$200 per hour or each fraction thereof without limit.

Thereafter, the rates of pilotage at the Port of Jacksonville shall be then be INCREASED to the following on January 1, 2004:

1. A draft charge of \$21.20 per draft foot with a minimum of 15 feet.
2. A tonnage charge of \$00.04640 per International Gross Registered Ton (GRT) with 3,000 GRT minimum.
3. Detention of pilots – \$200 per hour or fraction thereof (maximum of \$400 per day).
4. Canceled or delayed sailing (not due to weather) – \$200 per hour or fraction thereof, with a maximum of \$400 per day.
5. Pilots kept on board – \$250 per day plus return transportation.
6. Failure to amend ETA before pilot arrives on station – \$200 per hour or fraction thereof with a maximum of \$400 per day.
7. Shifting – within zone – 1/2 regular pilotage; from zone to zone – regular (full) pilotage.
8. Towing – one pilot required – regular (full) pilotage; two pilots required – regular (full) pilotage (first pilot), plus minimum (second pilot).
9. Standby of Pilot – when the presence of a pilot is required on board as in, but not limited to, a vessel at anchor – \$200 per hour or each fraction thereof without limit.

You are hereby notified that you may seek review of the above by filing a request for hearing with the Board at 1940 North Monroe Street, Tallahassee, Florida 32399-0773, within twenty-one (21) days of your receipt of this notice. You may request a formal hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes, if there are material facts in dispute; otherwise, you will receive an informal proceeding, the petition must contain the information required by Rules 61E13-2.011 and 2.012, Florida Administrative Code, including specification of the facts which are in dispute. If you request a hearing, you have the right to be represented by an attorney or other qualified representative, to take testimony, to call or cross-examine witnesses, to have subpoena and subpoena duces tecum issue, and to present written evidence or argument.

Unless a proper WRITTEN request for a hearing is received on or before the above stated deadline or if a request for hearing is made, but the request is subsequently withdrawn, the Pilotage Rate Review Board will act in accordance with the provisions of Rule 61E13-2.011, Florida Administrative Code, and this Order shall become final on January 1, 2002.

DEPARTMENT OF HEALTH

On December 4, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Carolyn Canner, R.N. Canner holds license number RN 1669342. Canner's last known address is 9701 Dunedin Road, Dunnellon, Florida 34433. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 4, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of James Michael Korrar, R.N. Korrar holds license number RN 2845142. Korrar's last known address is 1260 N. E. 99th Street, Miami Shores, Florida 33138. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 4, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Melanie Deal Pallatt, R.N. Pallatt holds license number RN 1850962. Pallatt's last known address is 5936 Fisherman Lane, Cocoa, Florida 32927. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 4, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Van Arch Fulcher, L.P.N. Fulcher holds license number PN 1291981. Fulcher's last known address is 115 Angeles Road, Debary, Florida 32713. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary

determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES**TANF CASELOAD REPORT**

The Department of Health and Human Services, Administration for Children and Families has published guidance to state agencies regarding caseload reduction credit information. The caseload reduction credit is an adjustment to the State's minimum Temporary Assistance for Needy Families (TANF) participation rate requirement.

Submission of the caseload reduction credit requires the State to provide opportunity for public comment on the estimates and methodology used to complete the estimates.

In submitting the data for federal fiscal year 2002, Florida is using methodologies consistent with the procedures used for the federal fiscal year 2001 report.

1. We are publishing the FFY 2002 report. This information will be available on the DCF website at www.state.fl.us/cf_web. Copies will also be available at the business address listed at the end of this notice.
2. Since we are using methodologies in FFY 2002 that are similar to the methodologies used in FFY 2001, we are requesting input on these methodologies. We will consider comments received in completing the FFY 2002 reports and will file amended reports if necessary.
3. We will mail or transmit electronically the FFY 2002 reports to anyone submitting comments. We will also publish these reports upon submission.
4. We will attach any comments received to the federal reports and will forward any comments received after December 31, 2001 to the federal agency after submission.

