

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE: Cervidae Movement RULE CHAPTER NO.: 5C-26

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish procedures for the movement of Cervidae. These procedures establish requirements for the importation of cervidae into the State of Florida and establishes requirements for the intrastate movement of cervidae.

SUBJECT AREA TO BE ADDRESSED: Requirements regarding the movement of cervidae into and within the State of Florida.

SPECIFIC AUTHORITY: 585.002, 585.004, 585.005, 585.007, 585.08, 585.145 FS.

LAW IMPLEMENTED: 585.004, 585.005, 585.007, 585.145 FS.

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

TIME AND DATE: 1:00 p.m., May 29, 2002

PLACE: Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida

TIME AND DATE: 1:00 p.m. May 30, 2002

PLACE: Florida Cattlemens Association Building, 800 Shakerag Road, Kissimmee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Patti Roberts-Davis, Division of Animal Industry, Department of Agriculture and Consumer Services, 407 South Calhoun Street, Room 325, Mayo Building, Tallahassee, Florida 32399-0800, Telephone number (850)410-0956

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-26.001 Definitions.

For the purpose of this chapter, the following words shall have the meaning indicated:

(1) Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus Brucella. The disease is characterized by abortion and impaired fertility in its principal animal hosts.

(2) Cervid(ae). Any member of the cervidae family which includes deer, elk, moose, or their hybrids or related species. Cervidae mentioned in this rule are privately or publicly maintained or held for economic or other purposes within a perimeter fence or confined space.

(3) Cervidae Herd Health Plan. The Cervidae Herd Health Plan is a written herd management agreement between FDACS and the herd owner.

(4) Chronic Wasting Disease (CWD). CWD is a progressive neurological, debilitating disease affecting cervidae that belongs to a family of diseases known as Transmissible Spongiform Encephalopathies (TSEs) or prion diseases.

(5) FDACS. Florida Department of Agriculture and Consumer Services.

(6) FWC. Florida Fish and Wildlife Conservation Commission.

(7) Import, Imported, Importation. The movement of animals into the State of Florida, from another state, United States territories or a foreign country.

(8) Intrastate Movements. Cervidae movement within the State of Florida from one county to another or within the same county.

(9) Movement Risk Assessment. Cervids are classified for movement as follows: High Risk cervids are from herds where CWD has been diagnosed. Medium Risk cervids are from herds that have been exposed to CWD. Low Risk cervids are from herds without known exposure but from states where CWD has been diagnosed in captive or free-ranging cervids. Minimal Risk cervids are from CWD monitored herds in states where CWD has not been diagnosed but which have a surveillance/ prevention program(s).

(10) Official Certificate of Veterinary Inspection (OCVI). A legible certificate made on an official form from the state of origin or from the United States Department of Agriculture (USDA), issued by an authorized representative, and approved by the chief livestock regulatory official of the state of origin.

(11) Tuberculosis. A disease in cattle, captive cervids, bison, and goats caused by the bacteria Mycobacterium bovis.

Specific Authority 585.002, 585.004, 585.005, 585.007, 585.08, 585.145 FS. Law Implemented 585.004, 585.005, 585.007, 585.145 FS. History-New

5C-26.002 General Requirements for Importation.

(1) All cervidae for importation shall originate from a herd which has a surveillance/prevention program approved by FDACS and currently holds a (CWD) free status. The originating herd status must be CWD free for sixty (60) months prior to importation of any animals into Florida.

(2) OCVI Required. All cervidae imported into the state, except cervidae consigned directly to a recognized slaughtering establishment, must be accompanied by an OCVI. The OCVI shall be attached to the waybill or be in the possession of the driver of the vehicle or person otherwise in charge of the animals. The OCVI shall accompany the animals to their final destinations in Florida. Animals entering the state without an OCVI or otherwise entering the state in violation of the provisions of this chapter shall be stopped by an agent, servant, or employee of the FDACS or by any law enforcement

officer of the state of Florida or any subdivision of the state. Any person, firm, or association having charge, custody, or control of animals imported in violation shall remove the animals from the state as directed by the FDACS.

(a) All information required on the OCVI shall be fully completed by the issuing veterinarian and shall include the following:

1. The name, address and phone number of the consignor;
2. The name, address and phone number of the consignee;
3. The point of origin;
4. The point of destination;
5. The date of examination;
6. The number of animals examined;
7. The individual permanent identification number or other identification approved by the FDACS, for each animal;
8. The sex, age, and breed of each identified animal;
9. Test results and herd or state status on certain diseases as specified in this rule;
10. A statement by the issuing veterinarian that the animals identified on the OCVI are free of signs of infectious, communicable or neurologic disease; and
11. The phone number of the issuing veterinarian.

(b) A copy of the OCVI, approved by the chief animal health official of the state of origin, shall be forwarded immediately to the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, Tallahassee, Florida.

(c) The OCVI shall be void 30 days after issuance.

(2) All cervidae shall have permission from the State Veterinarian or his/her authorized representative prior to animal importation. This permission will be recorded by a number or certificate which shall accompany the OCVI during any animal movement.

(3) Consignee shall possess, and provide for inspection, a valid FWC license or permit to possess wildlife, as required by rule or law.

(4) Consignee shall be registered and comply with the requirements of the FDACS Cervidae Herd Health Plan.

Specific Authority 585.002, 585.004, 585.005, 585.007, 585.08, 585.145 FS. Law Implemented 585.004, 585.005, 585.007, 585.145 FS. History—New \_\_\_\_\_.

5C-26.003 General Requirements for Intrastate Movement.

(1) Animals which are not required to have an OCVI and animals being transported totally within the state shall be accompanied by evidence of ownership or authority for possession of the animals or a notarized affidavit of authority to transport. These documents shall disclose:

- (a) The name, address and phone number of the consignor;
- (b) The name, address and phone number of the consignee;
- (c) The point of origin;

(d) The point of destination; and

(e) A description of the animals sufficient to identify them for any and all purposes.

(2) All cervidae shall have permission from the State Veterinarian or his/her authorized representative prior to animal movement. This permission will be recorded by a number or certificate which shall accompany the OCVI during any animal movement.

(3) Consignee and consignor shall possess, and provide for inspection, a valid FWC license or permit to possess wildlife, as required by rule or law.

(4) Consignee and consignor must be registered and comply with the requirements of the FDACS Cervidae Herd Health Plan.

Specific Authority 585.002, 585.004, 585.005, 585.007, 585.08, 585.145 FS. Law Implemented 585.004, 585.005, 585.007, 585.145 FS. History—New \_\_\_\_\_.

5C-26.004 Testing.

(1) Chronic Wasting Disease Test. No test is presently required for importation. To date, there is no approved live animal test to detect CWD in cervidae. A positive diagnosis is based on post mortem brain testing at a CWD certified laboratory.

(2) Tuberculosis Test.

(a) Cervidae from an Accredited Tuberculosis-Free Herd. No test is required for cervidae which originate from an Accredited Tuberculosis-Free Herd program that is accepted by FDACS. The statement of herd status shall be recorded on the OCVI accompanying the cervidae.

(b) Cervidae not known to be affected with or exposed to tuberculosis may be imported if they:

1. Are under one (1) month of age, or
2. Originate from a herd which has been classified negative to an official tuberculosis test of all eligible animals conducted within the past twelve (12) months, and the animals to be imported have been classified negative to an official tuberculosis test, conducted within 90 days prior to importation, or
3. Have been classified negative to two (2) official tuberculosis tests conducted not less than ninety (90) days apart; the second test was conducted within ninety (90) days prior to importation; and the animals were isolated from all other members of the herd during the testing period.

(c) The tuberculosis test results must be recorded on the OCVI accompanying the cervidae.

(3) Brucellosis Test.

(a) Cervidae from an Accredited Brucellosis-Free Herd. No test is required for cervidae which originate from an Accredited Brucellosis-Free Herd program that is accepted by FDACS. The statement of herd status must be recorded on the OCVI accompanying the cervidae.

(b) Cervidae not known to be affected with or exposed to brucellosis may be imported if they:

1. Are less than one (1) month of age, or
2. Have a negative official brucellosis test conducted within ninety (90) days prior to importation.

(c) The brucellosis test results must be recorded on the OCVI accompanying the cervidae.

Specific Authority 585.002, 585.004, 585.005, 585.007, 585.08, 585.145 FS.  
Law Implemented 585.004, 585.005, 585.007, 585.145 FS.  
History—New

5C-26.005 Cervidae Herd Health Plan.

The Cervidae Herd Health Plan is a written herd management agreement between FDACS and the herd owner. This plan is based upon a thorough epidemiological investigation and risk assessment of the herd and their facility. This plan analyzes the risk of continued disease transmission by clinical and subclinical animals and/or environmental contamination. This plan sets out specific actions to be followed to monitor or survey the herd for specific disease(s) or eradicate specific disease(s) from the herd.

Specific Authority 585.002, 585.004, 585.005, 585.007, 585.08, 585.145 FS.  
Law Implemented 585.004, 585.005, 585.007, 585.145 FS.  
History—New

5C-26.006 Exceptions.

Exceptions to the movement requirements in this rule shall be determined by the State Veterinarian or his/her authorized representative. Cervids that are classified by the Movement Risk Assessment as Low Risk for CWD or Minimal Risk for CWD may be considered for waiver from this rule. Cervids that are classified as High Risk for CWD or Medium Risk for CWD shall not be subject to a waiver from this rule.

Specific Authority 585.002, 585.004, 585.005, 585.007, 585.08, 585.145 FS.  
Law Implemented 585.004, 585.005, 585.007, 585.145 FS.  
History—New

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE:

Requirements for Programs and Courses  
 Which Are Funded Through the Florida  
 Education Finance Program and for  
 Which the Student May Earn Credit  
 Toward High School Graduation

RULENO.:

6A-1.09441

**PURPOSE AND EFFECT:** The purpose of this rule development is to update the “Course Code Directory and Instructional Personnel Assignments” which is incorporated by reference within the rule. The effect is to provide public school personnel with an updated listing of all courses offered in the public elementary, secondary, vocational-technical, and adult schools of Florida including related teacher certification coverages.

**SUBJECT AREA TO BE ADDRESSED:** The subject to be addressed will be courses to be offered in public schools throughout Florida and the related teacher certification coverages.

**SPECIFIC AUTHORITY:** 236.081 FS.

**LAW IMPLEMENTED:** 236.081 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.**

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Fred Varn, Program Director, Curriculum Support Section, Division of Public Schools and Community Education, 325 West Gaines Street, Room 444, Tallahassee, Florida 32399-0400, (850)488-1701

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

6A-1.09441 Requirements for Programs and Courses Which Are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) The program in which the student is in membership shall be one of the programs listed in Section 236.081(1)(c), Florida Statutes.

(2) The course or program in which the student is in membership shall be an educational activity that constitutes a part of the instructional program approved by the district school board.

(3) The student shall be under the supervision of an instructional staff member as defined in Rule 6A-1.0501, FAC.

(4) The course or program shall be listed in the “Course Code Directory and Instructional Personnel Assignments” for the year in which the student is in membership.

(5) The “Course Code Directory and Instructional Personnel Assignments 2002-2003 ~~2001-2002~~” is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Division of Public Schools and Community Education,

Department of Education, Turlington Building, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 229.053(1) FS. Law Implemented 229.592, 232.246, 236.081, 240.40202 FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-19-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-16-01,\_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

**Florida High Speed Rail Authority**

RULE CHAPTER TITLE: Florida High Speed Rail Authority  
 RULE TITLE: High Speed Rail Procurement  
 RULE CHAPTER NO.: 14C-1  
 RULE NO.: 14C-1.001

PURPOSE AND EFFECT: To establish best management practices for the Florida High Speed Rail Authority’s procurement to solicit, select, and secure a design, build, operate, and maintain (DBOM) or a design, build, operate, maintain, and finance (DBOM & F) contractor for the Florida high speed rail system.

SUBJECT AREA TO BE ADDRESSED: High Speed Rail Procurement.

SPECIFIC AUTHORITY: 341.830(1) FS.

LAW IMPLEMENTED: 341.830(1) FS.

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

TIME AND DATE: 10:00 a.m., June 6, 2002

PLACE: Canaveral Port Authority Commission, Room 200, George King Boulevard., Port Canaveral, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Nazih Haddad, P.E., Staff Director, Florida High Speed Rail Authority, 605 Suwannee Street, Room 588, Mail Station 67, Tallahassee, Florida 32399-0450, Telephone (850)414-4534, FAX (850)922-4942, E-mail: nazih.haddad@dot.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS EXPECTED TO BE AVAILABLE ON MAY 16, 2002.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Confidential Records  
 RULE NO.: 33-601.901

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the requirement that employees maintain the confidentiality of inmate medical and mental health information and to incorporate a new form relating to this requirement.

SUBJECT AREA TO BE ADDRESSED: Confidential records.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.10, 945.25 FS.

LAW IMPLEMENTED: 944.09, 945.10, 945.25, 947.13 FS., 42 USCS 290 ee-3.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.901 Confidential Records.

(1) through (11) No change.

(12) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health information regarding any inmate that the employee obtains in conjunction with his or duties and responsibilities, and shall not disseminate the medical information or discuss the medical or mental health condition of the inmate with any person except persons directly necessary to the performance of the employees duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health treatment team shall not disseminate inmate medical information or discuss the medical or mental health condition of an inmate with any person except other members of the healthcare transfer team, medical and mental health staff, upper level management at the institution or facility level, regional level and central office level, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee shall sign Form DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical/Mental Health Information, indicating that he understands the medical confidentiality requirements. The form shall be maintained in the employee’s personnel file. Form DC2-813 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

Specific Authority 20.315, 944.09, 945.10, 945.25 FS. Law Implemented 944.09, 945.10, 945.25, 947.13 FS, 42 USCS 290 ee-3. History—New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLES: Inmate Property  
 Control of Contraband  
 RULE NOS.: 33-602.201  
 33-602.203

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the definition of contraband and the process for handling seized contraband, and to provide a means for inmates to dispose of worn articles prior to purchasing new ones in order to stay within the maximum possession limits.

SUBJECT AREA TO BE ADDRESSED: Inmate Property, Contraband.

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.09, 944.47, 945.215 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) through (4) No change.

(5) Unauthorized property. Also see Control of Contraband, Rule 33-602.203, F.A.C.).

~~(a) Property which is Unauthorized property shall be considered contraband pursuant to Rule 33-602.203, F.A.C., shall be considered contraband and handled as provided for in Rule 33-602.203, F.A.C. If an inmate receives postage stamps in the mail which, added to the number already in his possession, place him over the maximum allowed, he shall be allowed to send the excess stamps out at his own expense. An inmate who is in possession of the maximum number of articles allowed by this rule and who wishes to replace a worn item must discard or send the worn item out at his own expense before purchasing a replacement item. This includes any item or article on the grounds of the department or in the possession of the inmate that was neither:~~

~~1. Issued;~~

~~2. Received through approved methods from an authorized vendor;~~

~~3. Purchased in the canteen; or~~

~~4. Has been altered from its original design.~~

(b) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, \_\_\_\_\_.

33-602.203 Control of Contraband.

(1) General Definition of Contraband.

(a) ~~Contraband is~~ Any item or article inside an institution or facility, on the property of a facility or in the possession of an inmate that was neither:

1. No change.

2. Approved for purchase ~~in at the canteen commissary,~~

3. through 5. No change.

(b) through (c) No change.

(d) Any item or article which is in excess of property limits provided in Rule 33-602.201, F.A.C.

(2) through (4) No change.

(5)(a) No money shall be given directly to or received by an inmate assigned to a work release community correctional center unless authorized by the chief of security or his designated representative. On a case by case basis, each chief of security may authorize a draw of funds from the inmate's account that exceeds the approved amount authorized under subsection 33-203.201(3), F.A.C., if a specific request is made and a review determines it is warranted. Any money found in the possession of an inmate in excess of ~~\$75~~ \$0 in work release community correctional centers shall be considered contraband and shall be confiscated and deposited in the inmate welfare trust fund.

(b) through (6) No change.

(7) Disposition of Contraband.

(a) Those contraband items retained for use in disciplinary hearings as evidence will be stored until such time as the warden or his designee approves of their being destroyed or disposed of. A secure area within the institution will be designated as the storage area for all contraband items. A Contraband Log, Form DC6-219, will be utilized to document the storage of contraband items. Form DC6-219 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is March 2, 2000.~~

(b) Contraband items to be used during outside court cases as evidence will be referred to the Inspector General's Office for handling held as evidence by the institution inspector or senior inspector assigned to the criminal investigation. The Inspector General's Office will either assume custody of the contraband or instruct the institution to hold it as evidence. In either case, the initial confiscating authority will establish the chain of evidence, and ensure it is properly followed. Form DC1-801, Chain of Custody, shall be used for this purpose. Form DC1-801 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(c) through (d) No change.

(e) The provisions of the above ~~this~~ paragraph shall not be construed to apply to property impounded incident to the initial reception or the subsequent transfer of an inmate unless the inmate's possession of the property was in violation of law or Department or institution rule.

(f)(e) No change.

(g) A seized contraband item that results in criminal charges shall be stored for six months or until the conclusion of the court proceedings. Confiscated weapons shall be stored for six months pending the outcome of the disciplinary charges and conclusion of the grievance process or the court proceedings. Staff shall obtain the approval of the warden or assistant warden prior to the item being destroyed or disposed of.

(h) Regardless of whether or not the seized contraband results in a disciplinary report or criminal charges, the inmate is authorized to appeal the action through the grievance process to have the property returned. If the inmate chooses to file a grievance, the inmate must notify the warden of his intent on an Inmate Request, Form DC6-236, within 20 days of the seizure of the items. If no notice is received and the inmate has not been temporarily impeded from sending such notice due to unavoidable circumstances such as court appearances or hospitalization, the warden or assistant warden is authorized to approve disposal of the contraband. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(8)(a) All cells, lockers, dormitories and other areas of an institution may be searched in a reasonable manner at any time. A copy of Form DC6-220, Inmate Impounded Personal Property List, shall be given for any property taken in such a search if the inmate acknowledges possession or if the property was taken from an area occupied by the inmate or under his control. The inmate's acceptance of his copy of Form DC6-220 shall not constitute admission of possession of contraband. Form DC6-220 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is March 2, 2000.

(b)1. The Regional Director is authorized to ~~may~~ declare an emergency situation to exist if he finds, upon the advice and request of the warden, that an immediate mass shakedown is necessary to preserve the security and order of the institution and sufficient staff are not available to follow routine procedures of accounting and receipting for property. Within 72 hours after the declaration, the warden shall prepare a written statement setting forth the facts showing such emergency, which statement shall be forwarded to the Regional Director, who shall prepare a report to the Secretary justifying the declaration.

2. through 4. No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History—New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-22-91, 1-6-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Procedural  
RULE CHAPTER NO.: 40D-1

RULE TITLE: Delegation of Authority  
RULE NO.: 40D-1.1002

PURPOSE AND EFFECT: Amend 40D-1.1002 to provide for variances from Chapter 40D-22, F.A.C., Year-round Water Conservation Measures.

SUBJECT AREA TO BE ADDRESSED: Amendments to the District's water shortage variance provisions.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 253.002, 373.149, 373.427 FS.

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

TIME AND DATE: 1:00 p.m. – 4:00 p.m., May 30, 2002

PLACE: Board Room of the Southwest Florida Water Management District's Tampa Office, 7601 Highway 301 North, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lois Sorensen, Water Shortage Coordinator, Records and Data Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4299

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Year-Round Water Conservation  
RULE CHAPTER NO.: 40D-22

Measures  
RULE TITLES: 40D-22.011

Policy and Purpose 40D-22.011

Definitions 40D-22.101

Year-Round Water Conservation Measures 40D-22.201

Enforcement 40D-22.401

PURPOSE AND EFFECT: Update the District's year-round water conservation rule chapter to incorporate existing measures required by Board Orders Nos. 92-12, 92-21, 92-60, 93-105, and 01-83 and to provide a community based alternative for local governments.

SUBJECT AREA TO BE ADDRESSED: Amendments to the District's year-round water conservation rule chapter.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.119, 373.171, 373.175, 373.246 373.603 FS.

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

TIME AND DATE: 1:00 p.m. – 4:00 p.m., May 30, 2002

PLACE: Board Room of the Southwest Florida Water Management District's Tampa Office, 7601 Highway 301 North, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lois Sorensen, Water Shortage Coordinator, Records and Data Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4299

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Medicaid Certified School Match Program

RULE NO.: 59G-4.035

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, July 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Certified School Match Program Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Medicaid Certified School Match Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 236.0812, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 FS.

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

TIME AND DATE: 9:15 a.m., EST, May 28, 2002

PLACE: 2728 Ft. Knox Blvd., Bldg. 3, Conf. Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kim Corsmeier, Bureau of Health Systems Development, 2728 Ft. Knox Blvd., Bldg. 3, MS #20, Tallahassee, Florida 32308-5403, (850)922-7318

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.035 Medicaid Certified School Match Program.

(1) This rule applies to all school districts enrolled in the Medicaid certified school match program, as described in Section 409.9071, F.S.

(2) All school district providers enrolled in Medicaid under the certified school match program must be in compliance with the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, July 2002 ~~August 2000~~, incorporated by reference, and the Florida

Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 236.0812, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 FS. History—New 4-9-98, Amended 11-23-99, 5-27-01, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLE: Percentage of Gross Pilotage Assessed

RULE NO.: 61G14-19.001

PURPOSE AND EFFECT: The purpose is to establish the percentage of gross pilotage to be paid into the Professional Regulation Trust Fund by a pilot or the entity to which the pilot belongs.

SUBJECT AREA TO BE ADDRESSED: The appropriateness of the present rate of assessment.

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 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: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) Effective July 1, 2002, ~~January 1, 2001~~, the Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state ~~six tenths of~~ one percent (1.0%) (~~0.6%~~) of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History—New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Standard of Care for Office Surgery  
 RULE NO.: 64B15-14.007

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with amendments recently adopted by the Board of Medicine.

SUBJECT AREA TO BE ADDRESSED: Standard of Care for Office Surgery.

SPECIFIC AUTHORITY: 459.005(1), 459.015(1)(z), 459.026 FS.

LAW IMPLEMENTED: 459.015(1)(g), (x), (z), (aa), 459.026 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: 5:00 p.m., Friday, June 7, 2002  
 PLACE: The Hyatt Regency, 50 Alhambra Plaza, Coral Gables, Florida 33134

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 Road, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.007 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) No change.
- (2) General Requirements for Office Surgery.

(a) The surgeon must examine the patient immediately before the surgery to evaluate the risk of anesthesia and of the surgical procedure to be performed. The surgeon must maintain complete records of each surgical procedure, as set forth in Rule 64B15-15.004, Florida Administrative Code, F.A.C., including anesthesia records, when applicable and the records shall contain written informed consent from the patient reflecting the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists, i.e., anesthesiologist, another appropriately trained physician as

provided in this rule, certified registered nurse anesthetist, or physician assistant qualified as set forth in subparagraph 64B15-6.010(2)(b)6., Florida Administrative Code, F.A.C.

(b) through (g) No change.

(h) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B15-14.006, Florida Administrative Code, F.A.C. Management of post-surgical care is the responsibility of the operating surgeon and may be delegated only as set forth in subsection 64B15-14.006(3), Florida Administrative Code, F.A.C. If there is an overnight stay at the office in relation to any surgical procedure:

1. through 2. No change.

(i) through (k) No change.

(l) A sign must be prominently posted in the office which states that the office is a doctor's office regulated pursuant to the rules of the Board of Osteopathic Medicine as set forth in Rule Chapter 64B15, Florida Administrative Code, F.A.C. This notice must also appear prominently within the required patient informed consent.

(3) No change.

(4) Level II Office Surgery.

(a) No change.

(b) Standards for Level II Office Surgery.

1. Transfer Agreement Required. The physician must have a transfer agreement with a licensed hospital within reasonable proximity if the physician does not have staff privileges to perform the same procedure as that being performed in the out-patient setting at a licensed hospital within reasonable proximity. "Reasonable proximity" is defined as not to exceed thirty (30) minutes transport time to the hospital.

2. Training Required. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or  
~~The surgeon~~ must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board approved by the American Osteopathic Association, the American Board of Medical Specialties, the Accreditation Council on Graduate Medical Education or any other board approved by the Board of Osteopathic Medicine or must be able to establish comparable background, training, and experience. The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon or at least one assistant must be currently certified in Advanced Cardiac Life Support or have a qualified anesthesia provider practicing within the scope of the provider's license manage the anesthesia.

3. Equipment and Supplies Required.

a. through j. No change.

~~4.~~ No change.

(5) No change.



(6) Level III Office Surgery.

(a) No change.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

1. Training Required.

a. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board qualification by a Board approved by the American Osteopathic Association, the American Board of Medical Specialties, the Accreditation Council on Graduate Medical Education or any other board approved by the Board of Osteopathic Medicine or must be able to demonstrate to the accrediting organization or to the Department comparable background, training and experience. In addition, the surgeon must have knowledge of the principles of general anesthesia. If the anesthesia provider is not an anesthesiologist, there must be a licensed M.D., or D.O., anesthesiologist, other than the surgeon, to provide direct supervision of the administration and maintenance of the anesthesia.

b. No change.

2. through 4. No change.

Specific Authority 459.005(1), 459.015(1)(z), 459.026 FS. Law Implemented 459.015(1)(g), (x), (z), (aa), 459.026 FS. History—New 11-29-01, Amended

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Standards of Practice for filling Prescriptions

RULE NO.: 64B16-27.832

Generated through the Internet

64B16-27.832

PURPOSE AND EFFECT: The Board proposes to promulgate a rule to address the standards of practice for filling prescriptions generated through the internet.

SUBJECT AREA TO BE ADDRESSED: Standards of practice for filling prescriptions generated via the internet.

SPECIFIC AUTHORITY: 465.005, 465.0155 FS.

LAW IMPLEMENTED: 465.0155, 465.016, 465.026 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: 8:00 a.m., or shortly thereafter on June 11, 2002

PLACE: Embassy Suites, 1100 SE 17th Street, Ft. Lauderdale, Florida 33116

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

**DEPARTMENT OF HEALTH**

**Council of Medical Physicists**

RULE TITLE: Documentation for Licensure

RULE NO.: 64B23-2.001

PURPOSE AND EFFECT: Section 456.013, Florida Statutes, was amended by the 2001 Legislature to require the completion of a two (2) hour course relating to the prevention of medical errors as part of the initial licensure process for each health care profession regulated by the Department of Health. Accordingly, an amendment is proposed to Rule 64B23-2.001, F.A.C., to establish that proof of completion of a two (2) hour medical error course is required, as part of the necessary documentation each applicant must provide for initial licensure as a medical physicist. Additionally, a technical change is proposed to remove reference to the word “certification”, to more accurately reflect the actual documentation required for initial licensure.

SUBJECT AREA TO BE ADDRESSED: Documentation to be provided by each applicant for initial licensure as a medical physicist in the State of Florida, establishing that he or she has taken a required (2) hour course relating to the prevention of medical errors.

SPECIFIC AUTHORITY: 456.013, 456.004, 483.901(6)(b) FS.

LAW IMPLEMENTED: 456.013, 483.901(6)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Joe Baker, Executive Director, Advisory Council of Medical Physicists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Council of Medical Physicists**

RULE TITLE: Continuing Education Requirements

RULE NO.: 64B23-4.001

PURPOSE AND EFFECT: Section 456.013, Florida Statutes, was amended by the 2001 Legislature to require completion of a two (2) hour course relating to the prevention of medical errors as part of the licensure renewal process for each health care profession regulated by the Department of Health. Accordingly, an amendment is proposed to Rule 64B23-4.001, F.A.C., to require completion of such a course as part each medical physicists’ continuing education requirements.

Additional amendment is made to delete the requirement that twelve (12) hours of the required continuing education be in the speciality for which the individual is licensed. The purpose of this amendment is to allow licensees greater compliance with continuing education requirements, as continuing education providers for the profession of medical physics generally do not offer continuing education hours by specialty.

SUBJECT AREA TO BE ADDRESSED: Continuing Education requirements for medical physicist licensees in the State of Florida.

SPECIFIC AUTHORITY: 456.013, 483.901(6)(a) FS.

LAW IMPLEMENTED: 456.013, 483.901(6)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Joe Baker, Executive Director, Advisory Council of Medical Physicists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Council of Medical Physicists**

RULE TITLE: Citations

RULE NO.: 64B23-6.003

PURPOSE AND EFFECT: Rulemaking has been proposed with regard to Rule 64B23-4.001, F.A.C., to delete the requirement that twelve (12) hours of the required continuing education for medical physicist licensees, be in the speciality for which the individual is licensed. The purpose of that amendment is to allow for greater compliance with continuing education requirements as continuing education providers within the medical physicist profession generally do not provide continuing education hours by specialty. In conjunction with these proposed amendments to the continuing education requirements, the Department of Health is also proposing deletion of the corresponding citation offense, which cites licensees for failure to have twelve (12) hours of continuing education in the speciality for which the individual is licensed.

SUBJECT AREA TO BE ADDRESSED: Citation offenses for continuing education requirements for medical physicist licensees in the State of Florida.

SPECIFIC AUTHORITY: 456.077(1), 483.901(6)(a) FS.

LAW IMPLEMENTED: 456.077(1), 483.901(6)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Joe Baker, Executive Director, Advisory Council of Medical Physicists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLE: Write-in Procedures

RULE NO.: 1S-2.0031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to prescribe write-in procedures.

SUMMARY: This rule provides specific guidance for write-in procedures for voting systems. This includes the location of the write-in space on the ballot, guidance on procedures for tandem offices and other procedures for write-in votes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 101.5608(3), (4) FS.

LAW IMPLEMENTED: 101.5608(3), 101.5608(4) FS.

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

TIME AND DATE: 3:00 p.m., May 31, 2002

PLACE: 107 West Gaines Street, Room 112, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Amy K. Tuck, (850)245-6200, at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial Rewording of Rule 1S-2.0031 follows. See Florida Administrative Code for present text.)

1S-2.0031 Write-in Procedures ~~Governing Electronic Voting Systems.~~

(1) Definition – As used in this rule, the term “write-in vote” means either a handwritten name of a candidate or the name of a candidate which has been input on a direct recording device.

(2) In order to familiarize the voter with the location of write-in positions on the ballot, all sample ballots produced or distributed pursuant to Section 101.20, F.S., shall show the location where a voter will write-in or input the name of a write-in candidate in any race in which a write-in candidate has qualified.

(3) The location of the write-in positions on the ballot shall be clearly marked by the words “Write-In Candidate” or “Write-In” directly below the candidates whose names appear on the ballot in each office for which a write-in candidate has qualified.

(4) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate must be disregarded in determining the validity of a write-in vote.

(5) The last name of the candidate for Governor or the last name of the candidate for Lieutenant Governor shall be sufficient to cast a write-in vote for the tandem office.

(6) The last name of the candidate for President or the last name of the candidate for Vice President shall be sufficient to cast a write-in vote for the tandem office.

(7) Unless the canvassing board is required to determine voter intent pursuant to Section 101.5614, F.S., or Rule 1S-2.027, F.A.C., a write-in vote shall only count on an optical scan ballot if the oval or arrow next to the write-in space is filled in.

Specific Authority ~~101.5608(3),(4), 101.5609(7)(d)~~ FS. Law Implemented ~~101.011(6),~~ 101.5608, 101.5614, 103.022 FS. History--New 12-20-82, Formerly 1C-7.031, Amended 7-7-86, Formerly 1C-7.0031, Amended \_\_\_\_\_.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts, Director, Division of Elections, Department of State

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 29, 2002

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examinations  
RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule amendment is to specify the content to be measured by the General Knowledge Examination and to adopt minimum passing scores for the new General Knowledge, Exceptional Student Education, and Kindergarten-Grade 6 Examinations. The effect is that the General Knowledge Examination content will be specified and these new certification examinations will have a passing score.

SUMMARY: The content of the General Knowledge Examination will be specified and minimum passing scores will be adopted for the new General Knowledge, Exceptional Student Education, and Kindergarten-Grade 6 Examinations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 231.17 FS.

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

TIME AND DATE: 9:00 a.m., June 12, 2002

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kenneth Loewe, Bureau of Curriculum, Instruction, and Assessment, Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)488-8198

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) No change.

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

(a) through (b) No change.

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

1. Beginning with the July 2002 test administration, the general knowledge competencies and skills as contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Seventh Edition.” ~~General knowledge:~~

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

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

~~e. The ability to compute, think logically and solve problems.~~

2. through (d) No change.

(3) through (6) No change.

(7) Scoring the general knowledge subtests. Effective July 2002, the passing scores for the general knowledge subtests listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the raw scores on the July 2002 test administration as defined below:

(a) General Knowledge Reading Subtest. A reading subtest raw score that results in an examinee passing rate of seventy six (76) percent, which was the passing rate of teacher candidates who took the College-Level Academic Skills Reading Subtest for the first time during the 2000-2001 administration year.

(b) General Knowledge English Skills Subtest. An English skill subtest raw score that results in an examinee passing rate of seventy four (74) percent, which was the passing rate for teacher candidates who took the College-Level Academic Skills English Skills Subtest for the first time during the 2000-2001 administration year.

(c) General Knowledge English Essay Subtest. An English essay subtest total raw score of six (6), which was the passing score of teacher candidates who took the College-Level Academic Skills Essay Subtest for the first time during the 2000-2001 administration year.

(d) General Knowledge Mathematics Subtest. A mathematics subtest raw score that results in an examinee passing rate of fifty-three (53) percent, which was the passing rate of teacher candidates who took the College-Level Academic Skills Mathematics Subtest for the first time during the 2000-2001 administration year.

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

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

(a) through (j) No change.

(k) Effective July 2002, the passing scores for the subject area specialty examinations listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the raw scores on the July 2002 test administration as defined below:

1. Exceptional Student Education K-12 Examination. An examination raw score that results in an examinee passing rate of ninety-two (92) percent, which was the average of the passing rates of teacher candidates who took the Emotionally Handicapped K-12, Mentally Handicapped K-12, Physically Impaired K-12, Specific Learning Disabilities K-12, and Varying Exceptionalities K-12 specialty examinations for the first time during the 2000-2001 examination administration year. In the event that fewer than fifty (50) examinees are tested in the July 2002 examination administration, the passing score shall be seventy-one (71) percent of the items.

2. Kindergarten – Grade Six Examination. An examination raw score that results in an examinee passing rate of eighty-two (82) percent, which was the passing rate of teacher candidates who took the Elementary Education 1-6 specialty examination for the first time during the 2000-2001 administration year. In the event that fewer than fifty (50) examinees are tested in the July 2002 examination administration, the passing score shall be sixty-six (66) percent of the items.

(1) Not later than September 1, 2003, the Commissioner of Education shall review examinee performance levels for all General Knowledge Subtests, the Kindergarten – Grade Six Examination, and the Exceptional Student Education K-12 Examination and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

(m) The Commissioner of Education shall review the passing score for each of the General Knowledge Subtests, each of the subject area specialty examinations, and the Professional Education Examination not less than once every five (5) years and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

~~(n)(k)~~ No change.

~~(o)(j)~~ No change.

(9) through (14) renumbered (10) through (15) No change.

Specific Authority 231.15(1), 231.17(4),(5),(8),(11), 231.30 FS. Law Implemented 231.145, 231.15, 231.17, 231.30 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, Amended 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 22, 2002

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLES:	RULE NOS.:
Standards and Requirements for Educational Programs and Services for Exceptional Students Who Are Clients or Wards of the Florida Department of Health and Rehabilitative Services	6A-15.0001
Definitions	6A-15.001
Special Education Programs for Children Who Are Mentally Handicapped	6A-15.002

Special Education Programs for Children Who Are Physically Impaired 6A-15.006

Special Education Programs for Children Who Are Seriously Emotionally Disturbed 6A-15.007

Provision of Special Education Programs and Early Intervention Services 6A-15.009

Provision of Non-Academic and Extracurricular Services and Activities 6A-15.010

Personnel Employed in Special Programs for Exceptional Students Operated Directly by or Under Contract to the Department 6A-15.011

Administrators of Special Programs for Exceptional Students 6A-15.012

Education Records of Students 6A-15.013

Identification and Placement of Exceptional Children in Special Education or Early Intervention Programs 6A-15.014

Placement and Discharge of Exceptional Children in and from Department or Private Residential Facilities 6A-15.015

Assignment of Surrogate Parents 6A-15.019

Criteria for Establishing Contractual Arrangements with Non-Public Schools or Community Facilities 6A-15.020

Contractual Arrangements with Non-Public Schools or Community Facilities 6A-15.021

Multi-District Programs 6A-15.022

District Procedures for Special Programs for Exceptional Students 6A-15.023

Procedural Safeguards for Exceptional Children Ages Three through Five and Nineteen through Twenty-One Years of Age 6A-15.024

Procedural Safeguards for Children Birth Through Two Years of Age With Disabilities 6A-15.025

Special Programs for Children Birth Through Two Years of Age Who are Developmentally Delayed 6A-15.026

Special Programs for Children Birth Through Two Years of Age Who Have Established Conditions 6A-15.027

Development of Family Support Plans for Children With Disabilities Birth Through Five Years of Age 6A-15.028

Development of Family Support Plans for Students With Disabilities Ages Nineteen Through Twenty-One Years 6A-15.029

Special Education Programs for Children Who Are Autistic 6A-15.030

PURPOSE AND EFFECT: These rules are recommended to be repealed. The programs these rules address were transferred to the Department of Health, Children’s Medical Services. The Department had requested that the rules be transferred in 1998.

However, correspondence from the Joint Administrative Committee in December 2001 indicated that the rules had not been transferred as requested. The Department has since contacted the Department of Health, Children’s Medical Services, and confirmed that the rules are not required for the operation of the programs.

SUMMARY: These rules are to be repealed.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1) FS.  
 LAW IMPLEMENTED: 228.081 FS.

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

TIME AND DATE: 9:00 a.m., June 12, 2002  
 PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Shan Goff, Bureau of Instructional Support and Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-15.0001 Standards and Requirements for Educational Programs and Services for Exceptional Students Who Are Clients or Wards of the Florida Department of Health and Rehabilitative Services.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.001, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 45 CFR 121a.600(a).

6A-15.001 Definitions.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.01, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.002 Special Education Programs for Children Who Are Mentally Handicapped.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.02, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.006 Special Education Programs for Children Who Are Physically Impaired.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.06, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.007 Special Education Programs for Children Who Are Seriously Emotionally Disturbed.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.07, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.009 Provision of Special Education Programs and Early Intervention Services.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.09, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.010 Provision of Non-Academic and Extracurricular Services and Activities.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.10, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.011 Personnel Employed in Special Programs for Exceptional Students Operated Directly by or Under Contract to the Department.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 7-1-81, Formerly 6A-15.11, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 45 CFR 121a.600(a).

6A-15.012 Administrators of Special Programs for Exceptional Students.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.12, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 45 CFR 121a.600(a).

6A-15.013 Education Records of Children.

Specific Authority 229.053(1) FS. Law Implemented 228.081, 228.093 FS. History–New 3-27-79, Formerly 6A-15.13, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.014 Identification and Placement of Exceptional Children in Special Education or Early Intervention Programs.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.14, Amended 9-30-87, 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.015 Placement and Discharge of Exceptional Children in and from Department or Private Residential Facilities.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.15, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.019 Assignment of Surrogate Parents.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.19, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a), 20 USC 1415(b)(1)(8), 34 CFR 300.514.

6A-15.020 Criteria for Establishing Contractual Arrangements with Non-Public Schools or Community Facilities.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.20, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 45 CFR 121a.600(a).

6A-15.021 Contractual Arrangements with Non-Public Schools or Community Facilities.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.21, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.022 Multi-District Programs.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.22, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 45 CFR 121a.600(a).

6A-15.023 District Procedures for Special Programs for Exceptional Students.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.23, Amended 9-30-87, 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.024 Procedural Safeguards for Exceptional Children Ages Three through Five and Nineteen through Twenty-One Years of Age.

Specific Authority 229.053(1), 230.23(4)(m)5. FS. Law Implemented 228.081 FS. History–New 9-30-87, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1415, 34 CFR 300.500-300.514.

6A-15.025 Procedural Safeguards for Children Birth Through Two Years of Age with Disabilities.

Specific Authority 229.053(1), 230.23(4)(m)5. FS. Law Implemented 228.081 FS. History–New 8-15-94, Repealed. c.f. 34 CFR 303.400-303.405.

6A-15.026 Special Programs for Children Birth Through Two Years of Age Who Are Developmentally Delayed.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 8-15-94, Repealed.

6A-15.027 Special Programs for Children Birth Through Two Years of Age Who Have Established Conditions.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 8-15-94, Repealed.

6A-15.028 Development of Family Support Plans for Children With Disabilities Birth Through Five Years of Age.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 8-15-94, Repealed.

6A-15.029 Development of Family Support Plans for Students With Disabilities Ages Nineteen Through Twenty-One Years.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 8-15-94, Repealed.

6A-15.030 Special Education Programs for Children Who Are Autistic.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 8-15-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2002

**DEPARTMENT OF REVENUE**

RULE TITLES:	RULE NOS.:
Scope	12-28.001
Definitions	12-28.002
Enrollment Procedures	12-28.003
Method of Transferring Funds and Associated Remittance Information	12-28.004
Means of Communication to Report Payment Information	12-28.005
Remittance or Transmission Problems	12-28.006
Procedures for Payment	12-28.007
Due Date; General Provisions	12-28.008
Distribution of Funds Received by the Department	12-28.009

**PURPOSE AND EFFECT:** The purpose of the proposed new Rule Chapter 12-28, F.A.C., Clerks of the Court Remittance Program, is to provide guidelines regarding the implementation of the Clerk of Court remittance program enacted by the 2001 Legislature. The effect of creating this new rule chapter is to ensure compliance with the requirement that the Florida Association of Court Clerks and DOR jointly develop procedures to implement the provisions of s. 213.13, F.S.

**SUMMARY:** A) Rule 12-28.001, F.A.C. (Scope) – explains that these new rules contain the Department’s procedures for implementing the electronic remittance requirements of s. 213.13, F.S. B) Rule 12-28.002, F.A.C. (Definitions) – defines terms that are used in these new rules. C) Rule 12-28.003, F.A.C. (Enrollment Procedures) – provides that each Clerk must enroll with DOR, and specifies the information that DOR must provide each Clerk upon completion of the enrollment procedures. D) Rule 12-28.004, F.A.C. (Method of Transferring Funds and Associated Remittance Information) – requires Clerks to remit funds using an “e-cash presentment” system, which will be processed using the ACH debit method, which is the method already required by DOR’s electronic funds transfer rules (Part I, Rule Chapter 12-24, F.A.C.). E) Rule 12-28.005, F.A.C. (Means of Communication to Report Payment Information)--states that Clerks must use a personal computer entry system to communicate the payment information required by these rules and the statute. F) Rule 12-28.006, F.A.C. (Remittance or Transmission Problems) – explains how a Clerk should handle remittance problems, and whom in DOR a Clerk can contact to receive assistance with such problems. G) Rule 12-28.007, F.A.C. (Procedures for Payment) – establishes the procedures for how Clerks must remit funds and associated remittance information to DOR, including when each Clerk must initiate the transaction, and the specific items of information that must accompany the remittance. H) Rule 12-28.008, F.A.C. (Due Date; General Provisions) – requires the Clerks to remit funds and submit associated remittance information on the next business day if the normal date for initiating the remittance occurs on a weekend or a legal holiday. I) Rule 12-28.009, F.A.C.

(Distribution of Funds Received by the Department) – states that the Department will verify the remitted funds and associated remittance information submitted by each Clerk, provides that DOR will distribute the remitted funds to the appropriate agency within two business days of receiving a correct remittance from a Clerk, and explains that DOR will not electronically distribute the remitted funds until it has verified that all information has been submitted and that it is correct.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** Since this proposed new Rule Chapter 12-28, F.A.C., Clerks of the Court Remittance Program, only implements statutory provisions, no new regulatory costs are being created. Therefore, 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:** 213.06(1) FS.

**LAW IMPLEMENTED:** 213.13, 213.131 FS.

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

**TIME AND DATE:** 1:30 p.m., June 3, 2002

**PLACE:** Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at (800)955-8700 (voice) and (800)955-8771 (TDD).

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

**CLERKS OF THE COURT REMITTANCE  
REQUIREMENTS**

12-28.001 Scope.

This rule chapter sets forth the rules to be used in the administration of s. 213.13, F.S., which provides for the electronic remittance of all moneys collected by the Clerks of the Court on behalf of the state or on behalf of the Court for distribution to the state, and the electronic submission of

associated remittance information, to the Department of Revenue for further disbursement to the various trust funds and agencies as designated in the applicable statutes.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New \_\_\_\_\_.

#### 12-28.002 Definitions.

For the purposes of this rule chapter, the following terms and phrases when used in this rule chapter shall have the meanings ascribed to them in this rule, except where the context clearly indicates a different meaning:

(1) “ABA” means the American Banking Association.

(2) “ACH” or “Automated Clearing House” means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

(3) “ACH credit” means the electronic transfer of funds generated by a Clerk, cleared through the ACH for deposit to the State Treasury.

(4) “ACH debit” means the electronic transfer of funds from a Clerk’s account, which is generated upon the Clerk’s instruction and cleared through the ACH for deposit to the State Treasury.

(5) “Addenda record” means that information as provided in Rule 12-24.008 (2), F.A.C.

(6) “Associated remittance information” means that information required by statute or rules adopted by agencies that administer the programs for which the funds are collected.

(7) “Department” means the Florida Department of Revenue.

(8) “E-cash presentment” means the conversion of an electronic check into an EFT payment.

(9) “EFT” means an electronic funds transfer, electronic payment, or E-cash presentment.

(10) “Payment information” means the data that a Clerk must submit when making an e-cash presentment and that must be communicated to the Department.

(11) “FLAIR” means the Florida Accounting Information Resource.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New \_\_\_\_\_.

#### 12-28.003 Enrollment Procedures.

(1) Each Clerk of the Court or authorized designee who is required to electronically remit funds pursuant to section 213.13, F.S., must enroll with the Department by completing an Internet Registration/Authorization Agreement (Form DR-653W).

(2) Within 30 consecutive calendar days of receiving the completed DR-653W form, the Department will issue the Clerk an acknowledgement letter that includes the following:

(a) The Clerk’s LOGIN Identification number.

(b) The Clerk’s password.

(c) Instructions for signing onto the Internet Clerk of Court Remittance System.

(d) The telephone number of the Department’s e-Services Unit, which will assist the Clerks in complying with the requirements of this program and s. 213.13, F.S.