Comments should be submitted to:

PAT HALL, Program Administrator
Economic Self-Sufficiency Program
Department of Children and Families
Building 3, Room 102G
1317 Winewood Boulevard
Tallahassee, FL 32399-0700
Telephone: (850)921-5574
Email: pat_f_hall@dcf.state.fl.us

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN December 3, 2001
 and December 7, 2001**

Rule No.	File Date Date	Effective Vol./No.	Proposed Vol./No.	Amended
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DEPARTMENT OF BANKING AND FINANCE
Division of Accounting and Auditing

3A-31.108	12/6/01	12/26/01		27/44
3A-31.226	12/6/01	12/26/01		27/44
3A-31.231	12/6/01	12/26/01		27/44

DEPARTMENT OF INSURANCE

4-137.001	12/5/01	12/25/01		27/42	27/46
4-138.001	12/5/01	12/25/01		27/42	27/46

DEPARTMENT OF REVENUE
Division of Ad Valorem Tax

12D-16.002	12/7/01	12/27/01		27/37	27/46
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DEPARTMENT OF CITRUS

20-39.003	12/6/01	12/26/01		27/36
20-39.004	12/6/01	12/26/01		27/36

PUBLIC SERVICE COMMISSION

25-22.104	12/6/01	12/26/01		27/42
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COMMISSION ON ETHICS

34-7.010	12/7/01	1/1/02		27/42
34-12.310	12/7/01	1/1/02		27/42
34-12.330	12/7/01	1/1/02		27/42

WATER MANAGEMENT DISTRICTS
South Florida Water Management District

40E-7.611	12/3/01	12/23/01		27/23	27/32
40E-7.621	12/3/01	12/23/01		27/23	27/32
40E-7.623	12/3/01	12/23/01		27/23	27/32
40E-7.628	12/3/01	12/23/01		27/23	27/32
40E-7.631	12/3/01	12/23/01		27/23	27/32
40E-7.633	12/3/01	12/23/01		27/23	27/32
40E-7.635	12/3/01	12/23/01		27/23	27/32
40E-7.637	12/3/01	12/23/01		27/23	27/32
40E-7.639	12/3/01	12/23/01		27/23	27/32
40E-7.645	12/3/01	12/23/01		27/23	27/32
40E-7.647	12/3/01	12/23/01		27/23	27/32
40E-7.651	12/3/01	12/23/01		27/23	27/32
40E-7.653	12/3/01	12/23/01		27/23	27/32
40E-7.654	12/3/01	12/23/01		27/23	27/32
40E-7.655	12/3/01	12/23/01		27/23	27/32
40E-7.659	12/3/01	12/23/01		27/23	27/32

Rule No.	File Date Date	Effective Vol./No.	Proposed Vol./No.	Amended
40E-7.661	12/3/01	12/23/01	27/23	27/32
40E-7.664	12/3/01	12/23/01	27/23	27/32
40E-7.6645	12/3/01	12/23/01	27/23	27/32
40E-7.665	12/3/01	12/23/01	27/23	27/32
40E-7.667	12/3/01	12/23/01	27/23	27/32

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

59G-6.080	12/6/01	12/26/01	27/36	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Board of Funeral Directors and Embalmers

61G8-17.0041	12/4/01	12/24/01	27/40	27/45
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DEPARTMENT OF HEALTH

Board of Dentistry

64B5-7.0035	12/5/01	12/25/01	27/34	27/44
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Board of Medicine

64B8-45.005	12/3/01	12/23/01	27/41	27/43
64B8-52.004	12/4/01	12/24/01	27/41	

Board of Occupational Therapy

64B11-4.003	12/7/01	12/27/01	27/45	
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Board of Optometry

64B13-15.009	12/6/01	12/26/01	27/38	27/45
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**FISH AND WILDLIFE CONSERVATION
 COMMISSION**

Marine Fisheries

68B-21.0015	12/7/01	1/1/02	27/39	27/46
68B-21.004	12/7/01	1/1/02	27/39	27/46
68B-21.006	12/7/01	1/1/02	27/39	27/46

Vessel Registration and Boating Safety

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68D-23.101	12/3/01	12/23/01	27/31	
68D-23.102	12/3/01	12/23/01	27/31	
68D-23.103	12/3/01	12/23/01	27/31	
68D-23.104	12/3/01	12/23/01	27/31	
68D-23.105	12/3/01	12/23/01	27/31	
68D-23.106	12/3/01	12/23/01	27/31	
68D-23.107	12/3/01	12/23/01	27/31	
68D-23.108	12/3/01	12/23/01	27/31	
68D-23.109	12/3/01	12/23/01	27/31	
68D-23.110	12/3/01	12/23/01	27/31	
68D-23.111	12/3/01	12/23/01	27/31	
68D-23.112	12/3/01	12/23/01	27/31	