(3)(a) If for any reason a Clerk or his or her authorized designee is replaced or is unable to perform the activities required by s. 213.13, F.S., the successor must notify and enroll with the Department within 30 consecutive calendar days of taking office or being hired.

(b) However, all regularly-scheduled fund remittances must continue without interruption during any transition period.

(4)(a) The Department prescribes Form DR-653W, Internet Registration/Authorization Agreement, as the form to be used for the purpose of this chapter and hereby incorporates this form by reference. Copies of this form may be obtained without cost by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Distribution Center at (850)922-2208; or 3) using a fax machine telephone handset to call the Department’s automated Fax on Demand system at (850)922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 6) downloading selected forms from the Department’s Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331.

(b) The Department will accept facsimile transmissions of the completed DR-653W at telephone number (850)922-5088.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New \_\_\_\_\_.

#### 12-28.004 Method of Transferring Funds and Associated Remittance Information.

(1) The prescribed method for remittance of funds by the Clerks of the Court to the Department shall be the e-cash presentment, which will be processed by the ACH debit method.

(2)(a) The Executive Director or the Executive Director’s designee will authorize a Clerk to use the ACH credit method only under the following circumstances:

1. The Clerk was using the ACH credit method to remit the funds affected by s. 213.13, F.S., prior to the effective date of this rule; and

2. The Clerk agrees in writing with the Department that he or she will shift all fund remittances subject to s. 213.13, F.S., to the ACH debit method no later than January 1, 2003.

(b) The Department reserves the right to revoke the ACH credit method payment privilege of any Clerk who:



1. Does not consistently transmit error-free payments; or,
2. Substantially varies from the requirements and specifications of the applicable state statutes or of this rule chapter regarding each revenue source collected by the Clerk; or
3. Repeatedly fails to make timely electronic payments or fails to timely provide associated remittance information and payment information; or
4. Repeatedly fails to provide the required addenda record with the electronic payment.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History–New

#### 12-28.005 Means of Communication to Report Payment Information.

Clerks of the Court shall use a PC entry communication of payment information with a computer or other communication device as the means of communication to report payment information through the ACH debit method.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History–New

#### 12-28.006 Remittance or Transmission Problems.

(1) If a Clerk of the Court makes an incorrect remission of funds or associated remittance information, such Clerk shall, on the nearest business day after the date on which the error is discovered:

- (a) Contact the e-Services Unit at (850)487-7972 for specific instructions, if the Department has not yet disbursed the funds to the recipient agency; or
- (b) Contact the recipient agency for further instructions, if the Department has already disbursed the funds to the recipient agency.

(2)(a)1. For remittances that have a statutorily-designated due date, if a Clerk using the ACH debit method communicates payment information after 3:45 p.m., Eastern Time, on the business day before the due date, the payment shall be posted to the Clerk’s account on the next business day following the due date and shall constitute late payment.

2. For all other remittances, the payment information must be submitted at least once each month, no later than the 25th day of the month following the month in which the remittance was collected.

(b) To help the Clerks comply with all requirements for timely remittance by EFT of funds due, the Department will annually develop and distribute form DR-659, as adopted by Rule 12-24.007, F.A.C., which provides the final time and date for each month of the upcoming calendar year by which each Clerk must initiate a timely EFT remittance for each fund remitted subject to s. 213.13,F.S.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History–New

#### 12-28.007 Procedures for Payment.

(1) The Clerks of the Court must report payment information and associated remittance information to the Department by the approved means of communication, no later than 3:45 p.m., Eastern Time, as provided in Rule 12-28.006, F.A.C. The Department must be contacted during the communication period specified in the acknowledgment letter provided to the Clerks of the Court. The Department will bear the costs of processing e-cash presentments by the ACH debit method. Contact by the Clerk during the communication period is mandatory to assure the timely posting of the Clerk’s payment on the following business day.

(2) After establishing contact with the Department, the Clerk must initiate payment information and associated remittance information for each remittance. The following information is required:

(a) Payor information number, which consists of the:

1. Bank account number; and,
2. Financial routing and transit number as issued by the ABA;

(b) Payment amount;

(c) Payment period;

(d) Name of the Clerk or his or her authorized designee initiating the e-cash presentment.

(3) A confirmation number will be issued at the conclusion of the communication of the payment information for each remittance and associated remittance information. This number provides a means of verifying the accuracy of the recorded payment and serves as the Clerk’s receipt for the transaction.

(4) Clerks who are temporarily authorized to use the ACH credit method pursuant to Rule 12-28.004, F.A.C., must contact their own financial institutions and make arrangements to transfer the remittance to the State Treasurer’s account using an ACH credit transfer. The Department will not bear the costs for Clerks who are temporarily authorized to use the ACH credit method.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History–New

#### 12-28.008 Due Date: General Provisions.

The Clerks of the Court who are required to remit funds through EFT must initiate the transfer so that the amount due is deposited as collected funds to the State Treasurer’s account on or before the due date required by applicable statute or Rule 12-28.006, F.A.C. If a remittance due date falls on a Saturday, a Sunday, a legal holiday as defined in Chapter 683, F.S., or on a legal holiday of the jurisdiction in which the Clerk’s financial institution is located, the deposit by electronic funds transfer is required on or before the next succeeding banking day after the due date. For the purposes of these rules, “banking day” has the meaning prescribed in s. 674.104 (1), F.S. If the date on which the Clerk is required to initiate an ACH debit transfer falls on a

Saturday, Sunday, or a business or banking holiday, the Clerk must initiate the transaction on the next succeeding business day.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New

12-28.009 Distribution of Funds Received by the Department.

(1) Upon receiving a Clerk’s payment information and associated remittance information, the Department shall verify that the funds for subsequent distribution reconcile with the associated remittance information provided by the Clerk.

(2) The Department shall cause such funds to be electronically distributed in accordance with the associated remittance information to the appropriate trust fund or agency as designated in statute, within two business days of receiving an accurate payment from the Clerk.

(3) If the Department determines that there is information missing, or that there has been an error made in the submission of the payment amount, payment information, or associated remittance information, the Department shall hold the funds in the Department of Revenue Clerks of the Court Trust Fund until the Clerk has been contacted and the error has been corrected.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, telephone (850)922-4830, and Shehla Milliron, Senior Attorney, telephone (850)488-6386, in the Office of Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 29, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on February 1, 2002 (Vol. 28, No. 22, pp. 2597-2608). A rule development workshop was held on February 19, 2002, in Room 116 of the Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding these proposed rule changes. No one submitted comments before, during, or after the workshop.

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 020095-EU

RULE TITLE:

RULE NO.:

Safety Standards for Construction of New

Transmission and Distribution Facilities

25-6.0345

PURPOSE AND EFFECT: The rule has the purpose and effect of meeting the requirement in Section 366.04(6)(b), Florida statutes, to adopt, after review, the latest edition of the National Electrical Safety Code.

SUMMARY: The amendment changes the 1997 edition of the National electrical Safety Code to the 2002 edition.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost (SERC) was found to be necessary and none was prepared.

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

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 366.04(6)(b) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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: Richard Bellak, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

(1) In compliance with Section 366.04(6)(b), F.S., 1991, the Commission adopts and incorporates by reference the 2002 ~~1997~~ edition of the National Electrical Safety Code (ANSI C-2), published August 1, 2001 ~~August 1, 1996~~, as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. Each public electric utility, rural electric cooperative, and municipal electric system shall comply with the standards in these provisions. Standards contained in the 2002 ~~1997~~ edition shall be applicable to new construction for which a work order number is assigned on or after the effective date of this rule.

(2) Each public electric utility, rural electric cooperative and municipal electric utility shall report all completed electric work orders, whether completed by the utility or one of its

contractors, at the end of each quarter of the year. The report shall be filed with the Director of the Commission's Division of Auditing and Safety Electric and Gas no later than the 30th working day after the last day of the reporting quarter, and shall contain, at a minimum, the following information for each work order:

(a) through (7) No change.

Specific Authority 350.127(2) FS. Law Implemented 366.04(2)(f), (6) FS. History—New 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jim Ruehl

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28, No. 10, March 8, 2002

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental  
Resource Permits

RULE CHAPTER NO.: 40D-4

RULE TITLE: Permits Required

RULE NO.: 40D-4.041

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment to Rule 40D-4.041, F.A.C., is to remove a reference to invalidated rule exemptions.

SUMMARY: The proposed amendment to Rule 40D-4.041, F.A.C., will delete paragraph (3) of the rule. This provision refers to old exemptions that were determined to be invalid and subsequently repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.041,

F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.118, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.426, 373.427 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: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.041 Permits Required.

(1) through (2) No change.

~~(3) A permit may be required for surface water management systems exempt under subsections 40D-4.051(3) or (6) if the master drainage plan is altered so as to have an adverse impact on the off-site water resources in the District.~~

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

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History—Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1),(2),(4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97, 10-11-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 3, 2002

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental Resource  
Permits

RULE CHAPTER NO.: 40D-4

RULE TITLES: Formal Determination of Wetlands and  
Other Surface Waters

RULE NOS.: 40D-4.042

Publications and Agreements Incorporated

by Reference 40D-4.091  
 PURPOSE AND EFFECT: The proposed amendment to Rule 40D-4.042, F.A.C., will change delegation of authority for Formal Determination of Wetlands and Other Surface Waters from the Executive Director to the Regulation Department Directors. The proposed amendment to Rule 40D-4.091, F.A.C., will incorporate by reference the amendments to the Environmental Resource Permitting Information Manual Basis of Review (B.O.R.). The proposed amendment to Section 3.2.2.2, B.O.R., will clarify that provisions relating to environmental impact assessment criteria and required mitigation for fish, wildlife, listed species, and their habitat do not apply to man-made ponds less than 1 acre in size that were constructed in uplands. The proposed amendment to Section 3.2.8, B.O.R., will incorporate language consistent with recent legislation declaring that adverse wetland impacts offset by mitigation within the same drainage basin are not expected to result in unacceptable cumulative impacts.

SUMMARY: The proposed amendments will address paragraph 5 of Rule 40D-4.042, F.A.C., and sections 3.2.2.2 and 3.2.8 of the Basis of Review for Environmental Resource Permit Applications which Rule 40D-4.091, F.A.C., incorporates into the District's rules by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-4.042 and 40D-4.091, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.046, 373.113, 373.118, 373.149, 373.171, 373.421(2), 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.421(2), 373.429, 373.441 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: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-4.042 Formal Determination of Wetlands and Other Surface Waters.

(1) through (4) No change.

(5) The Regulation Department ~~Executive~~ Directors ~~are~~ is delegated the authority to take final action on petitions for formal determinations under this section. A formal determination shall be issued only if the petitioner has satisfied all the requirements of this section.

(6) through (8) No change.

Specific Authority 373.044, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History–New 10-3-95, Amended 7-2-98, 2-14-00, 5-28-00, \_\_\_\_\_.

40D-4.091 Publications and Agreements Incorporated by Reference.

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

(1) "Basis of Review for Environmental Resource Permit Applications" within the Southwest Florida Water Management District, \_\_\_\_\_ February 27, 2002. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, \_\_\_\_\_.

ENVIRONMENTAL RESOURCE PERMITTING  
 INFORMATION MANUAL PART B – BASIS OF REVIEW  
 CHAPTER THREE – ENVIRONMENTAL

3.2.2 Fish, Wildlife, Listed Species and their Habitats

3.2.2.2 Alterations to wholly owned livestock watering ponds that were constructed entirely in uplands and which are less than one acre in area and alterations to drainage ditches that were constructed in uplands will not be required to comply with the provisions of subsections 3.2.2 through 3.2.2.3, 3.2.3 through 3.2.3.7 and 3.2.5 through 3.3.8, unless those ponds or ditches provide significant habitat for threatened or endangered species. This means that, except in cases where those ponds or ditches provide significant habitat for threatened or endangered species, the only environmental criteria that will apply to those ponds or ditches are those included in subsections 3.2.2.4, and 3.2.4 through 3.2.4.5. This provision shall only apply to those ponds and ditches which were constructed before a permit was required under Part IV, Chapter 373, F.S. or were constructed pursuant to a permit under Part IV, Chapter 373, F.S. This provision does not apply to ditches constructed to divert natural stream flow.

3.2.8 Cumulative Impacts

Pursuant to paragraph 3.1.1(g), an applicant must provide reasonable assurance that a regulated activity will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same

drainage basin as the regulated activity for which a permit is sought. The impact on wetlands and other surface waters shall be reviewed by evaluating the impacts to water quality as set forth in subsection 3.1.1(c) and by evaluating the impacts to functions identified in subsection 3.2.2. If an applicant proposes to mitigate any adverse impacts within the same drainage basin as the impacts, and if the mitigation fully offsets these impacts, then the District will consider the regulated activity to have no unacceptable cumulative impacts upon wetlands and other surface waters, and the condition for issuance in paragraph 3.1.1(g) will be satisfied. The drainage basins within the District are identified on Appendix 6. When adverse impacts to water quality or adverse impacts to the functions of wetlands and other surface waters, as referenced in the paragraph above, are not fully offset within the same drainage basin as the impacts, then an applicant must provide reasonable assurance that the proposed system, when considered with the following activities, will not result in unacceptable cumulative impacts to water quality or the functions of wetlands and other surface waters, within the same drainage basin:

(a) through (b) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Standard General Environmental

RULE CHAPTER NO.: 40D-40

Resource Permits

40D-40

RULE TITLE: Conditions for Issuance of Standard

RULE NO.: 40D-40.302

General Permits

40D-40.302

PURPOSE AND EFFECT: The proposed amendments will allow the issuance of Standard General Environmental Resource Permits by staff for projects that impact one or more total acres of wetlands or other surface waters which are ditches originally constructed in uplands or individually less than one-half acre in size and for which no mitigation is required.

SUMMARY: The proposed amendments to Rule 40D-40.302, F.A.C., will exclude ditches constructed in uplands and wholly owned isolated wetlands and other surface waters, that are less than one half acre in size and for which no mitigation is required, for purposes of determining whether a proposed activity qualifies for a Standard General Environmental Resource Permit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-40.302, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 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: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-40.302 Conditions for Issuance of Standard General Permits.

In order to qualify for a standard general permit for construction and operation under this chapter, the applicant must give reasonable assurances that the surface water management system meets all conditions of subsection 40D-40.302(1), F.A.C., ~~and~~ all thresholds in subsection 40D-40.302(2), F.A.C., and conditions of at least one other subsection. To obtain a standard general site conditions assessment permit under this chapter, the applicant must provide reasonable assurances that all conditions of subsection 40D-40.302(5), F.A.C., are met.

(1) ~~General~~ Conditions.

(a) The surface water management system must meet the conditions specified in Rules 40D-4.301 and 40D-4.302, F.A.C.

(b) The permittee must have obtained a Works of the District permit or other approval from the District if the permittee proposes to connect to, place structures in or across, or otherwise make use of works owned by the District.

(2) Thresholds.

(a) No change.

(b) Construction or alteration of a system, including dredging or filling to occur in, on or over a total of one acre or less of wetlands and other surface waters. For this purpose, calculation of the one acre area shall not include:

1. Ditches that were originally constructed in uplands.

2. Any wholly owned, isolated wetland or other surface water less than one-half acre in size and for which mitigation is not required.

(c) No change.

(3) through (4) No change.

(5) Conditions for a Standard General Site Conditions Assessment Permit.

(a) through (b) No change.

Specific Authority 373.044, 373.113, 373.118, FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History—New 10-1-84, Amended 3-1-88, 5-10-88, 9-13-88, 10-3-95, 7-23-96, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 3, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: Foreign Degrees RULE NO.: 61G15-20.007

PURPOSE AND EFFECT: The Board proposes to amend this rule by updating the text to incorporate a reference to an additional entity providing translation services regarding substantial equivalency of foreign degrees.

SUMMARY: The new language being added to this rule will double the number of approved translation services involved in determining the foreign degree holding applicant's credential equivalency and provide a foreign degree holding applicant with more choices in regard to approved transcription evaluation services.

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: 471.008 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.007 Foreign Degrees.

(1) through (4) No change.

(5) The applicant must request an evaluation of substantial equivalency of his or her credentials to ABET standards through either Engineering Credentials Evaluation International, P. O. Box 13084, Baltimore, MD 21203-3084, or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

(6) through (7) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Probable Cause Panel RULE NO.: 61H1-19.007

PURPOSE AND EFFECT: This rule is being amended pursuant to section 455.225(4), F.S., to set forth the Board's authority to appoint more than one probable cause panel and the criteria for same.

SUMMARY: The rule amendment permits the Board's Chair to appoint multiple probable cause panels as necessary.

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

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

SPECIFIC AUTHORITY: 120.53, 455.225, 455.225(4), 473.304 FS.

LAW IMPLEMENTED: 455.013, 455.225, 455.225(4) 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: 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:

61H1-19.007 Probable Cause Panel.

(1) through (4) No change.

(5) The Chairman, at his discretion, shall, as needed, appoint multiple probable cause panels which panels shall be constituted as set forth in subsection (2) above.

Specific Authority 120.53, 455.225, 455.225(4), 473.304 FS. Law Implemented 455.013, 455.225, 455.225(4) FS. History–New 12-4-79, Formerly 21A-19.07, Amended 12-2-92, Formerly 21A-19.007, Amended.

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: April 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 3, 2002

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO: 02-25R

RULE CHAPTER TITLE: Air Pollution Control –

RULE CHAPTER NO.:

General Provisions 62-204

RULE TITLE: Federal Regulations Adopted by Reference

RULE NO.: 62-204.800

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update through April 5, 2002, the adoptions by reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 50, 51, 53, 58, 60, 61, 63, 64, 65, 68, 70, 72, 73, 75, 76, 77, 78, 81, 82, and 93. All references to the July 1, 1996, Code of Federal Regulations (CFR) are updated to the July 1, 2001, CFR. Obsolete references are deleted. Since the provisions of 40 CFR 50.7, National Primary and Secondary Ambient Air Quality Standards For Particulate Matter, are currently under review by the EPA, the department is proposing to exclude this regulation from adoption by reference at this time. The full text of this notice is published on the Internet at the Department of

Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices”.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Criteria for Selection of Investigators

RULE NO.: 64B13-3.011

PURPOSE AND EFFECT: The rule is not authorized and is being repealed. The Department sets the criteria for selection of investigators, in consultation with the Board.

SUMMARY: The rule is being repealed.

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: 456.004 FS.

LAW IMPLEMENTED: 456.004 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., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-3.011 Criteria for Selection of Investigators.

Specific Authority 456.004 FS. Law Implemented 456.004 FS. History–New 10-6-81, Formerly 21Q-3.11, 21Q-3.011, 61F8-3.011, 59V-3.011, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2002

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLE: Probable Cause Determination

RULE NO.: 64B14-1.003

PURPOSE AND EFFECT: The Board proposes a new rule setting forth the procedure for a determination of probable cause including the composition of the probable cause panel.

SUMMARY: The Board has developed this rule to establish the composition of the probable cause panel and the procedures for determining probable cause.

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

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

SPECIFIC AUTHORITY: 456.073, 468.801, 468.802 FS.

LAW IMPLEMENTED: 456.073 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 FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-1.003 Probable Cause Determination.

(1) The determination of whether probable cause exists that a violation of Chapters 456 and 468, Part XIV, Florida Statutes, and/or the rules promulgated pursuant thereto, has occurred shall be made by a majority vote of a probable cause panel of the Board.

(2) The Chair of the Board shall appoint no more than three people to the probable cause panel and shall designate its chair. The appointed members shall be either current members of the Board or a former member of the Board. No more than one member of the panel may be a former board member.

(3) The Chair of the Board may make temporary appointments to the panel as necessary to conduct the business of the panel in the absence or unavailability of a regularly appointed panel member.

Specific Authority 456.073, 468.801, 468.802 FS. Law Implemented 456.073 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2002

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLE: RULE NO.:

Licensure Under the Provisions of Section 468.805 64B14-2.001

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

SUMMARY: The Board has decided to repeal this rule as the Department of Health's rules govern examinations and the procedures for the same.

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

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

SPECIFIC AUTHORITY: 456.017(2) FS.

LAW IMPLEMENTED: 456.017(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FAW.

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianary, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-2.001 Licensure Under the Provisions of Section 468.805 Without Examination Fees.

Pursuant to s. 468.805, F.S., the Board established the following fees:

(1) Non-refundable application fee: \$500.00 ~~200.00~~.

(2) Initial licensure fee: \$500.00 ~~400.00~~.

(3) Initial licensure fee for provisional licensure: \$500.00 ~~400.00~~.

(4) Examination fee for licensure without examination pursuant to s. 468.805(3), F.S.: \$500.00 ~~400.00~~.

Specific Authority 456.025, 468.802, 468.805 FS. Law Implemented 456.025, 468.805 FS. History—New 2-25-99, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2002



**DEPARTMENT OF HEALTH****Board of Pharmacy**

RULE TITLE: RULE NO.:

Standards of Practice for the Dispensing  
of Controlled Substances for  
Treatment of Pain 64B16-27.831

PURPOSE AND EFFECT: The Board is promulgating a new rule to address the standards of practice for dispensing controlled substances.

SUMMARY: The Board is creating a new rule which will set forth the standards of practice for a licensed pharmacist to dispense controlled substances.

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

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

SPECIFIC AUTHORITY: 465.005, 465.0155 FS.

LAW IMPLEMENTED: 465.0155, 465.016 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.831 Standards of Practice for the Dispensing of Controlled Substances for Treatment of Pain.

(1) The Board of Pharmacy recognizes that principles of quality pharmacy practice dictate that the people of the State of Florida have access to appropriate and effective pain relief. The appropriate application of up-to-date knowledge and treatment modalities can serve to improve the quality of life for those patients who suffer from pain as well as reduce the morbidity and costs associated with untreated or inappropriately treated pain. The Board encourages pharmacies to view effective pain management as a part of quality pharmacy practice for all patients with pain, acute or chronic, and it is especially important for patients who experience pain as a result of terminal illness. All pharmacists should become knowledgeable about effective methods of pain treatment as well as statutory requirements for prescribing and dispensing controlled substances.

(2) Inadequate pain control may result from pharmacists' lack of knowledge about pain management or an inadequate understanding of addiction. Fears of investigation or sanction by federal, state, and local regulatory agencies may also result in inappropriate or inadequate treatment of chronic pain

patients. Pharmacists should not fear disciplinary action from the Board or other state regulatory or enforcement agencies for prescribing, dispensing, or administering controlled substances for a legitimate medical purpose. Accordingly, these guidelines have been developed to clarify the Board's position on pain control, specifically as related to the use of controlled substances, to alleviate pharmacist uncertainty and to encourage better pain management.

(3) The Board of Pharmacy is obligated under the laws of the State of Florida to protect the public health and safety. The Board recognizes that inappropriate dispensing of controlled substances may lead to drug diversion and abuse by individuals who seek them for other than legitimate medical use. Pharmacists should be diligent in preventing the diversion of drugs for illegitimate purposes.

(4) An order purporting to be a prescription issued not in the usual course of professional treatment nor in legitimate and authorized research is not a prescription and the pharmacist knowingly filling such a purported prescription shall be subject to penalties for violations of the law. The following criteria should cause a pharmacist to question whether a prescription was issued for a legitimate medical purpose: (1) Frequent loss of opioid medications, (2) Only opioids medications are prescribed for a patient, (3) One person presents opioid prescriptions with different patient names, (4) Same opioid medication is prescribed by two or more prescribers at same time, (5) Patient always pays cash and always insists on brand name product. If any of these criteria is met, the pharmacist should insist that the person to whom medication is dispensed provide picture identification and the pharmacist should photocopy such picture identification for the pharmacist's records. If a photocopier is not available, the pharmacist should document on the back of the prescription complete descriptive information from the picture identification. If the person to whom medication is dispensed has no picture identification, the pharmacist should confirm the person's identity and document on the back of the prescription complete information on which the confirmation is based. The pharmacist should also verify the prescription with the prescriber. A pharmacist who believes a prescription for an opioid medication to be valid, but who has not been able to verify it with the prescriber, may determine that he or she is unable to supply the full quantity and may dispense a partial supply, not to exceed a 72 hours supply. After verification by the prescriber, the pharmacist may dispense the balance of the prescription within a 72 hour time period following the initial partial filling, unless otherwise prohibited by law.

(5) Every pharmacy permit holder shall maintain a computerized record of controlled substance prescriptions dispensed. A hard copy printout summary of such record, covering the previous 60 days period, shall be made available within 24 hours following a request for it by any law enforcement personnel entitled to request such summary under

authority of Section 465.017(2), F.S. Such summary shall include information from which it is possible to determine the volume and identity of controlled substance medications being dispensed under the prescription of a specific prescriber, and the volume and identity of controlled substance medications being dispensed to a specific patient.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.0155, 465.016(1)(i) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE TITLE:

Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12; Forms and Guidelines

RULE NO.:

64D-3.011

PURPOSE AND EFFECT: The Bureau proposes an amendment to extend the expiration date for temporary medical exemptions and to update the Immunization Guidelines and other forms that are incorporated by reference.

SUMMARY: The proposed amendment to Rule 64D-3.011, F.A.C., modifies language allowing extension of the expiration dates for temporary medical exemptions in the event of a vaccine shortage, and updates the Immunization Guidelines and other forms that are incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: At this time, a Statement of Estimated Regulatory cost is not available.

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: 381.003(1)(e), (2) FS.

LAW IMPLEMENTED: 232.032 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: 1:00 p.m., (EST), May 31, 2002

PLACE: Room 320P, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of

Immunization, Room 210N, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719, whose telephone number is (850)245-4342 (Mailing address is 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719)

THE FULL TEXT OF THE PROPOSED RULE IS:

64D-3.011 Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12; Forms and Guidelines.

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

(b) Exemptions – A child may attend school without a valid DH Form 680, Florida Certification of Immunization, Certificate of Immunization for K-12 Excluding 7th Grade Requirements (Part A-1) and/or Certificate of Immunization Supplement for 7th Grade Requirement (Part A-2) only if he presents a completed DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B), Permanent Medical Exemption (Part C), or completed Form DH 681, Religious Exemption From Immunization, incorporated by reference in subsection 64D-3.011(9)(5), F.A.C., or if he is a transfer student. Exemption forms noted shall be completed per instructions for the appropriate school year provided in ~~Immunization Guidelines Florida Schools and Child Care Facilities Effective August 2000~~, or Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Effective July 2001, or Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Effective July 2002, as incorporated by reference in subsection 64D-3.011(9)(5), F.A.C.

1. Medical Exemptions – A child in attendance with a medical exemption must present or have on file the DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B), incorporated by reference in subsection 64D-3.011(9)(5), F.A.C., properly dated and signed or authorized by a physician licensed under provisions of Chapter 458, 459, or 460 or DH Form 680, Florida Certification of Immunization Permanent Medical Exemption (Part C), incorporated by reference in subsection 64D-3.011(9)(5), F.A.C., properly dated and signed by a physician licensed under provisions of Chapter 458 or 459, F.S. The original paper temporary or permanent medical exemption shall be transferred for follow-up in addition to the electronic transfer of these records. DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B) is a temporary medical exemption which must indicate an expiration date. A child attending under such an exemption is not fully immunized. The expiration date indicated is to be fifteen (15) days after each child’s next scheduled appointment to receive additional vaccine appropriate to the child’s age. The department may approve issuance of temporary medical exemptions with extended expiration dates by those entities authorized above when it is determined that a vaccine shortage exists. In such predetermined cases, the expiration date for the

DH Form 680, Florida Certificate of Immunization Temporary Medical Exemption (Part B) shall reflect the estimated date for manufacturer production of sufficient quantities of vaccine necessary to resume deferred immunizations. DH Form 680, Florida Certification of Immunization Permanent Medical Exemption (Part C) is a permanent medical exemption which indicates the child is not fully immunized and cannot receive any more of a particular vaccine due to medical reasons. Medical reasons must be stated for each vaccine that is contraindicated as described above.

(b)2. through (4) No change.

~~(5) Forms and Guidelines — Forms used to document compliance with Section 232.032, F.S., and guidelines for completion of the forms are hereby incorporated by reference:~~

FORM #	EFFECTIVE DATE	TITLE	FORMS AND GUIDELINES AVAILABILITY
DH-680	(Aug-2000)	Florida Certification of Immunization	DOH county health departments (DOH CHDs); physicians' offices
DH-680	(July-2001)	Florida Certification of Immunization	DOH CHDs; physicians' offices
DH-681	(May-99)	Religious Exemption From Immunization	DOH CHDs
DH-684	(Nov-96)	Immunization Annual Report of Compliance for Kindergarten and Seventh Grade	DOH CHDs
DH-685	(Nov-96)	Kindergarten and Seventh Grade Annual Report of Compliance County Summary	DOH CHDs
	(Aug-2000)	Immunization Guidelines Florida Schools and Child Care Facilities Effective August 2000	DOH CHDs
	(July-2001)	Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Homes Effective July 2001	DOH CHDs

~~(5)(6) Adult Education Classes – Students under 21 years of age attending adult education classes will provide acceptable proof of immunization as specified in subsection 64D-3.011(1), F.A.C.~~

~~(6)(7) Florida SHOTS (State Health Online Tracking System) Opt Out Provision – Parents or guardians may elect to decline participation in the Florida immunization registry, Florida SHOTS, by completing a DH Form 1478, Florida SHOTS Notification and Opt Out Form, as incorporated by reference in subsection 64D-3.011(9)(40), F.A.C., and returning the form to the Department of Health. The immunization records of children whose parents choose to~~

opt-out will not be shared with other entities that are allowed by law to have access to the child's immunization record via authorized access to Florida SHOTS.

~~(7)(8) Florida SHOTS Private Provider Participation – Any health care practitioner licensed in Florida under Chapter 458, 459 or 464, Florida Statutes, may request authorization to access Florida SHOTS by filling out a DOH Form 1479, Authorized Private Provider User Agreement for Access to Florida SHOTS (Florida State Health Online Tracking System), as incorporated by reference in subsection 64D-3.011(9)(40), F.A.C. The DOH Form 1479 will be returned to the Department of Health for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the Department of Health. The authorized user and the applicable licensing authority or agency shall notify the Department of Health Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.~~

~~(8)(9) Florida SHOTS School and Licensed or Registered Child Care Facility Participation – Any public or nonpublic school, or licensed or registered child care facility may request authorization to access Florida SHOTS by completing a DOH Form 2115, Authorized School, and Licensed or Registered Child Care Facility User Agreement for Access to Florida SHOTS, as incorporated by reference in subsection 64D-3.011(9)(40), F.A.C. The DOH Form 2115 will be returned to the Department of Health for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the Department of Health. The authorized user and the applicable licensing authority or agency shall notify the Department of Health Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.~~

~~(9)(10) Forms and Guidelines – Forms used to document compliance with Sections 232.032 and 381.003, F.S., and guidelines for completion of the forms, are hereby incorporated by reference:~~

FORM #	EFFECTIVE DATES	TITLE	FORMS AND GUIDELINES AVAILABILITY
DH 680	(July 2001)	Florida Certification of Immunization	DOH county health departments (DOH CHDs); physicians' offices
DH 681	(May 1999)	Religious Exemption From Immunization	DOH CHDs
DH 681	(February 2002)	Religious Exemption Immunization (English/Spanish/Haitian-Creole Version)	DOH CHDs

DH 684	(November 1996)	<u>Immunization Annual Report of Compliance for Kindergarten and Seventh Grade</u>	DOH CHDs
DH 685	(November 1996)	<u>Kindergarten and Seventh Grade Annual Report of Compliance County Summary</u>	DOH CHDs
DH 150-615	(July 2001)	<u>Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Homes</u>	DOH CHDs
DH 150-615	(July 2002)	<u>Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Homes Effective July 2002</u>	DOH CHDs
DH 1478	Nov-2000 (November 2000)	Florida SHOTS Notification and Opt Out Form (English Version)	DOH Bureau of Immunization 4052 Bald Cypress Way, Bin # A-11 Tallahassee, FL 32399-1719
DH 1478S	(November 2000)	<u>Florida SHOTS Notification and Opt Out Form (Spanish Version)</u>	<u>DOH Bureau of Immunization 4052 Bald Cypress Way, Bin # A-11 Tallahassee, FL 32399-1719</u>
DH 1478H	(February 2002)	<u>Florida SHOTS Notification and Opt Out Form (Haitian Creole Version)</u>	<u>DOH Bureau of Immunization 4052 Bald Cypress Way Bin # A-11 Tallahassee, FL 32399-1719</u>
DH 1479	Nov-2000 (November 2000)	Authorized Private Provider User Agreement for Access to Florida SHOTS (State Health Online Tracking System)	DOH Bureau of Immunization 4052 Bald Cypress Way Bin # A-11 Tallahassee, FL 32399-1719
DH 2115	Nov-2000 (November 2000)	Authorized School and Licensed or Registered Child Care Facility User Agreement For Access to Florida SHOTS (State Health Online Tracking System)	DOH Bureau of Immunization 4052 Bald Cypress Way, Bin # A-11 Tallahassee, FL 32399-1719

Specific Authority 232.032(1), 381.0011(13), 381.003(1), (2), 381.005(2) FS. Law Implemented 232.032(1), 381.0011(4), 381.003(1), 381.005(1)(i) FS. History—New 12-29-77, Amended 6-7-82, 11-6-85, Formerly 10D-3.88, Amended 2-26-92, 9-20-94, 9-21-95, 4-7-96, Formerly 10D-3.088, Amended 7-14-99, 1-22-01, 7-23-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Charles H. Alexander, Chief, Bureau of Immunization  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Landis K. Crockett, M.D., M.P.H., Director, Division of Disease Control  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF BANKING AND FINANCE

#### Board of Funeral and Cemetery Services

RULE NO.: 3F-5.0016  
RULE TITLE: Certificate of Authority; Financial Requirements  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 8, of the February 22, 2002, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on April 19, 2002, voted to change subsection (2) of the rule to read as follows:

(2) A Certificate of Authority holder or applicant must submit its most recent year-end financial statements (including a balance sheet and income statement), with the Certificate of Authority application and annually thereafter as provided in Section 497.407(1), F.S. The financial statements must be prepared in accordance with generally accepted accounting principles (GAAP) as those principles have been defined by the Florida Board of Accountancy in Chapter 61H1-20, F.A.C. If the applicant does not have the minimum net worth as set forth in section three (3) or lacks sufficient liquid assets to satisfy current liabilities or does not appear to have any substantial long-term assets, the Department shall request additional financial information concerning financial statements and the statement of cash flows.

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE NOS.:                   RULE TITLES:  
 5M-2.002                   Definitions  
 5M-2.005                   Notice of Intent to Implement

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 13, March 29, 2002, of the Florida Administrative Weekly.

The changes were made in response to written comments received from The Florida Legislature Joint Administrative Procedures Committee.

Rule 5M-2.002, F.A.C., Definitions, has been deleted. All subsequent rules have been renumbered to reflect this change.

One sentence in subsection 5M-2.005(1), F.A.C., has been changed so that when adopted it will read: "...and the signature of the owner, lease holder, or an authorized agent."

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE IS: W. Mark Jennings, Environment Specialist III, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301, Telephone (850)488-6249, Fax (850)921-2153

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.:    RULE CHAPTER TITLE:  
 14-15                   Incorporation by Reference  
 RULE NO.:             RULE TITLE:  
 14-15.002             Manual of Uniform Minimum  
                              Standards for Design,  
                              Construction and Maintenance  
                              for Streets and Highways

**NOTICE OF CHANGE**

The Notice of Proposed Rule Development was published on Page 1430 of the April 29, 2002, *Florida Administrative Weekly*, but was inadvertently placed in Section II, Proposed Rules. A correction notice was published by the Department of State in Vol. 28, No. 17, Florida Administrative Weekly, Pages 1860-1861, dated April 26, 2002.

The Notice of Rulemaking published in the May 3, 2002, *Florida Administrative Weekly*, incorrectly referred to the date and page(s) of the Notice of Proposed Rule Development. That reference is corrected as follows:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 29, 2002, Page 1430, as corrected by separate notice published in the April 26, 2002, *Florida Administrative Weekly*, Pages 1860-1861.

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.:    RULE CHAPTER TITLE:  
 28-18                   Land Planning Regulations for the  
                              Florida Keys Area of Critical  
                              State Concern – City of  
                              Marathon

RULE NO.:             RULE TITLE:  
 28-18.200             Comprehensive Plan

**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. 28, No. 8, February 22, 2002, issue of the Florida Administrative Weekly.

28-18.200 Comprehensive Plan.

The Transitional Comprehensive Plan of the City of Marathon established by Chapter 99-427, Laws of Florida, is amended as follows:

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

(c) Except as provided below for the Little Venice sewer system, nutrient reduction credits earned by construction of a central sewer system using best available technology or advanced wastewater treatment shall be earned according to the following schedule at the time that a wastewater construction permit is issued by DEP for each phase of the project and a design/build or construction contract has been executed:

1. One-third of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced.

2. One-third of the total estimated credits shall be earned when the construction of the system is 50 percent complete.

3. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated.

The nutrient reduction credits earned by the construction of the Little Venice system shall be earned according to the following schedule:

1. 250 of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced. Of these credits, 54 shall be made available to the Meridian West affordable housing project and 52 to the Tradewinds affordable housing project, and 42 to a proposed affordable housing project in the City of Marathon. Any credits not used for these affordable housing projects shall be available for future

allocation pursuant to paragraph 2. below. In addition, 60 of these credits shall be made available to Monroe County and 42 of these credits shall be made available to the City of Marathon.

2. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated.

The nutrient reduction credits that are earned from the construction of such a central sewer system, in which state or federal funds are used, shall be allocated as follows:

1. The local government ~~which contributed funds for said construction~~ shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds ~~it~~ contributed from its jurisdiction to the total construction costs; and

2. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

(d) No change.

(e) The Work Program in Policy 101.2.13 for Year 4, Year 5, Year 6, and Year 7 shall be modified as follows:

YEAR FOUR (July 13, 2000 through July 12, 2001)

A. through C. No change.

YEAR FIVE (July 13, 2001 through July 12, 2002)

A. through D. No change.

YEAR SIX (July 13, 2002 through July 12, 2003)

A. through D. No change.

YEAR SEVEN (July 13, 2003 through July 12, 2004)

A. and B. No change.

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History—New\_\_\_\_\_.

NAME OF PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE IS: Mike McDaniel, Growth Management Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
28-20	Land Planning Regulations for the Florida Keys Area of Critical State Concern – Monroe County
RULE NO.:	RULE TITLE:
28-20.100	Comprehensive Plan

**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. 28, No. 8, February 22, 2002, issue of the Florida Administrative Weekly.

The Monroe County Comprehensive Plan Policy Document, as the same exists on May 15, 2001, is hereby amended as follows:

28-20.100 Comprehensive Plan.

(1) through (34) No change.

(35) Policy 101.2.13

Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, DOH, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For Years 3 and 4 of the Work Program, the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations. Additional new residential permits will be allowed but limited to the number of nutrient reduction credits earned within the same unincorporated ROGO area. Nutrient reduction credits shall be earned consistent with Table 1 below. Except as provided below for the Little Venice sewer system, nutrient reduction credits earned by construction of a central sewer system using best available technology or advanced wastewater treatment shall be earned according to the following schedule at the time that a wastewater construction permit is issued by DEP for each phase of the project and a design/build or construction contract has been executed.

1. One-third of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced.

2. One-third of the total estimated credits shall be earned when the construction of the system is 50 percent complete.

3. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated.

The nutrient reduction credits earned by the construction of the Little Venice system shall be earned according to the following schedule:

1. 250 of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced. Of these credits, 54 shall be made available to the Meridian West affordable housing project and 52 to the Tradewinds affordable housing project, and 42 to a proposed affordable housing project in the City of Marathon. Any credits not used for these affordable housing projects shall be available for future allocation pursuant to paragraph 2 below. In addition, 60 of these credits shall be made available to Monroe County and 42 of these credits shall be made available to the City of Marathon.

2. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated.

The nutrient reduction credits that are earned from the construction of such a central sewer system, in which state or federal funds are used, shall be allocated as follows:

1. The local government ~~which contributed funds for said construction~~ shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds ~~it~~ contributed from its jurisdiction to the total construction costs; and

2. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

Nutrient reduction credits earned using funds provided by the State and matched by the County in fiscal years 1997-98 and 1998-99 will be used to offset the nutrient impacts of the 88 new residential permits per year, but may not be used for additional new residential permits until such time as these funds generate more than 88 nutrient reduction credits for Years 3 and 4. For Year 5, the interim Permit Allocation System shall allow a minimum of 77 new residential permits. If fewer than 77 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits. For Year 6 and beyond, the interim permit allocation system shall limit the number of permits issued for new residential development to the number of nutrient reduction credits earned within the same unincorporated ROGO area, except as otherwise authorized herein. For all years the number of permits issued for new residential development under the Rate of Growth Ordinance shall not exceed a total unit cap of 197 new residential units per year. The restored permits (39) are encouraged to be dedicated to affordable housing. This allocation represents the total number of new permits for development that may be issued during a

ROGO year. No exemptions or increases in the number of new permits, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement for affordable housing between the Department and the local government in the critical areas, may be allowed. Monroe County shall develop a tracking system for monitoring the nutrient reduction credits earned. The tracking system shall commence upon the effective date of this rule and the number of nutrient reduction credits earned shall be cumulative and may be applied to future years of the interim Permit Allocation System.

Table 1  
Nutrient Reduction Credits

	Treatment System Upgraded To			
	On-site Treatment	Centralized Systems		
	OWNR or Equivalent On-site Treatment and Disposal Systems	Secondary Treatment	Best Available Treatment (BAT)	Advanced Wastewater Treatment (AWT)
Cesspit	1 EDU Credit	1 EDU Credit	1.0 EDU Credit	1.5 EDU Credit
Substandard OSTDS	0.5	0.5	1.0	1.5
Approved OSTDS	0.5	0	1	1.5
Secondary Treatment	n/a	n/a	1	1.5

Additionally, the unit cap for new residential development shall be linked to the following work program which identifies actions necessary to correct existing wastewater and storm water problems, as well as actions necessary to determine appropriate future growth. Beginning August 1, 2002, and each year of the work program thereafter, Monroe County and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. The Commission shall consider the findings and recommendations provided in those reports and shall determine whether substantial progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that substantial progress has not been made, the unit cap for new residential development shall be reduced by at least 20 percent for the following year. If the Commission determines that substantial progress has been made, then the Commission shall increase the unit cap for new residential development for the following year up to a maximum of 197 units. Other agencies identified in the work program, or any interested persons, may likewise report and make recommendations for consideration by the Commission. Notwithstanding any other dates set forth in this plan, the dates set forth in the work program shall control where conflicts exist. For each task in the work program, the Department of Community Affairs shall request of all relevant and

appropriate federal, state, regional, and local agencies that they contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the county in completing the task. Each such agency shall prepare, in coordination with the county, a section to be included in Monroe County's reports which indicates the agency's actions relative to the work plan. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating with Monroe County, and relevant state and federal agencies, in the implementation of the tasks related to water quality, wastewater and storm water facilities, and in the development and implementation of the carrying capacity study. The Steering Committee will provide technical assistance and substantive comments and recommendations to ensure that the county's wastewater and storm water master plans and the carrying capacity study are consistent with the objectives of the FKNMS Water Quality Protection Program. The Steering Committee will make recommendations on wastewater systems and Hot Spot priorities prior to implementation by the County. It is the intent of this rule to accelerate the pace, and increase the effectiveness of the current cesspit replacement effort through both a regulatory and an incentive-based program. No later than August, 1999 Monroe County shall engage in a public education program to ensure that the public understands that the County is committed to the swift identification and replacement of cesspits, as a full partner with the Department of Health. The public education program shall explain the role of cesspit removal in the overall context of the Work Plan and Wastewater Master Plan. The County and the state shall request the participation of the Steering Committee in the public education program as well as the Florida Keys Aqueduct Authority.

**WORK PROGRAM**

- YEAR ONE (ending December 31, 1997)
  - A. through G. No change.
- YEAR TWO (ending December 31, 1998)
  - A. through F. No change.
- YEAR THREE (January 1, 1999 through July 12, 2000)
  - A. through I. No change.
- YEAR FOUR (July 13, 2000 through July 12, 2001)
  - A. through F. No change.
- YEAR FIVE (July 13, 2001 through July 12, 2002)
  - A. through E. No change.
- YEAR SIX (July 13, 2002 through July 12, 2003)
  - A. through D. No change.
- YEAR SEVEN (July 13, 2003 through July 12, 2004)
  - A. through B. No change.
  - (36) through (65) No change.

NAME OF PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE IS: Mike McDaniel, Growth Management Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.210                      RULE TITLE: Use of Force

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 5, February 1, 2002 and Vol. 28, No. 17, April 26, 2002, issues of the Florida Administrative Weekly:

33-602.210 Use of Force.

(1) through (6) No change.

(7) The Authorization For Use of Force Report and the Institutions Report of Force Used shall be completed by those staff involved either during or immediately after the tour of duty when force was used. If an emergency arises, the warden may authorize the employee to complete the reports immediately upon his return on the next calendar day. Barring such an emergency, all reports must be typed and submitted to the warden or acting assistant warden within 1 working day (Monday through Friday) following the incident.

(8) The warden or acting assistant warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will include the reports of all involved staff and the statements of staff witnesses, inmate witnesses, the inmate subject, and the completed Use of Force File Checklist, Form DC1-813. All inmate statements (subject and witnesses) shall be made in writing using the Witness Statement, Form DC6-112C. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. All employees who witness but do not participate in the use of force shall complete an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in subsection (19) of this rule. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden shall review the Use of Force File Checklist, Form DC1-813, and shall forward the videotape(s) and associated reports on the use of force and the warden's review to the institutional inspector within five working days. Form DC1-813 is incorporated by reference in subsection (19) of this rule. The institutional inspector will



ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The OIG, following its review, will either approve the use of force action or disapprove it. If necessary, it will be referred for investigation before final approval or disapproval. If disapproved, the OIG shall advise the warden in writing of the reason for the disapproval so that the warden can take any needed corrective action. If employee disciplinary action appears warranted, the warden shall forward the materials to the service center employee relations supervisor. Form DC6-296, Disapproved Use of Force/ Disposition Report, shall be used for this purpose. Form DC6-296 is incorporated by reference in subsection (19) of this rule. The warden shall document all corrective action taken. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. A Use of Force Log, Form DC2-802, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden or his or her designee shall be responsible for submitting accurate information to the personnel office in order to maintain the DC2-802. Any use of force reports completed prior to April 15, 1998 shall also remain in the file. Form DC2-802, Use of Force Log, is incorporated by reference in subsection (19) of this rule.

(9) No change.

(10) Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare a report documenting the reasons that force or restraint was authorized. Form DC6-232, Authorization For Use Of Force Report, shall be used for this purpose. The physician's or clinical associate's report shall be attached to the Institutions Report of Force Used when actual force is used, or the Incident Report, Form DC6-210, in cases when restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign a Refusal of Health Services Affidavit, Form DC4-711A,

declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection (19) of this rule. When the use of psychiatric restraints (leather or vinyl waist belt, wrist cuffs and leg restraints; protective helmets; four point restraints) is authorized and the inmate does not offer resistance to the application of the restraints, the completion of an Institutions Report of Force Used, Form DC6-230, or an Institutions Report of Force Used Staff Supplement, Form DC6-231, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and an Incident Report, Form DC6-210, will be completed. The videotape, the completed incident report, and the completed Authorization for Use of Force Report, Form DC6-232, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection (8) above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection (6) above will be followed, to include the completion of the Authorization for Use of Force Report, Form DC6-232.

(11) The use of electronic immobilization devices, batons, chemical agents, or specialty impact munitions within institutions shall be authorized only by the warden, or duty warden if the warden is not available. ~~For purposes of this rule, the duty warden shall be an assistant warden, colonel, major of a work camp that is attached to a major institution, or a major of a work release center if so designated by the warden and regional director (taking into consideration the proximity of the work release center to the institution).~~ Batons shall be used only by trained baton squad members to disarm an inmate or during situations in which the squad has been activated to quell a disturbance. The decision to use chemical agents, specialty impact munitions, or authorized electronic immobilization devices shall be based on which level of force is most likely to resolve the situation with the least amount of injury to all parties involved. Hands-on physical force shall be avoided if injury is less likely to occur by using chemical agents, specialty impact munitions, or electronic immobilization devices.

(12) No change.

(13) Use of electronic immobilization devices.

(a) through (d) No change.

(e) When in a close management or confinement setting, prior to utilizing electronic immobilization devices, the officer shall review Form DC4-650B, Chemical Agents Risk Assessment Form, to determine whether the inmate has a medical condition which may be exacerbated by use of electronic immobilization devices. If no form is available, and where time and circumstances permit, medical staff shall be consulted to determine if the inmate has any medical condition that would make the use of an electronic immobilization device dangerous to that inmate's health.

(13)(f) through (l) No change.

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. No change.

2. If the confinement or close management lieutenant or shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. When in a close management or confinement setting, review Form DC4-650B, Chemical Agent Risk Assessment Form, Ensure that medical staff are contacted when time and circumstances permit, to determine if the inmate has a medical condition that would be exacerbated by prevent the use of chemical agents; if no form is available, where time and circumstances permit, contact medical staff to determine whether the inmate has any medical condition that would make the use of chemical agents dangerous to that inmate's health; and

b. Contact the warden or duty warden and request authorization to utilize chemical agents.

3. Prior to using chemical agents, the inmate again shall be counseled with concerning his behavior.

a. If this attempt to counsel with the inmate is unsuccessful, the inmate will be given a final order by staff to cease his actions. The inmate will also be informed at this time that chemical agents will be administered if he continues his disruptive behavior.

b. If the inmate continues his disruptive behavior, approximately three minutes after the order is given, staff are authorized to administer chemical agents in the form of no more than three one-second bursts. Staff are authorized to immediately utilize chemical agents if physical injury to staff or other inmates appears imminent.

c. If after approximately five minutes from the initial exposure the inmate still continues his disruptive behavior, staff are authorized to again administer chemical agents for no more than three one-second bursts.

d. If the second administration of chemical agents fails to control the inmate's disruptive behavior, the duty warden medical staff shall again be consulted to determine the next course of action. Additional actions include:

~~1. Medical or psychological intervention;~~

~~I.2-~~ Additional administration of the same type or other type of chemical agent;

~~II.3-~~ Use of electronic immobilization devices; and

~~III.4-~~ Other uses of force as authorized by this rule.

~~e.b-~~ Any uninvolved inmates in the cell or immediate area shall be given an opportunity to leave the potentially affected area, if it will not jeopardize the safety of staff or other inmates.

~~f.e-~~ Except in cases of extreme emergency as determined by the warden or duty warden, the confinement or close management lieutenant or shift supervisor shall counsel with, issue the final order, and be present during the time of the final counseling period and the administering of chemical agents.

(n) through (o) No change.

(p) Inmates exposed to chemical agents shall be allowed and encouraged to shower and change both inner and outer wear after exposure for decontamination purposes.

1. If an inmate refuses to shower or change, the refusal ~~shall should~~ be documented:

a. through c. No change.

2. No change.

(15) through (16) No change.

(17) Medical Attention Following Use of Force. Appropriate medical treatment shall be provided immediately or, in the case of a riot or other man-made or natural disaster, as soon as possible, if an inmate or employee is injured. Any treatment or follow-up action shall be documented in section III of Form DC6-230, Institutions Report of Force Used. A qualified health care provider shall examine any person physically involved in a use of force within one working day (Monday through Friday) to determine the extent of injury, if any, and shall prepare a report which shall include a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician and the physician shall prepare a report documenting the extent of the injury and the treatment prescribed. Such report shall be completed within 1 day of the incident and shall be submitted to the warden for initial review. The qualified health provider and physician shall use Form DC4-701C, Emergency Room Record, to document an examination following use of force. Form DC4-708, Diagram of Injury, shall be used along with Form DC4-701C to document obvious physical injuries. A copy of the report, along with the referenced forms, shall be attached to the Institutions Report of Force Used. The original reports shall be filed in the medical record.

(18) No change.

(19) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (j) No change.

(k) DC6-232, Authorization for Use of Force Report, effective 2-7-00.

(l) DC6-296, Disapproved Use of Force/Disposition Report, effective \_\_\_\_\_.

(m) DC4-650B, Chemical Agents Risk Assessment Form, effective \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-4.091  
 RULE TITLE: Publications, Rules and Interagency Agreements Incorporated by Reference

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 28, No. 10, March 8, 2002, issue of the Florida Administrative Weekly. The change is the deletion of certain duplicative proposed rule text set forth within the same Section 4.2.8, "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001" (ERP BOR) incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C. The duplicative proposed rule text is redundant and unnecessary. When the redundant rule text is removed, the proposed amendments to Section 4.2.8, ERP BOR are as follows:

**4.2.8 Cumulative Impacts**

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

When adverse impacts to water quality or adverse impacts to the functions of wetlands and other surface water, as referenced in the paragraph above, are not fully offset within the same drainage basin as the impacts, then ~~a~~An applicant must provide reasonable assurance that the proposed system, when considered

with the following activities, will not result in unacceptable cumulative impacts to water quality or the functions of wetlands and other surface waters, within the same drainage basin:

(a) and (b) No change.

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

Last paragraph of Section 4.2.8 No change.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-4.091  
 RULE TITLE: Publications, Rules and Interagency Agreements Incorporated by Reference

**NOTICE OF WITHDRAWAL**

Pursuant to Section 120.54(3)(d)1., F.S., notice is hereby given that the proposed amendments to Sections 4.2.8.1; 4.2.8.2., and proposed creation of Section 4.2.8.3., "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001" (ERP BOR) incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C., as noticed in Vol. 28, No. 10, March 8, 2002, issue of the Florida Administrative Weekly, have been withdrawn in order to avoid redundancy because the proposed rule text is set forth in Section 4.2.8 of the ERP BOR.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER NO.: 59A-27  
 RULE CHAPTER TITLE: Health Care Services Pools

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made in the above-cited rule as published in Vol. 28, No. 10, Florida Administrative Weekly, March 8, 2002, and as altered in a Notice of Change published in Vol. 28, No. 18, Florida Administrative Weekly, May 3, 2002, Purchase Order Number J00693. Upon review, errors were discovered and the following changes have been made.

In the previous Notice of Change, a change was noticed in paragraph 59A-27.006(3)(c), F.A.C., "Documentation of all other required personnel information." is deleted and replaced with "Documentation of personnel information ensuring compliance with Section 400.980(11),F.S."

The change was accurate but the location was incorrect. There is no paragraph 59A-27.006(3)(c), F.A.C. The proper location for this change is paragraph 59A-27.006(2)(c), F.A.C. The notice should have read:

In paragraph 59A-27.006(2)(c), F.A.C., "Documentation of all other required personnel information." is deleted and replaced with "Documentation of personnel information ensuring compliance with Section 400.980(11), F.S."

In the previous Notice of Change, a change was noticed in paragraph 59A-27.006(3)(f), F.A.C., "Rule 64B22-1.005, F.A.C." is deleted and replaced with "Rule 59A-27.005, F.A.C."

The change was accurate but the location was incorrect. There is no paragraph 59A-27.006(3)(f), F.A.C.

The proper location for this change is paragraph 59A-27.006(2)(h), F.A.C. The notice should have read:

In paragraph 59A-27.006(2)(h), F.A.C., "Rule 64B22-1.005, F.A.C." is deleted and replaced with "Rule 59A-27.005, F.A.C."

In the previous Notice of Change, a change was noticed in subsection 59A-27.006(4), F.A.C., the sentence "The cost of processing the criminal background check shall be borne by the petitioning party." is altered to read "The cost of processing the criminal records background check shall be borne by the petitioning party pursuant to Section 435.08, F.S."

The change was accurate but the location was incorrect. There is no subsection 59A-27.006(4), F.A.C.

The proper location for this change is subparagraph 59A-27.006(3)(a)2., F.A.C. That change was noticed properly in the last Notice of Change published in Vol. 28, No. 18, Florida Administrative Weekly, May 3, 2002, Purchase Order Number J00693. It read:

In subparagraph 59A-27.006(3)(a)2., F.A.C., the sentence "The cost of processing the criminal records background check shall be borne by the petitioning party." is altered to read "The cost of processing the criminal records background check shall be borne by the petitioning party pursuant to Section 435.08, F.S."

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-2.031  
 RULE TITLE: Where to Apply

**NOTICE OF CORRECTION**

The Department of Business and Professional Regulation, Florida Real Estate Commission, announces a correction to the Notice of Proposed Rule Development, which appeared in the April 26, 2002 issue of the Florida Administrative Weekly, Vol. 28, No. 17. Specifically, the notice published regarding Rule No. 61J2-2.031 referred to Applications by Individuals under Rule Title in error.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE NO.: 64B11-2.007  
 RULE TITLE: HIV/AIDS and Medical Error Prevention Education for Initial Licensure

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 9, March 1, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments from JAPC and the Board meeting held on April 8, 2002.

The rule shall now read as follows:

64B11-2.007 HIV/AIDS and Medical Error Prevention Education for Initial Licensure.

(1) through (3) No change.

(4) All applicants for licensure shall submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course must have been approved by the Board and may be one offered by a facility licensed pursuant to Chapter 395, Florida Statutes. The course shall include a study of root-cause analysis, error reduction and prevention, and patient safety.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE NO.: 64B11-3.005  
 RULE TITLE: HIV/AIDS and Medical Error Prevention Education for Initial Licensure

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F. S., published in the Vol. 28, No. 9, March 1, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments from JAPC and the Board meeting held on April 8, 2002.

The rule shall now read as follows:

64B11-3.005 HIV/AIDS and Medical Error Prevention Education for Initial Licensure.

(1) through (3) No change.

(4) All applicants for licensure shall submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course must have been approved by the Board and may be one offered by a facility

licensed pursuant to Chapter 395, Florida Statutes. The course shall include a study of root-cause analysis, error reduction and prevention, and patient safety.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE NO.: 64B11-5.001  
 RULE TITLE: Requirements for License Renewal of an Active License

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 3, January 18, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments from JAPC and the Board meeting held on April 8, 2002.

The rule shall now read as follows:

64B11-5.001 Requirements for License Renewal of an Active License.

An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

- (1) through (4) No change.
- (5) Each licensee shall attend and certify attending a Board-approved 2-hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for licensure renewal. The course shall include a study of root-cause analysis, error reduction and prevention, and patient safety.

(6) through (8) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE NO.: 64B11-6.001  
 RULE TITLE: Continuing Education Program Approval

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 15, April 12, 2002, issue of the Florida Administrative Weekly. The changes are in response to the Board meeting held on April 8, 2002.

The rule shall now read as follows:

64B11-6.001 Continuing Education Program Approval.

- (1) No change.
- (2) When attending an approved program, a licensee must attest by signature that he or she has attended the workshop and attendance must be certified by the program's registrar.
- (3) No change.

(4) Programs meeting the above criteria and offered by the Florida Occupational Therapy Association (FOTA), the American Occupational Therapy Association (AOTA) and occupational therapy courses accredited by an accrediting board for occupational therapy shall be approved by this Board for continuing education and shall not pay the fees required in subsection (1) of this rule.

(5) through (7) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-2.001  
 RULE TITLE: Licensure under the provisions of section 468.805 Without Examination Fees

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 3, January 18, 2002, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Board Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-14.004  
 RULE TITLE: Standards for the Prescription of Obesity Drugs

**NOTICE OF PUBLIC HEARING**

The Board of Osteopathic Medicine hereby gives notice of a public hearing on the above-referenced rule to be held on Friday, June 7, 2002 at 5:00 p.m., at The Hyatt Regency, 50 Alhambra Plaza, Coral Gables, Florida. The rule was originally published in Vol. 28, No. 8, of the February 22, 2002, Florida Administrative Weekly. The hearing is being held in response to a request by the Florida Osteopathic Medical Association and correspondence received by the staff of the Joint Administrative Procedures Committee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/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 Podiatric Medicine**

RULE NOS.:	RULE TITLES:
64B18-14.002	Penalties
64B18-14.010	Citations

**SECOND 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 rules in response to comments received from the staff of the Joint Administrative Procedures Committee and comments provided during the February 1, 2002 and April 26, 2002, telephone conference calls. A Notice of Change was previously published for Rule 64B18-14.002, F.A.C., in Vol. 8, No. 7, February 15, 2002 Florida Administrative Weekly, and the Board determined that in order to avoid any confusion, a substantial rewording of this rule is necessary. The Board determined that since only an amendment is being made to Rule 64B18-14.010, F.A.C., previously published in Vol. 27, No 45, November 9, 2001, Florida Administrative Weekly, that a substantial rewording of this rule is not necessary.

Rule 64B18-14.002 in its entirety shall now read as follows:

(1) Unless mitigating or aggravating factors are demonstrated when the Board finds an applicant or licensee whom it regulates under Chapter 461, Florida Statutes, has committed any of the acts set forth in either Section 461.012 or 456.072, Florida Statutes, it shall issue a final order imposing appropriate penalties, plus costs based upon the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:

(a) Practicing or attempting to practice podiatric medicine or advertising podiatric services in this State without an active license to practice podiatric medicine pursuant to Chapter 461, Florida Statutes, or with a license fraudulently obtained. In the case of an applicant, the Board shall deny the application. In the case of a licensee who has obtained or attempted to obtain a license by fraud, the Board shall impose probation to revocation and a fine of \$10,000. In the case of a licensee who has practiced, attempted to practice, or advertised while holding an inactive license, the Board shall impose a reprimand with or without a period of suspension and a fine of \$10,000.

(b) Using or attempting to use a license to practice podiatric medicine which has been suspended. The Board shall impose a penalty of revocation.

(c) Selling or fraudulently obtaining or furnishing any podiatry diploma, license, or record of registration or aiding or abetting in the same. The Board in the case of a licensee shall impose a penalty ranging from suspension to revocation and a fine of \$10,000. In the case of an applicant, the Board shall deny the application.

(d) Making any willfully false oath or affirmation whenever an oath or affirmation is required by chapter 461, Florida Statutes. The Board in the case of licensee shall impose a penalty ranging from suspension to revocation and a fine of \$10,000. In the case of an applicant, the Board shall also deny the application in addition to the \$10,000 fine.

(e) Using the name or title "Podiatrist," "Doctor of Podiatry," "Doctor of Podiatric Medicine," or using the phrase "foot clinic," "foot doctor," "Podiatric Technician," or any other name, title, or phrase which would lead the public to believe that such person is engaging in the practice of podiatric medicine, unless such person is licensed as a podiatrist in this State. The Board in the case of a licensee shall impose a penalty ranging from a reprimand to suspension, and a fine of \$1000 to \$10,000. In the case of an applicant, the Board shall deny the application. If fraud, making a false or fraudulent representation is alleged and shown, a \$10,000 fine shall be imposed in addition to other actions.

(f) Knowingly concealing information relative to a violation of Chapter 461, Florida Statutes. The Board in the case of a licensee shall impose a penalty ranging from a reprimand to probation, and an administrative fine from \$250 to \$1000. In the case of an applicant, the Board shall deny the application.

(2) Unless mitigating or aggravating factors are demonstrated when the Board finds an applicant or licensee whom it regulates under Chapter 461, Florida Statutes, has committed any of the acts set forth in either Section 461.013(1), 456.013(7), 456.033, 456.053, 456.062, 456.067 or 456.072, Florida Statutes, it shall issue a final order imposing appropriate penalties based on the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:

(a) Attempting to obtain, obtaining or renewing a license to practice podiatric medicine by bribery, by fraudulent misrepresentation, or through an error of the Department or the Board. In the case of an applicant, the Board shall deny the application. In the case of a licensee, the Board shall impose a penalty of a reprimand to revocation and a fine of \$500 to \$10,000, and referral for criminal investigation, if bribery; a \$10,000 fine if fraudulent misrepresentation; and a reprimand and fine of \$500 to \$1000 if error of Department.

(b) Having a license to practice podiatric medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country. In the case of a licensee, the Board shall impose a penalty that parallels the action taken by the other jurisdiction and a fine from \$250 to \$10,000, depending upon the nature of the offense and the substantiating evidence. In the case of an applicant, the Board shall deny the application.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly related to the practice of podiatric medicine or the ability to practice podiatric medicine. In the case of a licensee, the Board shall impose a penalty ranging from probation to revocation and a fine of \$1000 to \$10,000, depending upon the nature of the offense and the substantiating evidence. In the case of an applicant, the Board shall deny the application.

(d) Advertising in a manner which is false, deceptive or misleading. The Board shall impose a penalty ranging from reprimand to probation and a fine of \$10,000.

(e) Advertising, practicing or attempting to practice under a name other than one's own. The Board shall impose a penalty ranging from reprimand to suspension and a fine from \$1000 to \$5000. If fraud, making a false or fraudulent representation is alleged and shown, a \$10,000 fine shall be imposed in addition to other actions.

(f) Failing to report to the Department any person the licensee knows to be in violation of Chapter 461, Florida Statutes, or the rules of the Board or Department. The Board shall impose a penalty of a reprimand and a fine of \$250 to \$1000.

(g) Aiding, assisting, procuring, permitting or advising any unlicensed person to practice podiatric medicine contrary to Chapter 461, Florida Statutes, or the rules of the Board or Department. The Board shall impose a penalty of probation to suspension and a fine from \$1000 to \$5000. In the case of an applicant, the Board shall deny the application.

(h) Failing to perform any statutory or legal obligation placed upon a licensed podiatrist. The Board shall impose a penalty ranging from reprimand to suspension and a fine of \$250 to \$10,000.

(i) Making or filing a 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 impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed podiatrist. If negligent, the Board shall impose a penalty ranging from reprimand to probation and a fine of \$2500 to \$10,000. If fraud, the Board shall impose a penalty ranging from probation to revocation and a fine of \$10,000.

(j) Paying or receiving any commission, bonus, kickback, rebate or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency or person,

either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to hospitals, nursing homes, clinical laboratories, ambulatory surgical centers or pharmacies. The Board shall impose a penalty ranging from reprimand to suspension and a fine of \$1000 to \$5000.

(k) Making misleading, deceptive, untrue or fraudulent representations in the practice of podiatric medicine or employing a trick or scheme in the practice of podiatric medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the podiatric community. The Board shall impose a penalty ranging from probation to suspension and a fine of \$10,000.

(l) Soliciting patients either personally or through an agent. The Board shall impose a penalty ranging from reprimand to probation and a fine of \$500 to \$2000.

(m) Failing to keep written medical records justifying the course of treatment of the patient. The Board shall impose a penalty ranging from reprimand to probation and a fine of \$250 to \$1000.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party. The Board shall impose a penalty ranging from probation to suspension and a fine of \$1000 to \$5000.

(o) Performing professional services which have not been duly authorized by the patient or client or his legal representative. The Board shall impose a penalty ranging from reprimand to probation and a fine of \$1000 to \$10,000.

(p) Prescribing, dispensing, administering, mixing or otherwise preparing a legend drug, including all controlled substances, other than in the course of the podiatrist's professional practice. The Board shall impose a penalty ranging from probation to revocation and a fine of \$1000 to \$10,000.

(q) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the podiatrist to himself except those prescribed, dispensed or administered to the podiatrist by another practitioner authorized to prescribe, dispense or administer them. The Board shall impose a penalty ranging from probation to suspension and a fine of \$1000 to \$10,000.

(r) Prescribing, ordering, dispensing, administering, supplying, selling or giving amphetamine or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to chapter 893. The Board shall impose a penalty ranging from suspension to revocation and a fine of \$1000 to \$10,000.

(s) Being unable to practice podiatric medicine with reasonable skill and safety to patients by reason of illness, or use of alcohol, drugs, narcotic, chemicals or any other type of material or as a result of any mental or physical condition. The Board shall impose a penalty of suspension until such time as

the licensee demonstrates rehabilitation followed by probation under such terms and conditions as set by the Board and a fine from \$250 to \$500. If the individual is an applicant, the Board shall deny the application.

(t) Gross or repeated malpractice or the failure to practice podiatric medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent podiatrist as being acceptable under similar conditions and circumstances. The Board shall impose a penalty ranging from probation to revocation and a fine of \$1000 to \$10,000, depending on the severity of the offense.

(u) Performing any procedure or prescribing any therapy which, by prevailing standards of podiatric practice in the community, would constitute experimentation on human subjects without first obtaining full, informed, and written consent. The Board shall impose a penalty ranging from probation to revocation and a fine of \$1000 to \$10,000.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform. The Board shall impose a penalty ranging from probation to revocation and a fine of \$1000 to \$5000, depending on the severity of the offense.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience or licensure to perform them. The Board shall impose a penalty ranging from reprimand to probation and a fine of \$500 to \$2000.

(x) Violating any provision of Chapters 461 or 456, Florida Statutes, or any rule of the Board or Department. The Board shall impose a penalty ranging from reprimand to revocation and a fine of \$1000 to \$10,000, depending on the severity of the offense.

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate or preclude another licensee from lawfully advertising his services. The Board shall impose a penalty of reprimand to probation and a fine of \$500 to \$1500.

(z) Prescribing, ordering, dispensing, administering, supplying, selling or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (CG), or other hormones for the purpose of muscle building or to enhance athletic performance. The Board shall impose a penalty ranging from probation to suspension and a fine of \$1000 to \$5000.

(aa) Fraud, deceit, or misconduct in the practice of podiatric medicine. The Board shall impose a penalty ranging from probation to revocation and a fine of \$5000 to \$10,000, depending on the severity of the offense.

(bb) Failure to report to the Department any licensee under Chapter 458 or 459, F.S., for violations of disciplinary provisions of their laws and rules. In the case of a licensee, the Board shall impose a penalty of a reprimand and an administrative fine of \$250 to \$1000.

(cc) Failure to comply with the requirements of Sections 381.026 and 381.0261, F.S., to provide patients with information regarding their patient rights. In the case of a licensee, the Board shall impose a penalty of a reprimand to probation and an administrative fine from \$250 to \$1000.

(dd) Entering a plea of nolo contendere to a crime which relates to the practice of, or the ability to practice podiatric medicine. In the case of a licensee, the Board shall impose a penalty of probation to revocation and an administrative fine of \$500 to \$1000. In the case of an applicant, the Board shall deny the application.

(ee) Failure to comply with HIV/AIDS education requirement. The Board shall impose an administrative fine from \$500 to \$1000.

(ff) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee. The Board shall impose a penalty ranging from probation to suspension and a fine of \$500 to \$1000.

(gg) Engaging or attempting to engage a patient or client in verbal or physical sexual activity. The Board shall impose a penalty ranging from probation to revocation and a fine of \$500 to \$1000.

(hh) Failure to comply with the requirements of profiling or credentialing. The Board shall impose an administrative fine from \$500 to \$1000.

(ii) Failure to report a criminal conviction or plea to the Board in writing within 30 days. The Board shall impose a penalty ranging from reprimand and a \$500 to \$1000 administrative fine up to probation and a \$500 to \$1000 administrative fine.

(jj) Using information about people involved in motor vehicle accidents which has been derived from accident reports. The Board shall impose a penalty ranging from reprimand to probation and an administrative fine of \$1000 to \$5000.

(kk) Sexual misconduct under section 456.063, Florida Statutes, shall result in denial of licensure or relinquishment or revocation of the license.

(ll) Testing positive on a preemployment drug screen. The Board shall impose a \$500 fine and refer the licensee to PRN for screening and possible treatment if medically necessary.

(mm) Performing health care services on the wrong patient, wrong-site, wrong or unauthorized procedure. The Board shall impose a penalty ranging from probation to suspension, require continuing medical education, and impose a fine of \$1000 to \$5000.



(nn) Leaving a foreign object in patient. The Board shall impose a fine of \$1000 to \$5000.

(oo) Failure to complete the two hour course on medical errors. The Board shall impose a fine of \$500 to \$1000.

(pp) Using a Class III or Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to Section 501.122(2), Florida Statutes, governing the registration of such devices with the Department of Health and Rehabilitative Services. The Board shall impose a penalty ranging from reprimand to probation and a fine of \$250 to \$1,000.

(qq) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. The Board shall impose a penalty ranging from suspension to revocation and a fine of up to \$1,000.

(rr) Failure to report sexual misconduct. The Board shall impose a fine of \$1000 to \$5000.

Subsection (6) of Rule 64B18-14.010, F.A.C., shall now read as follows:

(6) Should the licensee fail to or refuse to accept a citation, the matter shall be referred to the probable cause panel for procedures consistent with provisions of Section 456.072, Florida Statutes, and the penalties outlined in Rule 64B18-14.002, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

**DEPARTMENT OF HEALTH**

**Board of Psychology**

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

**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. 28, No. 4, of the January 25, 2002, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held via telephone conference call on April 12, 2002, voted to change some of the content of its forms to address the concerns of JAPC. The changes are as follows:

1. Subsection (1) shall be changed to read:

(1) All applicants for licensure pursuant to Chapter 490, F.S., shall complete and submit form DOH/MQA/PY APP/REV. 4/02, "Application for Psychologist Licensure," effective \_\_\_\_\_, which is incorporated herein by reference and which may be obtained from the Board office.

2. Subsection (4) shall be changed to read:

(4) All applicants for licensure other than those applying for licensure pursuant to Section 490.006, F.S., shall complete and submit DOH/MQA/PY SUP/REV. 4/02, "Supervising Psychologist Verification Form," effective \_\_\_\_\_, which is incorporated herein by reference and which may be obtained from the Board office.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

**Section IV  
Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Replacement of Obsolete Emergency Rule                      RULE NO.: 53ER02-25

SUMMARY OF THE RULE: This emergency rule is replacing another emergency rule that has been determined to be obsolete or unnecessary by the Department of the Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-25 Replacement of Obsolete Emergency Rule. Emergency Rule 53ER02-24, F.A.C., is being replaced by this emergency rule because the retailer promotion set forth in Emergency Rule 53ER02-24, F.A.C., has been cancelled and therefore, the rule is obsolete.

Specific Authority 24.109(1), 24.105(2) FS. Law Implemented 24.109(1), 120.74(1)(c) FS. History—New 4-25-02, Replaces 53ER02-24, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: April 25, 2002

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

**DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN that, on April 30, 2002, the Florida Department of Transportation issued an order denying the Petition of North Florida Pecan 1 & 2, seeking a waiver of the provisions of Rule 14-10.007, F.A.C. The Petition for Waiver was received by the Department on January 30, 2002.

The Department published its Notice of Receipt of the Petition for Waiver in Vol. 28, No. 8, edition of the *Florida Administrative Weekly* February 22, 2002. Rule 14-10.007, F.A.C., prohibits reconstruction of destroyed nonconforming signs, unless the signs are destroyed by vandalism or other criminal or tortious act. The Department's order, issued in DOT Case No. 02-013, dismissed the Petition because Rule 14-10.007, F.A.C., is required by federal law, the requested waiver is contrary to the mandate of a District Court of Appeal, and because the request for waiver is legally barred.

A copy of the Department's order may be obtained from the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458. For additional information, contact James C. Myers at (850)414-5393.

---

### **PUBLIC SERVICE COMMISSION**

DOCKET NOS. 020262-EI AND 020263-EI

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received an emergency petition from Florida Power and Light Corporation (FPL), filed April 26, 2002, in Docket Nos. 020262-EI and 020263-EI, to waive the hearing time requirements in subsection 25-22.080(2), Florida Administrative Code, for determination of need proceedings for proposed electrical power plants. A copy of the petition can be obtained from the Division of Commission Clerk and Administrative Services. For additional information, please contact Martha Carter Brown or Lawrence Harris, Office of the General Counsel, at the above address or telephone (850)413-6076.

---

DOCKET NO. 020263-EI

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from CPV Gulfcoast, Ltd., filed April 26, 2002, in Docket No. 020263-EI, In Re: Petition to Determine Need for an Electrical Power Plant in Manatee County by Florida Power & Light Company, to waive the requirements of subsection 25-22.080(8), Florida Administrative Code. That rule provides that potential suppliers of generating capacity who were not participants in a utility's Request for Proposals for generating capacity shall not be permitted to contest the outcome of the selection process in a power plant need determination proceeding. Comments on the petition should be filed with the Commission's Division of 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 Commission Clerk and Administrative Services. For additional information,

please contact Martha Carter Brown or Lawrence Harris, Office of the General Counsel, at the above address or telephone (850)413-6076.

---

DOCKET NOS. 020262-EI AND 020263-EI

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from CPV Cana, Ltd., filed April 24, 2002, in Docket Nos. 020262-EI and 020263-EI, Petitions to determine need for electrical power plants in Martin and Manatee counties by Florida Power & Light Company, to waive the requirements of subsection 25-22.080(2), Florida Administrative Code. That rule provides that the Commission shall hold a hearing on a utility's petition for a determination of need within 90 days of filing of the petition. Comments on the petition should be filed with the Commission's Division of 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 Commission Clerk and Administrative Services. For additional information, please contact Martha Carter Brown or Lawrence Harris, Office of the General Counsel, at the above address or telephone (850)413-6076.

---

### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on April 9, 2002, South Florida Water Management District (District) received a petition for waiver from Florida Department of Transportation, for utilization of Works or Lands of the District known as the C-51 Canal, Palm Beach County. The petition seeks relief from subsections 40E-6.011(4), (5) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground facilities within forty feet of the top of canal bank within Works or Lands of the District, for placement of overhead cantilever signs, multipost signs, right turn lane bus bays, pull boxes and outfall structures. A copy of the petition may be obtained from Jan Sluth at (561)682-6299 or e-mail at jsluth@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

---

NOTICE IS HEREBY GIVEN that on April 24, 2002, South Florida Water Management District (District) received a petition for waiver from Carlos Llerandi, for utilization of

Works or Lands of the District known as the C-100-C Canal, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4), (5) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground facilities within forty feet of the top of canal bank within Works or Lands of the District, for an existing tree and relocation of an existing fence enclosure. A copy of the petition may be obtained from Jan Sluth at (561)682-6299 or e-mail at [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on April 25, 2002, South Florida Water Management District (District) received a petition for waiver from Feliope P. Martinez and W. Carmen D. Martinez, for utilization of Works or Lands of the District known as the C-4 Canal, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4), (5) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground facilities within forty feet of the top of canal bank within Works or Lands of the District, for an existing wooden fence enclosure. A copy of the petition may be obtained from Jan Sluth at (561)682-6299 or e-mail at [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-64 DAO-ROW), on April 11, 2002, to the City of Weston. The petition for waiver was received by the SFWMD on February 12, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 11, on March 15, 2002. No public comment was received. This Order provides a waiver for proposed placement of a fence enclosure within the

south right of way of L-35, located approximately 1/2 mile west of Arvida Parkway, Section 35, Township 49 South, Range 39 East, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4), (5) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within forty (40) feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the City of Weston from suffering a substantial hardship. A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone number (561)682-6299; or by e-mail [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-65 DAO-ROW), on April 11, 2002, to Marc and Philomene Stuppard. The petition for waiver was received by the SFWMD on January 23, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 7, on February 15, 2002. No public comment was received. This Order provides a waiver for an existing fence enclosure encroaching approximately 28' within the south right of way of C-13, to remain at the rear of 3773 N.W. 37th Street, Section 19, Township 49 South, Range 42 East, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4), (5) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within forty (40) feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Marc and Philomene Stuppard suffering a violation of the principles of fairness. A copy of the Order can be obtained from Jan Sluth at the South

Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone number (561)682-6299; or by e-mail [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-63 DAO-ROW), on April 11, 2002, to Miami-Dade County Public Works. The petition for waiver was received by the SFWMD on March 8, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 12, on March 22, 2002. No public comment was received. This Order provides a waiver for installation of a traffic signalization pole within the west right of way of C-1W, located 41 feet south of S.W. 184th Street (Eureka Drive) bridge, Section 2, Township 55 South, Range 39 East, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4), (5) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within forty (40) feet of the top of canal bank and within the District's designated 100 foot long equipment staging areas located upstream and downstream of bridges and pile-supported facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Miami-Dade County Public Works from suffering a substantial hardship. A copy of the Order can be obtained from Jan. Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone number (561)682-6299; or by e-mail [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection gives notice of its intent to grant a variance (File No. 0188265-002-EV) to the Santa Rosa Island Authority, from the provisions of paragraph 62-4.244(5)(c), F.A.C., to allow the turbidity mixing zone to exceed 150 meters. The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices." If you have additional questions please contact Patrick W. Krechowski at (850)488-9314.

**FLORIDA HOUSING FINANCE CORPORATION**

Florida Housing Finance Corporation gives notice of the entry of an Order granting Petition for Variance or Waiver of subsection 9I-47.010(29) and paragraph 9I-47.100(1)(b), Florida Administrative Code.

NAME OF THE PETITIONER: Pompano Beach Redevelopment Agency Canal Pointe – Phase II

DATE PETITION WAS FILED: March 27, 2002

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT. Subsection 9I-47.010(29) and paragraph 9I-47.100(1)(b), Florida Administrative Code. The Petition sought a variance from the rules which provide the following: (1) the maximum sales price not to exceed \$99,000; and (2) change of lot locations.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, April 12, 2002, Vol. 28, No. 15.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: April 26, 2002.

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 is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 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](mailto:Sheila.freaney@floridahousing.org).

**Section VI**

**Notices of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Department of Agriculture and Consumer Services** announces the Seafood and Aquaculture Committee and Industry Liaison meeting.

DATE AND TIME: Wednesday, May 29, 2002, 6:30 p.m. – 9:00 p.m.

PLACE: Hilton Jacksonville and Towers, 1201 Riverplace Boulevard, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meeting. The purpose of this meeting is to provide direction for the upcoming year's promotional campaigns. For additional information or if you need special accommodations call: Cynthia Brown, (850)488-0163.

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Agriculture Center and Horse Park Authority Board meeting:

DATE AND TIME: Thursday, May 30, 2002, 10:00 a.m.

PLACE: Florida Farm Bureau Office, Conference Room, Suite 315, 315 South Calhoun Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the general business of Florida Agriculture Center and Horse Park. For additional information or if you need special accommodations call Bruce Piatek, (904)446-7630.

NOTICE OF CHANGE – The **Friends of Florida State Forests** announces a meeting to which all persons are invited.

DATE AND TIME: May 17, 2002, 8:00 a.m. – 12:00 Noon

PLACE: Welaka Training Center, State Road 309, Welaka, FL 32193

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the Corporation.

A copy of the agenda can be obtained by contacting: Harriett L. Abrams, FFSF Coordinator, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)414-0869.

If special accommodations are needed to attend this meeting because of a disability, please contact Harriett Abrams, as soon as possible.

NOTE: This notice is to update the meeting that was originally scheduled for February 15, 2002. The meeting date and location have changed.

## DEPARTMENT OF EDUCATION

The State of Florida, **Education Standards Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, June 6, 2002, 8:30 a.m. – 5:00 p.m.; Friday, June 7, 2002, 8:30 a.m. – 12:00 Noon

PLACE: Tampa Airport Hilton, 2225 Lois Avenue, Tampa, Florida 33607, (813)877-6688

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 State of Florida, **Education Practices Commission (EPC)** announces a joint meeting with the Education Standards Commission, an EPC Business Meeting, an EPC Administrator Hearing, and an EPC Teacher Hearing to which all persons are invited.

Joint Meeting of the Education Practices Commission  
Education Standards Commission

DATE AND TIME: June 6, 2002, 8:30 a.m.

Business Meeting

DATE AND TIME: June 6, 2002, 1:00 p.m.

Administrator Hearing

DATE AND TIME: June 6, 2002, 2:15 p.m. or as soon thereafter as can be heard

Teacher Hearing

DATE AND TIME: June 7, 2002, 8:30 a.m. or as soon thereafter as can be heard

PLACE: The Hilton Tampa Airport Westshore, 2225 Lois Avenue, Tampa, Florida 33607, (813)877-6688

GENERAL SUBJECT MATTER TO BE CONSIDERED: The joint meeting will consist of discussions related to the issues of both commissions. The EPC business meeting will consist of discussion of issues related to the processes involved in considering final agency action for certified educators. The Administrator and Teacher Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Education Practices Commission with respect to any matter considered at these hearings, he or she will need to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, Room 224, Turlington Building, 325 W. Gaines Street, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)488-0547m at least five calendar days prior to the hearing. Persons who are deaf, hard of hearing or speech impaired can contact the Commission using the Florida Relay System at 7-1-1.

The **State University Presidents Association** announces a meeting to which all persons are invited:

DATE AND TIME: Thursday, May 23, 2002, 9:30 a.m.

PLACE: Chancellor's Conference Room, 325 West Gaines Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislation; Budget.

A copy of the agency may be obtained by contacting: Florida Atlantic University, President's Office, (561)297-3450.

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 as soon as possible and at least 48 hours before the meeting by contacting Ms. Pauls Behul, (561)297-3004.

Governor Bush announces a meeting with the **State University Presidents** to which all persons are invited.

DATE AND TIME: Thursday, May 23, 2002, 12:00 Noon

PLACE: Governor's Conference Room, 400 South Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislation; Budget.

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 as soon as possible and at least 48 hours before the meeting by contacting Ms. Paula Behul, (561)297-3004.

The **Polk County School Readiness Coalition**, Inc. announces the following meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 15, 2002, 8:30 a.m.

PLACE: Citrus & Chemical Bank, 3rd Floor, 600 N. Broadway Avenue, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regularly scheduled monthly meeting of the Board of Directors to discuss School Readiness issues.

For more information access the following website: [www.pcsb.k12.fl.us/parents/coalition.htm](http://www.pcsb.k12.fl.us/parents/coalition.htm).

**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 on the Community Services Block Grant (CSBG) State Administrative Plan for federal Fiscal year (FFY) 2003, to which all interested parties are invited.

COMMUNITY ASSISTANCE ADVISORY COUNCIL MEETING

DATE AND TIME: Tuesday, June 4, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Florida Department of Community Affairs, Randall Kelley Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Community Assistance Advisory Council will:

- Review the CVSBG Program State Administrative Plan for FFY 2003.
- Discuss funding formula implementation.
- Present overview of the Community Development Block Grant Program.
- Review sub-committee by-laws recommendations.

PUBLIC HEARING FOR THE CSBG STATE PLAN FOR FFY 2003

DATE AND TIME: Tuesday, June 4, 2002, 1:30 p.m. – 3:00 p.m.

PLACE: Florida Department of Community Affairs, Randall Kelley Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, 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 CSBG State Administrative Plan for FFY 2003 which will be submitted to the United State Department of Health and Human Services.

A copy of the state plan and agenda may be obtained by writing: Department of Community Affairs, Hilda S. Frazier, 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 REVENUE**

The **Department of Revenue** announces a public meeting of the Property Tax Administration Task Force to which all interested persons are invited.

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

PLACE: Dale Mabry Conference Center, McDonnell Douglas Room, Tallahassee Regional Airport, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the tenth meeting of the Property Tax Administration Task Force.

This is the fifth meeting of the Task Force as authorized by Chapter 2001-137, L.O.F. The Task Force will consider proposed enhancements to the tax roll evaluation process, value adjustment board process, tangible personal property evaluation, and other administrative and legislative issues. During this meeting the Task Force will form temporarily into work groups to work further on issue identification, clarification and consolidation. Work groups will address areas of property tax administration, including assessments, assessment appeals, TRIM and tax collection, and exemptions. A copy of the agenda may be obtained by writing: Director, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000, or by calling Theda Eaton or Kathy Henley, (850)488-3338, or accessing the Department's web site at <http://sun6.dms.state.fl.us/dor/property/ptaac>.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by calling (850)488-8026. If you are hearing or speech impaired, please contact the Department by calling 1(800)367-8331 (TDD).

---

#### DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 7 invites you to attend and participate in a public hearing for SR 574 (Dr. Martin Luther King, Jr. Boulevard), WPI Segment No. 2558931, FAP No. 2081-018P.

DATE AND TIME: May 23, 2002, 4:30 p.m. – 7:30 p.m.

PLACE: Colson Elementary School, 1520 Lakeview Avenue, Seffner, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing provides interested citizens an opportunity to ask questions and offer comments about the proposed Recommended "Build" Alternative, presented by the Florida Department of Transportation in cooperation with the Federal Highway Administration (FHWA). The proposed project involves improving S.R. 574 to a multi-lane facility in Hillsborough County. The Recommended Alternative from CR 579 to Parsons Avenue is a 5-lane urban typical section and from Parsons Avenue to McIntosh Road is a 4-lane suburban typical section.

This public hearing is being held in accordance with 23 CFR 771. The public hearing is in compliance with Titles VI and VIII of the Civil Rights Act and Americans with Disabilities Act (ADA). Individuals who may require special accommodations at the hearing, under ADA, should contact Lee Royal, 1(800)226-7220 or (813)975-6427, at least three days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Mark Clasgens, District Seven Project Manager, Florida Department of Transportation, MS 7-500, 11201 N. McKinley Drive, Tampa, FL 33612.

---

The **Florida Ports Financing Commission** announces a meeting in which all interested persons are invited to participate.

DATE AND TIME: May 22, 2002, 2:00 p.m. – 5:30 p.m.; May 23, 2002, 9:00 a.m. – 11:30 a.m.

PLACE: Crowne Plaza La Concha, 430 Duval Street, Key West, Florida 33042

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, Suite 712, 315 South Calhoun Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

---

The **Florida Ports Council** announces meeting in which all interested persons are invited to participate.

DATE AND TIME: May 23, 2002, 1:30 p.m. – 5:30 p.m.

PLACE: Crowne Plaza La Concha, 430 Duval Street, Key West, Florida 33042

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, Suite 712, 315 South Calhoun Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

---

The **Florida Ports Conference** announces a public meeting to which all interested persons are invited.

DATE AND TIME: May 24, 2002, 10:15 a.m. – 1:00 p.m.  
 PLACE: Crown Plaza LaConcha, 430 Duval Street, Key West, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.  
 A copy of the agenda may be obtained by contacting: James C. Massie, General Counsel, (850)222-8021.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise James C. Massie, (850)222-8021.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 15, 2002, 9:00 a.m.  
 PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, (850)488-3417.

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 22, 2002, 9:00 a.m.  
 PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, (850)488-3417.

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a Commission workshop in the following docket to which all persons are invited.

DOCKET NO. 020233-EI – Review of GridFlorida Regional Transmission Organization (RTO) Proposal.

DATE AND TIME: Wednesday, May 29, 2002, 9:30 a.m.  
 PLACE: The Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to provide all parties of record the opportunity to address issues with respect to the modified GridFlorida Regional Transmission Organization proposal filed March 20 and 21, 2002, in this docket.

Copies of the agenda for this workshop may be obtained by writing: Director, Division of the Commission Clerk and Administrative Services, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

DOCKET NO. 0111119-EI – Petition by XO Florida, Inc. for arbitration of unresolved issues with BellSouth Telecommunications, Inc.

DATE AND TIME: May 30, 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 permit parties to present testimony and exhibits relative to the petition by XO Florida, Inc. for arbitration of unresolved issues with BellSouth Telecommunications, 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 May 6, 2002. 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).

---

### EXECUTIVE OFFICE OF THE GOVERNOR

The Florida **Commission on Tourism** announces a public meeting of the Visit Florida, Board of Directors, Finance Committee as follows:

DATE AND TIME: Thursday, May 23, 2002, 9:00 a.m. – 2:00 p.m.

PLACE: Visit Florida, 661 East Jefferson Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss the Florida Tourism Marketing Industry Corporation d/b/a Visit Florida, FY 2002/2003 budget and other business as necessary.

For further information contact: Susan Gale, Visit Florida, Post Office Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 334.

Any person requiring special accommodations at this meeting because of a disability should contact Visit Florida, at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact Visit Florida by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

---

### REGIONAL PLANNING COUNCILS

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: May 23, 2002, 10:30 a.m. (Eastern Time), 9:30 a.m. (Central Time)

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, Suite 1, 20776 Central Avenue, East, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

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. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

---

### WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces the following meetings to which all persons are invited:

MEETING: District Lands Committee

DATE AND TIMES: May 23, 2002, 10:00 a.m. and 10:30 a.m., (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss District lands issues.

MEETING: Administration, Budget and Finance Committee

DATE AND TIME: May 23, 2002, 10:30 a.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance.

MEETING: Governing Board Meeting

DATE AND TIME: May 23, 2002, 10:45 a.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider District business.

MEETING: Public Hearing on Regulatory Matters

DATE AND TIME: May 23, 2002, 11:00 a.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider regulatory matters.

MEETING: Public Hearing on Land Acquisition Matters

DATE AND TIME: May 23, 2002, 11:15 a.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider land acquisition matters.

PLACE: Pensacola City Hall, Council Chambers, 180 Governmental Center, Pensacola, Florida

A copy of these agendas can be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999.

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

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **St. Johns River Water Management District** (SJRWMD) announces the following meeting to which all persons are invited:

SJRWMD/JACKSONVILLE ELECTRIC AUTHORITY (JEA) JOINT BOARD WORKSHOP

DATE AND TIME: Thursday, May 23, 2002, 10:00 a.m. – 2:00 p.m.

PLACE: Office of JEA, 21 West Church Street, Jacksonville, FL 32202-3139

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of water supply, water resource, and water conservation issues and potential partnership projects.

A copy of the agenda for this meeting may be obtained by writing: SJRWMD, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Executive Office.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate is requested to advise the District at least 48 hours before the meeting by calling Ann Freeman, (386)329-4101. If you are hearing or speech impaired, please contact the District by calling (386)329-4450 (TDD).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, May 14, 2002, 9:00 a.m. – 11:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Integrated Water Resources for Palm Beach County.

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Chip Merriam, Water Resources Management, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4110, West Palm Beach, FL 33406, (561)682-6597.

The **South Florida Water Management District** announces a public workshop to which all interested parties are invited:

DATE AND TIME: May 22, 2002, 6:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Present overview of the Acme Basin B Discharge Project to the public and take comments. First in a series of workshops. Project is part of Comprehensive Everglades Restoration Plan, and will provide water quality treatment and possible temporary storage of stormwater for waters of the Acme basin in the Village of Wellington.

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Kathy Collins, Public Works Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-2534.

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, May 17, 2002, 9:00 a.m. – Completion

PLACE: Care-A-Van Consolidated Transportation Services, 1367 South 18th Street, Fernandina Beach, FL, (904)261-0701

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues of the local service area.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Rural Capital Sub-Committee of the Finance, Auditing, and Program Performance (FAPP) Committee to which all persons are invited.

DATE AND TIME: Tuesday, May 21, 2002, 9:00 a.m. – Completion

PLACE: Rhyne Building, Suite 1-A, 2740 Centerview Drive, Tallahassee, Florida, (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications for the rural capital funds.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

---

#### REGIONAL UTILITY AUTHORITIES

The **Water Planning Alliance** announces the following public meeting to which all interested parties are invited:

DATE AND TIME: Friday, May 24, 2002, 10:00 a.m.

PLACE: Southwest Florida Water Management District, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Water Planning Alliance board.

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.

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 **Northeast Florida Area Agency on Aging** (PSA4) announces a Budget/Finance Committee meeting, and a Board of Directors meeting to which all person are invited:

DATE AND TIMES: May 15, 2002, Budget and Finance Committee, 1:30 p.m.; Board of Directors Meeting, 2:30 p.m.

PLACE: Flagler Hospital, Wolfe Conference Room, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business; Voting on Committee Recommendations; Funding Distribution.

A copy of the agenda may be obtained by contacting: The Northeast Florida Area Agency on Aging, Inc., 2nd Floor, 4401 Wesconnett Blvd., Jacksonville, FL 32210, (904)777-2106.

---

The **State Long-Term Care Ombudsman Council** announces the following meetings to which all persons are invited.

SPECIAL SESSION OF THE STATE COUNCIL MEETING  
DATE AND TIME: Thursday, May 9, 2002, 3:00 p.m. – 5:00 p.m. (Times will be finalized later.)

GENERAL SESSION

DATE AND TIME: Friday, May 10, 2002, 8:30 a.m.

PLACE: The Hilton Tampa Airport, 2225 N. Lois Avenue, Tampa, Florida, (813)877-6688

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to the Long-Term Care Ombudsman Program. You may contact the office: Long-Term Care Ombudsman, (850)488-6190 for more information.

---

The **State Long-Term Care Ombudsman Council** announces a public meeting for all local offices in Florida to which all persons are invited.

DATE AND TIME: May 30, 2002, 9:00 a.m.

PLACE: North West Florida, LTCOP

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

PLACE: Panhandle, LTCOP

DATE AND TIME: May 16, 2002, 12:30 p.m.

PLACE: North Central Florida, LTCOP

DATE AND TIME: May 9, 2002, 12:00 Noon

PLACE: Withlacoochee Area, LTCOP

DATE AND TIME: May 28, 2002, 12:00 Noon

PLACE: First Coast, LTCOP

DATE AND TIME: May 16, 2002, 1:30 p.m.

PLACE: Mid and South Pinellas, LTCOP

DATE AND TIME: May 9, 2002, 1:30 p.m.

PLACE: Pasco and North Pinellas, LTCOP

DATE AND TIME: May 21, 2002, 10:00 a.m.

PLACE: West Central Florida, LTCOP

DATE AND TIME: May 2, 2002, 12:30 p.m.

PLACE: East Central Florida, LTCOP

DATE AND TIME: May 7, 2002, 11:00 a.m.

PLACE: Southwest Florida, LTCOP

DATE AND TIME: May 20, 2002, 2:30 p.m.

PLACE: Palm Beach County, LTCOP

DATE AND TIME: May 14, 2002, 1:30 p.m.

PLACE: Broward County, LTCOP

DATE AND TIME: May 21, 2002, 1:15 p.m.

PLACE: South Dade and the Florida Keys, LTCOP

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

PLACE: North Dade, LTCOP

DATE AND TIME: May 13, 2002, 1:00 p.m.

PLACE: Treasure Coast, LTCOP

DATE AND TIME: May 20, 2002, 11:00 a.m.

PLACE: South Central Florida, LTCOP

DATE AND TIME: May 14, 2002, 12:00 Noon

PLACE: First Coast South, LTCOP

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Issues related to the Long-Term Care Ombudsman Program.

You may contact: State Long-Term Care Ombudsman Office, (850)488-6190 for further information.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a meeting of the Florida Hospital Record Report Work Group of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Tuesday, June 4, 2002, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study available data on hospital services, medical staff, accreditation history, complaints or other data and make recommendations for publication and dissemination to consumers.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **State Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: May 20-21, 2002, 8:30 a.m.

PLACE: Fort Lauderdale Airport Hilton, 1870 Griffin Road, Dania, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: State Retirement Commission, Department of Management Services, Suite 260, 4050 Esplanade Way, Tallahassee, Florida 32399-0950 or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

NOTICE IS HEREBY GIVEN that the **Digital Divide Council** will hold a one-day meeting to which all persons are invited. DATE AND TIME: Monday, June 3, 2002, 9:00 a.m. – 1:00 p.m.

PLACE: Room 214, The Capitol, Tallahassee, Florida 32399-0001. Conference call capability will be available. The dial up number is: (850)410-0960.

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. This will include the establishment of a boilerplate RFP and a timeline for the implementation of the six pilot projects.

Any additional information as to this meetings will be provided on the Digital Divide website at [http://www.myflorida.com/myflorida/sciencetechnology/learn/digital\\_divide/index.html](http://www.myflorida.com/myflorida/sciencetechnology/learn/digital_divide/index.html) or contact Stacey McMillian, State Technology Office, Suite 180, 4030 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 advice 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 Mobile Home Relocation Corporation** announces a meeting of its Board of Directors.

DATE AND TIME: Thursday, May 23, 2002, 10:00 a.m.

PLACE: Harborview Center, Ballroom D, 300 Cleveland Street, Clearwater, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation including operational procedures, approval and payment of claims, discussion of legal issues, scheduling of workshop on permanent rules and such other business as may come before the board. A schedule for the next meeting will also be determined.

Additional information may be obtained by contacting: Robert S. Cohen, General Counsel, Florida Mobile Home Relocation Corporation, Post Office Box 14125, Tallahassee, Florida 32317-4125, (888)862-7010.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robert S. Cohen, General Counsel, (888)862-7010, at least five calendar days prior to the meeting.

---

The Florida **Board of Pilot Commissioners** announces the following meeting via telephone conference, to which all persons are invited to participate.

DATE AND TIME: June 7, 2002, 10:00 a.m.

PLACE: Call: (850)921-6455, Suncom 291-6455, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot advancement in Florida port training program.

To obtain further information or submit written or other physical evidence, contact: Board of Pilot Commissioners, 1940 N. Monroe Street, Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

---

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committee to which all persons are invited.

DATE AND TIME: Wednesday, May 22, 2002, 9:00 a.m. – Conclusion of meeting

PLACE: Florida Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

---

The Florida **Board of Professional Engineers** announces a public telephone conference call to which all persons are invited:

DATE AND TIME: Wednesday, May 29, 2002, 2:00 p.m.

PLACE: Call: 1(800)659-8290, Florida Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

---

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Thursday, May 30, 2002, 10:00 a.m.

PLACE: Florida Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32309

A copy of the agenda may be obtained by writing: Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

---

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: June 12, 2002, 8:00 a.m.

PLACE: Celebration Hotel, 700 Bloom Street, Celebration, FL 34747, (407)566-6000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)922-2404, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy** announces the following public meeting of the Minority Scholarship Council to which all person are invited:

DATE AND TIME: Thursday, May 23, 2002, 10:00 a.m.

PLACE: Conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the applications for scholarships. This is a public meeting.

A copy of the agenda may be obtained by writing: Karan Lee, Division of Certified Public Accounting, Suite A, 240 N. W. 76th Drive, Gainesville, Florida 32607.

NOTE: If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, 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.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting by contacting Karan Lee, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The **Acquisition and Restoration Council** (ARC), as defined in Section 259.035, Florida Statutes, announces the following public hearings to which all interested parties are invited.

**PUBLIC HEARING**

DATE AND TIME: May 29, 2002, 6:00 p.m. – 9:00 p.m.

PLACE: Orange County Commission Chambers, 201 South Rosalind Avenue, Orlando, Florida

**PUBLIC HEARING**

DATE AND TIME: June 5, 2002, 9:00 a.m.

PLACE: Marjorie Stoneman Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purpose of accepting public testimony on new and existing Florida Forever projects of the Council. The Council considers public testimony when approving new projects to be added to the list and prior to ranking Florida Forever projects. There are four new land acquisition proposals: Lower Perdido River (Escambia County), Lake Hatchineha (Polk and Escambia Counties), Cypress Creek/ Loxahatchee (Martin and Palm Beach Counties), Hosford – Chapman’s Rhododendron Protection Zone (Gadsden County). All projects will be ranked on June 6, 2002.

All interested parties are invited to attend one of these hearings.

To obtain additional information, or a copy of the existing Florida Forever list of projects, please contact: Office of Environmental Services, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 140, Tallahassee, Florida 32399-3000, (850)487-1750.

If an accommodation is needed for a disability in order to participate in these meetings, please notify Linda Harvey, (850)488-2996, 1(800)955-8771 (TDD), at least seven days prior to the event.

The full text of this notice is published on the internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the button tilted “Official Notices.”

**DEPARTMENT OF HEALTH**

The **Correctional Medical Authority** announces a Budget and Personnel Committee meeting to which all persons are invited to participate.

DATE AND TIME: May 23, 2002, 10:00 a.m. – 1:00 p.m.

PLACE: Correctional Medical Authority, Conference Room, Suite 120, Prather Building, 2585 Merchants Row Boulevard, Tallahassee, FL 32399-1732

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of correctional health care budget and personnel issues.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

**DATES AND TIME:** June 7-8, 2002, 8:00 a.m.

**PLACE:** Hyatt Regency, 2 Tampa City Center, Tampa, Florida 33602, (813)225-1234

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Expert Witness Credentials Committee announces a meeting to which all persons are invited.

**DATE AND TIME:** June 7, 2002, immediately following the Full Board meeting

**PLACE:** Hyatt Regency, 2 Tampa City Center, Tampa, Florida 33602, (813)225-1234

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

**DATE AND TIME:** June 7, 2002, immediately following the Full Board meeting

**PLACE:** Hyatt Regency, 2 Tampa City Center, Tampa, Florida 33602, (813)225-1234

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Board of Optometry** will hold a duly noticed conference call meeting, to which all persons are invited to attend.

**DATE AND TIME:** Thursday, May 30, 2002, 12:00 Noon

**PLACE:** Department of Health, 4042 Bald Cypress Way, Tallahassee, FL, at Meet Me Number (850)921-2583

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Optometry, (850)245-4355, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Dual Party Relay System 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 includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Optometry, Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, FL 32399-3252.

The **Board of Osteopathic Medicine** announces a Rules Workshop to which all interested persons are invited to attend.  
DATE AND TIME: June 7, 2002, 5:00 p.m. or soon thereafter  
PLACE: Hyatt Regency, 50 Alhambra Plaza, Coral Gables, FL 33134, (305)441-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Workshop.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Osteopathic Medicine, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Osteopathic Medicine** announces a general business meeting to which all interested persons are invited to attend.

DATES AND TIMES: June 7, 2002, 6:00 p.m. or soon thereafter; June 8, 2002, 9:00 a.m.

PLACE: Hyatt Regency, 50 Alhambra Plaza, Coral Gables, FL 33134, (305)441-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Osteopathic Medicine, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Psychology** announces a conference call of the board to which all persons are invited:  
DATE AND TIME: May 20, 2002, 8:00 a.m. or soon thereafter  
PLACE: Call: Nonsuncom (850)487-8540, Suncom 277-8540  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Quorum meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 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 **Board of Speech Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: July 12, 2002, 9:00 a.m. or soon thereafter  
PLACE: Radisson Riverwalk, 1515 Prudential Drive, Jacksonville, FL 32207, (904)396-5100

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech Language Pathology and Audiology, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3266.



Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health** announces teleconference meetings of the Department's **Lifeguard and Swim Instructor Group**. These meetings are open to the public.

DATES AND TIME: May 28, 2002, 2:00 p.m. – 4:00 p.m. and if deemed necessary, June 25, 2002

PLACE: Contact Mr. Robert Pryor, Department of Health

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lifeguard and Swim Instructor will meet to evaluate Lifeguard and Swim Instructor training programs that wish to be considered as equivalent under paragraph 64E-9.008(1)(a), F.A.C. The Advisory Group will provide an assessment of the programs to the Department.

The person to contact regarding these meetings or agendas is: Mr. Robert Pryor, Department of Health, Bureau of Water Programs, 4052 Bald Cypress Way, BIN #C-22, Tallahassee, FL 32399-1742, (850)245-4444, Ext. 2369.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE OF CHANGE – The Osceola County Alliance for Children and Families and the **Department of Children and Family Services** announces a time change at its public meeting scheduled for May 21, 2002. The meeting will be held from 9:00 a.m. – 12:00 Noon. This change is only for the May 21st meeting. Please refer inquires to Dr. Joan Vermillion, (407)245-0400.

The District 13, **Department of Children and Family Services, Mental Health Program Office** announces a public meeting to which all persons are invited:

DATE AND TIME: May 17, 2002, 11:00 a.m. – 12:00 Noon

PLACE: Department of Children and Family Services, District 13, Headquarters, Room 2110, 1601 West Gulf Atlantic Highway, Wildwood, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The department is seeking public input and information regarding the redesignation of LifeStream Behavioral Center Hospital as a public Baker Act receiving facility in June, 2002.

Persons with disabilities requiring accommodations in order to participate in this event should contact the following person by telephone or in writing by close of business (5:00 p.m.), no

later than five working days prior to the meeting: Marilyn Connor, 1601 West Gulf Atlantic Highway, Box 80S, Wildwood, Florida 32785, (352)330-2177.

**FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces a public workshop and meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee

Guarantee Committee

Combined Cycle Committee

Multifamily Revenue Bond Committee

Board Meeting

DATE AND TIME: June 21, 2002, 10:30 a.m. – Adjourned

PLACE: City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, FL 33607, (850)891-0000

PURPOSE:

1. Consider, review, and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.
2. Consider, review and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.
3. Consider, review and take action on matters brought to the Combined Cycle Committee and to consider recommendations made by the Combined Cycle Committee to the Board.
4. Consider, review and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board.
5. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues, which have satisfied the requirements for funding.
6. Consider financing and acknowledgment resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
7. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
8. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
9. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
10. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.

11. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
12. Consideration of all necessary actions with regard to the Multifamily Bond Program.
13. Consideration of approval of underwriters for inclusion on approved master list and teams.
14. Consideration of all necessary actions with regard to the HOME Rental Program.
15. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
16. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
17. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
18. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
19. Consideration of all necessary actions with regard to the Home Ownership Programs.
20. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
21. Consideration of Appeals from Combined Cycle ranking and grading with entry of final orders.
22. Consideration of workouts or modifications for existing projects funded by the Corporation.
23. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
24. Consideration of funding additional reserves for the Guarantee Fund.
25. Consideration of audit issues.
26. Evaluation of Professional and Consultant performance.
27. Such other matters as may be included on the agenda for the June 21, 2002, Board Workshop and Meeting.

A copy of the agenda may be obtained by contacting: Natalyne Richardson, Board Administrative Liaison, Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Natalyne Richardson, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a

verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

**OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY**

The **Miami-Dade Land Acquisition and Facilities Advisory Board** announces its meeting.

DATE AND TIME: May 14, 2002, 3:30 p.m. – 4:30 p.m.

PLACE: Telephone Conference Call

GENERAL SUBJECT MATTERS TO BE CONSIDERED:

The Advisory Board will consider matters relating to Miami-Dade Land Acquisition and Facilities. These matters may include: reconsideration of a motion regarding release of the funds held. The advisory board may also consider information regarding any recommendations it may make to the school district and the Commissioner of Education.

To be included in the conference call or obtain a copy of the agenda please contact: Melissa Crawford, Office of Program Policy Analysis and Government Accountability, Suite 312, 111 West Madison Street, Tallahassee, FL 32399-1475, (850)487-9256.

If special accommodations are needed to attend this meeting because of a disability, please contact the above-mentioned individual in advance of the meeting.

**DEPARTMENT OF MILITARY AFFAIRS**

The **Department of Military Affairs**, announces a meeting to which all interested persons are invited.

DATE AND TIME: Saturday, May 18, 2002, 1:00 p.m.

PLACE: Adjutant General’s Conference Room, St. Francis Barracks, 82 Marine Street, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Armory Board Meeting. The Armory Board will consider action on contracts, leases, agreements and other business relative to real property and facility management issues under its control.

If a person decides to appeal any decision made by the Armory Board with respect to any matter considered at this meeting, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

IN ACCORDANCE WITH SECTION 286.0105, FLORIDA STATUTE.

**H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE**

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 22, 2002, 12:00 Noon  
PLACE: Moffitt Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by writing: Ms. Barbara Sawyer, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Barbara Sawyer, by Friday, May 17, 2002.

**JOINT INTERNATIONAL PROGRAM REVIEW TEAM**

The **Joint International Program Review Team** announces a public meeting.

DATE AND TIME: Wednesday, May 29, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Law Offices of Broad and Cassel, Suite 3500, 100 North Tampa, Tampa, FL 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED: Further testimony and discussion of work product.

A copy of the agenda can be obtained by contacting: Debbie Gilreath, Office of Program Policy Analysis and Government Accountability, Suite 312, 111 West Madison Street, Tallahassee, FL 32399-1475, (850)487-9278.

**CITY OF TREASURE ISLAND**

The **City of Treasure Island** announces a public hearing to which all persons are invited.

**OPEN HOUSE**

DATE AND TIME: June 5, 2002, 5:00 p.m. – 6:30 p.m.

**FORMAL PUBLIC HEARING**

DATE AND TIME: June 5, 2002, 6:30 p.m. (Displays will be available for review until 8:00 p.m.)

PLACE: Treasure Island Community Center, One Park Place, 106th Avenue, Treasure Island, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This hearing is being conducted to afford persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of the replacement of the three Treasure Island Causeway bridges, located between Gulf Boulevard (SR 699) and Park Street in the City of Treasure Island, Pinellas County, Florida. The project limits include the two fixed bridges, the bascule bridges, the bridge approaches and the toll facility.

Persons who may require special accommodations under the Americans With Disabilities Act of 1990 should contact Shari Barnwell, (727)431-1604, at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Don Hambidge, P.E., Public Works Director, City of Treasure Island, 120 108th Avenue, Treasure Island, Florida 33706.

**FLORIDIANS FOR IMPROVED ELDERLY CARE**

The **Floridians for Improved Elderly Care, Inc. (FIEC)** announces the following board meetings to take place on:

DATES AND TIME: August 8, 2002; November 7, 2002, 5:00 p.m. – 6:00 p.m.

PLACE: The Hilton Tampa Airport, 2225 N. Lois Ave., Tampa, FL

FIEC also announces the following board meetings that took place on February 7, 2002; May 8, 2002, in Tampa. Minutes of these meetings are available.

The following telephone conference calls/board meetings, if needed will take place on:

DATES AND TIME: June 13, 2002; July 11, 2002; September 12, 2002; October 10, 2002; December 12, 2002, January 9, 2003, 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to FIEC.

For more information call: Lucienne de Wette, (561)395-7354.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF INSURANCE**

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has received a petition for a declaratory statement from Sunshine State Collection Services, Inc. The petition seeks the agency’s opinion as to whether Section 627.736, F.S., prohibits the assignment of benefits to a person, firm or entity engaged in receivables financing to class members, as it applies to the petitioner.

A copy of the petition may be obtained by contacting: Stephen Fredrickson, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4144.

**FISH AND WILDLIFE CONSERVATION  
COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Fish and Wildlife Conservation Commission has received and agreed to rule on a Petition for Declaratory Statement from Clifford Cahoon, originally submitted to the Marine Fisheries Commission on June 11, 1999. The Fish and Wildlife Conservation Commission is the successor agency to the Marine Fisheries Commission, which was abolished on July 1, 1999 by operation of Article XII, Section 23(c) of the State Constitution. Petitioner seeks the agency’s opinion as to whether, in light of Section 370.102, Florida Statutes, local governments in Florida are allowed to (a) regulate the method of taking marine fish and/or gear, (b) establish prohibited gear, or (c) prohibit commercial fishing.

A copy of the petition may be obtained by writing: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

---

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

---

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

---

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

---

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

---

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**REQUESTING BIDS  
FOR FURNISHING INSTRUCTIONAL MATERIALS  
TO THE STATE OF FLORIDA**

Sealed bids, addressed to the Florida Department of Education and marked “Sealed Bid,” will be received in the offices of the Commissioner of Education no later than 5:00 p.m. (EDT), June 3, 2002.

Bids shall include proposals for furnishing instructional materials effective April 1, 2003, for a period six years in the areas of Agribusiness and Natural Resources, Grades 6-12, Integrated Sciences, Grades 9-12, Literature, Grades 6-12, Music, Grades K-12, and Safety and Driver Education, Grades 9-12. A detailed list of the selection criteria may be obtained from the Instructional Materials Office, Room 532, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or by accessing the Department of Education website at <http://www.firn.edu/doe/instmat>. The bid shall state the lowest wholesale price at which the materials will be furnished, f.o.b. to the Florida depository of the bidder.

Official minimum standards and specifications for paper, printing, binding, binderboard and cover fabric have been adopted by the Department of Education and are available for inspection in Room 532, Turlington Building, Tallahassee, FL. Each bidder shall furnish specimen copies of all materials submitted at a time designated by the Department of Education, which specimen copies shall be identical with the copies approved and accepted by the state instructional materials committee and copies furnished to district superintendents as provided in Section 233.18, Florida Statutes.

Contracts must be executed and required bonds submitted within 30 calendar days after receipt of the contract.

The Department of Education reserves the right to reject any or all bids.

---

**REQUEST FOR BID**

The University of Florida, Purchasing Division will receive sealed bids for the following: 02L-141, W/O 534867, Replace Campus Selector Switches-Phase 3, estimated budget: \$840,000-\$880,000, to be opened June 4, 2002, 11:00 a.m. (Local Time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Replacement of existing oil insulated vault style switches and oil fused cutouts in existing manholes with new sulfur hexachloride switches, including all associated cable terminations, refurbishment of manhole appurtenances, and related work. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331. A Mandatory Pre-bid Meeting will be held May 21, 2002, 9:00 a.m., in the Physical Plant Division, Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL.

All questions should be directed to: A. J. Sontag, C.P.M., Assistant Director, UF Purchasing, (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

**REQUEST FOR BID**

The University of Florida, Purchasing Division will receive sealed bids for the following: 02L-142, W/O 505477, Cultural Plaza Site and Landscape Improvements, estimated budget: \$450,000-\$500,000, to be opened June 6, 2002, 2:00 p.m. (Local Time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Selective removal of existing asphalt pavement and curb/gutter. Addition of new curb/gutter and asphalt pavement with corresponding changes to existing stormwater drainage. Addition of new concrete walks and seating walls. Complete landscape installation (plants and grassing). Demolition of existing irrigation system, addition of new irrigations system. Demolition of existing bus shelter/construct new bus shelter. Relocation of existing site lighting, metered parking, and security phone. Addition of new site lighting. Restriping of existing parking garage to modify automobile and pedestrian circulation. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331.

A Mandatory Pre-bid Meeting will be held May 23, 2002, 10:00 a.m., in the Physical Plant Division, Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed to: A. J. Sontag, C.P.M., Assistant Director, UF Purchasing, (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

**BID # FO&M 25-1****RENTAL UNIFORM SERVICE****1.0 PURPOSE OF BID:**

The Florida State University, Facilities Operations and Maintenance Department (FO&MD), is soliciting bids for rental of uniforms for approximately 130 employees located in various sections of the department. The estimated number of employees by individual departmental section, information regarding purchase order issuance and billing will be covered under TECHNICAL CONDITIONS of this bid.

**2.0 TERM OF CONTRACT:**

The initial period of this agreement shall be for the fiscal year starting July 1, 2002 and ending June 30, 2003 with an option to extend the contract for two (2) additional one year periods on a year by year basis at the same terms, pricing and conditions with the written approval of both parties.

**3.0 AWARD:**

Award shall be made on an ALL OR NONE BASIS to the lowest bidder that meets minimum specifications. The award will not be sub-divided. To establish a basis for comparison to determine the lowest bidder, the University will develop a matrix made up of a mixture of the nine possible uniform combinations to be rented and multiply each type by the weekly rental and multiply that by 52 weeks. The bidder submitting the lowest bid based on this calculation will receive the award if their samples meet minimum specifications. If multiple responses to this bid are perceived to be equal in all respects, Florida State University reserves the right to give preference to responses that include minority business enterprise participation, commodities manufactured in the State of Florida, Florida businesses, past service records, businesses with a drug-free workplace program or foreign manufacturers located in the state to determine the contract award.

**4.0 REFERENCES/QUALITY CONTROL:**

Bidders are required to submit with bid package the names, addresses and phone numbers of three (3) customers with a minimum of 150 employees and multiple delivery locations. References will be checked for satisfactory ratings. Note: a finding of only one (1) reference, which is not satisfactory, shall be grounds for rejection of that vendor's bid. Bidders shall also submit one (1) copy of their company quality control procedures for uniforms. Failure to submit will be grounds for disqualification.

**5.0 TERMINATION:**

Either the Vendor or the University may cancel any purchase order resulting from this bid without cause by giving a minimum of one hundred twenty (120) days prior written

notice by Certified Mail to the other party. If the vendor exercises their right to cancellation, they must agree to leave current uniforms in place, under the same terms, conditions and pricing for the one hundred twenty (120).

#### 6.0 VENDOR RESPONSIBILITY:

- A. Vendor shall provide an initial issuance of six (6) sets of new uniforms by July 1, 2002 and each year thereafter that the agreement remains in effect. A "Set" shall be defined as one (1) shirt and (1) pair of pants/jeans/shorts except as defined in section 9.0, Employee Options.
- B. Repair shall be defined as the mending of seams, broken zippers, replacing buttons patching rips and holes. Repair turn around time shall be held to a maximum of one week under normal circumstances. Replacement uniforms as a results of special size orders not considered as part of vendor's normal inventory will be dealt with individually, but every effort should be made on the part of the vendor to expedite replacement clothing as quickly as possible, but not to exceed two (2) weeks.
- C. Vendor shall replace any uniform with new, not previously worn, clothing at no cost to the University for any of the following reasons:
  - a) Loss or misplacement of uniforms by vendor.
  - b) Size change as a result of weight loss or gain to the point that clothing fits improperly and professional appearance is affected.
  - c) When repair cannot be achieved without affecting presentable appearance of clothing.
  - d) Clothing is worn and faded or holes formed which cannot be repaired satisfactorily.
  - e) Large grease spots cannot be removed or when paint markings are to the extent to necessitate replacement, or
  - f) New employees added during contract period.
- D. SPECIAL SIZED GARMENTS: It shall be the responsibility of the successful vendor to provide garments for all employees. If an employee is unable to be satisfactorily fitted with the style or standard sizes known within the industry, the vendor will provide garments, as needed, within an approved time frame, from any acceptable source, at no additional cost to the University, in order to provide uniforms for all personnel who require them. Prior approval of these garments must be received from Contract Manger as to substitution.

#### 7.0 GENERAL CONDITIONS:

- A. Upon award of contract by issuance of a purchase order, vendor shall arrange for measurement and fitting of each employee to insure proper fit starting the first week of June, thus allowing sufficient time to have all uniforms delivered for employee issuance to employees by July 1, 2002. A schedule of such dates, must be submitted to FO&M, Purchasing Agent, Room 114, Mendenhall, no later than two weeks after contract award. Measurement

records shall include employee name, type of garments to be provided by size, and employee signature of agreement as to fitting history. A copy of this record will be provided to the Contract Manager and maintained with the contract for reference.

- B. New employees added to the staff after July 1, 2002 will personally be responsible to meet with the uniform company delivery person for uniform measurement and selection as soon as possible after reporting to work. Measurement and fitting record as indicated in 7.0(A) above shall be furnished to the using department and Contract Manager at the time of new employee fitting.
- C. The vendor shall not substitute any name brand other than the brand bid and accepted at bid award. If the vendor desires to provide any garment not listed in their bid they must first submit a written request and a sample of the proposed garment to the FSU Contract Manager. If the request is approved to add the garment to the contract, the section head of the department will be responsible to follow through with the proper change notice request to the appropriate purchase order.
- D. Charge shall be made when service is not rendered due to shut down periods, holidays or for individual employees who may terminate or be on approved leave for a period of not less than two (2) weeks. Credits for service will be issued at the appropriate pick-up and delivery station as instructed by the Contract Manager.
- E. An accurate count of all uniforms collected and received will be made at each pickup station prior to the vendor leaving the station. Any discrepancies must be notated and reconciled weekly.

#### 8.0 DELIVERY LOCATIONS:

Maintenance Services – all shops, zone and remote locations will be delivered to the Mendenhall Maintenance Building A.

#### 9.0 EMPLOYEE OPTIONS:

Women will have the option to select either six (6) full sets of uniforms alike or a half/half combination of pants/shorts/skirts and blouses/smocks or dresses. Men will have the option to select six (6) full sets of uniforms or a half/half combination of shirts/pants/jeans or shorts. All employees will have the option to select long or short sleeve shirts/blouses/smocks or half/half combination.

#### 10. REPLACEMENT COSTS:

The Vendor shall not be required to replace any piece of a uniform due to malicious damage by the employee or for non-return of uniforms due to termination or at the end of the contract period. "Malicious damage" is defined as any damage willfully done by the employee to necessitate the replacement of the uniform garments, either by tearing, cutting or any other damage to the garment, which would deem repair to be impossible. The employee's section head in advance of any action taken by the vendor to replace garments must approve

replacement costs incurred as a result of the above actions. Original garments being replaced must remain in the possession of the using department.

11. BID SUBMITTALS:

Vendors must submit the following with their bid document at time of bid opening in order to be considered as a responsive bid. Vendors not submitting all requested items will be disqualified.

- A. Invitation to bid cover sheet, signed by authorized company representative.
- B. Quotation sheet.
- C. Samples of each garment on the quotation sheet, with the item number and company identification on each item.
- D. Manufacturer’s descriptive literature with uniform color selection for each garment item and label samples with color selections and styles. All samples will be returned to unsuccessful bidders after contract award. **SPECIAL NOTE: SAMPLES FROM THE SUCCESSFUL BIDDER WILL BE HELD UNTIL ALL UNIFORMS ARE IN PLACE.**
- E. Sample copy of invoice; count sheet, measurement history document, and repair/service request tag to be used.
- F. Replacement cost for each garment if different from the original price.
- G. Quality control procedures as referenced in Section 4.1.
- H. References as detailed in Section 4.1.
- I. Any special notations by vendor regarding any portion of this bid to serve as clarification of any statement or option. If no special clarification is requested or amended in writing, the original statements will be constructed as accepted by the vendor.

12. LOGO:

The words Florida State University, Facilities Operation and Maintenance and the FSU Torch symbol will be embroidered above the pocket on left side of the shirts. The logo must be 3 1/2 x 4 inches. Example of the logo is attached. Garnet shirts will be embroidered with Gold lettering and a Gold Torch symbol with Black lettering and accent inside the symbol. All other shirts will be embroidered with Garnet lettering and a Gold Torch symbol with Black lettering and accent inside the symbol.

SPECIAL NOTICE:

THE CONTRACT MANAGER IS THE ONLY APPROVING AUTHORITY TO REVISE THIS CONTRACT IN ANY MANNER RELATIVE TO THE TYPE GARMENTS ADDED OR DELETED OR TO ANY FUNCTIONAL CONDITION OF THE BID. VERBAL OR WRITTEN REQUESTS FROM ANY SECTION OF FACILITIES OPERATIONS AND MAINTENANCE OR ANY EMPLOYEE THEREOF AND ACTED UPON BY THE SUCCESSFUL BIDDER WILL NOT BE CONSIDERED AS AUTHORIZED CHANGES OR ADDITIONS TO SERVICE

PROVIDED AND INVOICES FOR SUCH CHANGES WILL NOT BE PROCESSED. ANY REVISION TO THE CONTRACT AS AWARDED MUST BE APPROVED IN WRITING IN ADVANCED BY THE CONTRACT MANAGER, B. J. LEWIS, FO&M PURCHASING AGENT, (850)644-2963. FOR ANY QUESTIONS REGARDING UNIFORMS PLEASE CONTACT LINDA DAVIS, (850)228-7047.

QUOTATION SHEET

MAINTENANCE SERVICES SPECIFICATIONS:

OPTION 1:

Shirt: Solid Polo with pocket, 50/50 knit  
 COLOR: Burgundy, Tan  
 Pants/Shorts: 65/35 industrial pants with flex or regular waist  
 COLOR: Khaki, Navy Blue  
 Price per employee per week \$\_\_\_\_\_

OPTION 2:

Shirt: Solid Polo with pocket, 50/50 knit  
 COLOR: Burgundy, Tan  
 Pants: Cotton Denim Jean, Straight Leg, Regular  
 Price per employee per week \$\_\_\_\_\_

OPTION 3:

Shirt: 100% cotton shirt, Pre-shrunk, wrinkle resistant  
 COLOR: Tan  
 Pants: 100% cotton, pre-shrunk, wrinkle resistant, slack style front pockets and two set-in hip pockets, the left with button  
 COLOR: Navy Blue, Khaki  
 Price per employee per week \$\_\_\_\_\_

OPTION 4: SUPERVISORY STAFF IN SHOP/ZONE LOCATIONS

Shirt: Oxford style, button down collar, choice of short or long sleeve or half/half combination, one pocket, double stitched sleeve seam, 60% cotton/40% poly-blend, RUS Executive style, Edwards or FSU approved equal with  
 Pants below:  
 COLOR: White, Blue, Blue/White, Burgundy/White Pin striped  
 Shirt: Solid Polo shirt with pocket, 100% cotton knit includes a drop tail, and a rib nit polo collar, RUS Style Collection or approved equal:  
 COLOR: White, Burgundy, Tan  
 PANTS: 7-1/2 oz 65% poly/35% brushed twill, slack style front pockets, two set in hip pockets, left with button closure, darts over hip pockets, double pleated, Red Kap Highland Collection or FSU approved equal  
 COLOR: Navy Blue, Khaki.  
 Price per employee per week \$\_\_\_\_\_

OPTION 5: WOMEN'S UNIFORMS

Shirt: Solid Polo with pocket, 50/50 knit  
COLOR: Burgundy, Tan  
Skirt or dress: 65/35 blend with flex or regular waist  
COLOR: Khaki, Navy Blue  
Price per employee per week \$ \_\_\_\_\_

OPTION 6: PAINTERS

Shirt: 65/35 DRESS UNIFORM SHIRT  
COLOR: White  
Pants: 65/35 industrial pants with flex or regular waist  
COLOR: Khaki, Navy Blue, White

OPTION 7: WELDERS

Shirt: 65/35 LONG SLEEVE DRESS UNIFORM SHIRT  
COLOR: Burgundy, Tan  
Pants: 65/35 industrial pants with flex or regular waist  
COLOR: Khaki, Navy Blue

NOTICE TO PROFESSIONAL CONSULTANTS:

Florida Atlantic University, on behalf of the State of Florida, Board of Education announces that professional services are required in the following discipline(s):

CODE REVIEW AND INSPECTION SERVICES.

Project(s): Campus Service for Minor Projects  
Project(s) Location: Florida Atlantic University, All campuses.  
Firms applying must have State of Florida licensed and/or State of Florida certified personnel on staff to perform plans reviews and construction inspections for building, structural, mechanical, electrical and plumbing.

These services will be based on a negotiated fee schedule with each occurrence of service being authorized with a purchase order. Campus Service contracts provide that the consultant will be available on an as-needed basis. The term of agreement is for one year with the option to extend the agreement for one additional year.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Preference will be given to firms that are primarily in business of code compliance plans review and inspections. Preference will be given to firms whose personnel consist primarily of licensed and/or certified plans reviewers and inspectors. Proximity of location will be a prime factor in the selection of the firm. Design ability will not be considered for this selection.

Attach to each letter of application:

- 1. The most recent version of the Board of Regents "Professional Qualifications Supplement" completed by the applicant. Applications on any other form will not be considered.
- 2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of

application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. Application materials will not be returned.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Alan Moldof, Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Building T-10, Boca Raton, Florida 33431, (561)297-3039. PQS forms are available on the Florida Atlantic University Division of the University Architect web pages at <http://www.fau.edu/divdept/univarch/>.

Submittals must be received in the Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Building T-10, Room 9, Boca Raton, Florida 33431, by 5:00 p.m. (Local Time), June 11, 2002. Facsimile (FAX) submittals are NOT acceptable and will NOT be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of the State of Florida, Board of Education, announces that professional services for Minor projects are required in the following disciplines: MECHANICAL/ELECTRICAL/PLUMBING ENGINEERING.

Project(s): Campus Service for Minor Projects  
Project(s) Location: Florida Atlantic University, All campuses.  
Projects included in the scope of this agreement will be specific projects for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1 – June 30. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional campus service professionals under contract during the same time period.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm. Design ability will not be considered as a selection category.



Attach to each letter of application:

1. The most recent version of the Board of Regents "Professional Qualifications Supplement" completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Facilities Planning Department, Florida Atlantic University, Attention to Alan R. Moldof, 777 Glades Road, Bldg. T-10, Room 9, Boca Raton, Florida 33431 (561)297-3039. PQS forms are available on the Florida Atlantic University Division of the University Architect web pages at <http://www.fau.edu/divdept/univarch/>.

Submittals must be received in the Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Bldg. T-10, Room #9, Boca Raton, Florida 33431, by 5:00 p.m. (Local Time), June 11, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

---

#### NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of the State of Florida, Board of Education announces that professional services for Minor projects are required in the following disciplines:  
CIVIL ENGINEERING.

Project(s): Campus Service for Minor Projects

Project(s) Location: Florida Atlantic University, All campuses. Projects included in the scope of this agreement will be specific projects for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1 – June 30. The

consultant receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional campus service professionals under contract during the same time period.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm. Design ability will not be considered as a selection category.

Attach to each letter of application:

1. The most recent version of the Board of Regents "Professional Qualifications Supplement" completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplement forms, descriptive project information and selection criteria may be obtained by contacting: Facilities Planning Department, Florida Atlantic University, Attention: Alan R. Moldof, 777 Glades Road, Bldg. T-10, Room 9, Boca Raton, Florida 33431 (561)297-3039. PQS forms are available on the Florida Atlantic University Division of the University Architect web pages at <http://www.fau.edu/divdept/univarch/>.

Submittals must be received in the Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Bldg. T-10, Room 9, Boca Raton, Florida 33431, by 5:00 p.m. (Local Time), June 11, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

---

**NOTICE TO CONSTRUCTION MANAGERS**

The University of Central Florida announces that construction management services will be required for the project listed below:

- Project No. BR-472  
Project and Location: Recreation and Wellness Center Outdoor Pool, University of Central Florida, Orlando, Florida 32816-3020.
- Project No. BR-493  
Project and Location: Student Resource Center, University of Central Florida, Orlando, Florida 32816-3020.
- Project No. BR-463  
Project and Location: Student Union Additional Build-out, University of Central Florida, Orlando, Florida 32816-3020.
- Project No. BR-480  
Project and Location: Tennis Center, University of Central Florida, Orlando, Florida 32816-3020.

The project consists of: Recreation and Wellness Center Outdoor Pool – outdoor pool and deck; Student Resource Center – remodeling and renovation of approximately 15,000-NASF auditorium, dining/café, and office space; approximately 20,000 GSF of outdoor courtyard/patio space; approximately 80,000 LF exterior renovation; Student Union Additional Build-out – approximately 8,000-NASF addition to provide office and retail space; Tennis Center – 6 tennis courts and approximately 800 NASF office space.

The combined construction cost will be approximately \$8,000,000. This facility will be in the planning phase in the fiscal year 2002. The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will not be compensated. Phase one services include value engineering, constructability analyses, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Documents. 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 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; cost estimating; qualification of the firm's personnel, staff and consultants; and ability to include minority business enterprise participation. Finalists will be provided with a description of the final interview topics. 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 "Revised Construction Manager Qualifications Supplement" dated 02/02. Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Gina Seabrook, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Boulevard, Post Office Box 163020, Orlando, FL 32816-3020, (407)823-2166, Fax (407)823-5141, email: gseabroo@mail.ucf.edu or on our website.

Copies of the program for BR-463 and BR-493 are available on the Office of Facilities Planning website, [www.fp.ucf.edu](http://www.fp.ucf.edu). Select the "Programming" menu item. For information on these and the projects without programs listed, please contact either Mark Hall or Polly Tonsetic, Campus Life Facilities, (407)823-2117

Four (4) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m. (Local Time), June 11, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

**DEPARTMENT OF COMMUNITY AFFAIRS****NOTICE OF APPLICATION PERIOD**

The FLORIDA COMMUNITIES TRUST announces an application period for receiving applications from local governments requesting funding awards from the Trust's Florida Forever Program.

**DEADLINE:** The deadline for submitting applications shall be 6:00 p.m. (EDT), Tuesday, July 30, 2002. Applications must be received by the Florida Communities Trust by the above stated deadline. Applications received after the published deadline shall be deemed late and will not be considered by the Trust.

**APPLICATION FORMS:** Applications for funding must be made on Application Form FF-2 (Effective 5/20/02), following procedures in Rule Chapter 9K-7, F.A.C. Copies of the rule chapter and application form will be available at the pre-application workshops or may be obtained by calling the Trust, (850)922-2207, Suncom 292-2207, or writing the Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100.

**ADDRESS:** For mail and carrier service deliveries, the delivery address is Florida Communities Trust, 2555 Shumard Oak Boulevard, Suite 310, Tallahassee, FL 32399-2100. For hand deliveries, the delivery location is Suite 310, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL.

**FUNDS AVAILABLE:** Funds available for awards will derive from Florida Forever bond proceeds. As of the date of submittal of this Notice, the Trust expects that up to \$66,000,000.00 will be available for use in this funding cycle, unless otherwise allocated by the Legislature.

**LOCAL MATCH:** Section 259.105(3)(c), F.S., requires that of the funds allocated to the Trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. Rule 9K-7.003(4)(c), F.A.C., allows 100 percent grant funding to counties with populations under 75,000, municipalities with populations under 10,000 and eligible nonprofit environmental organizations. All other applicants shall provide a minimum of 25 percent match toward project costs.

**LIMITS ON AWARDS:** Under the provisions of Rule 9K-7.003(3), F.A.C., the total amount of any award or combination of awards applied for by any local government or nonprofit environmental organization under any application(s) or partnership application(s) for any project(s) shall not exceed ten percent (10%) of the total Florida Forever funds available as stated above. All awards for partnership applications, for the purposes of calculating award limits, shall be divided equally among the local government or nonprofit environmental organization. Based upon the funds known to be available as of the date of this notice, the limit to any local government or nonprofit environmental organization shall be \$6,600,000.00.

**WORKSHOPS:** Pre-application technical assistance workshops will be conducted. A schedule of the workshops can be found in the April 26, 2002, edition of the Florida Administrative Weekly or the Trust website at [www.dca.state.fl.us.ffct](http://www.dca.state.fl.us.ffct).

**MORE INFORMATION:** Interested parties may obtain more information from the Trust website at [www.dca.state.fl.us.ffct](http://www.dca.state.fl.us.ffct), by contacting the Florida Communities Trust, (850)922-2207, Suncom 292-2207, or by writing the above stated address.

## **EXPRESSWAY AUTHORITIES**

### **REQUEST FOR QUALIFICATION BASED PRICE PROPOSAL COCKROACH BAY WETLAND MITIGATION PROJECT BID NO. 50.40.03**

**Request for Qualification:** The Tampa-Hillsborough County Expressway Authority ("Authority") will receive Proposer's Qualification Forms from contractors qualified to provide construction and planting services for the Cockroach Bay Wetland Mitigation Project ("Project"). Forms must be received at the Authority's office, 412 E. Madison Street, Suite 800, Tampa, Florida 33602, before 1:00 p.m., May 24, 2002.

**Review of Qualifications and Request for Price Proposals:** Evaluation of Proposers' qualifications will result in a short-list of a minimum of three companies who satisfied the required experience qualifications related to projects similar in scope and magnitude to the Project. All Proposers will be provided with a list of the short-listed contractors. The Authority will request price proposals from short-listed contractors who attend a mandatory Pre-Proposal conference.

**Scope of Work:** The Project consists of a 25-acre freshwater marsh to be constructed on Hillsborough County ELAPP owned land. The wetland mitigation project will create viable wetlands that will offset wetland impacts from the Brandon Feeder Roads Project. Work includes contouring the site to specified elevations and planting aquatic bed, emergent, scrub-shrub and forested wetland vegetation.

**Contract Instructions:** Proposers must be able to meet specific requirements of the Authority's contract documents, including licensing, insurance and bonding. The Authority Board will award a contract to the lowest responsive Proposer.

**Request for Documents:** Proposers may direct all questions and/or obtain the Proposer's Qualification Form and contract documents for this work by contacting:

URS Corporation, Attention: Mark Easley

One North Dale Mabry Hwy, Suite 700

Tampa, Florida 33609

Telephone (812)875-1115, Fax (813)874-7424

Plans and specifications will be available for review or purchase (non-refundable cost of \$150 per set) at the above location on and after May 10, 2002. Make checks payable to URS Corporation.

**Pre-Proposal Conference:** A mandatory Pre-proposal Conference for qualified Proposers will be held on June 13, 2002, 1:00 p.m., Tampa Port Authority, 1101 Channelside

Drive, Tampa, FL 33602. A detailed scope of services, schedule and submittal requirements for the Price Proposal will be provided at this meeting.

The Authority has a policy of providing equal opportunities to all responsible and eligible businesses, regardless of size, to participate in its contract activities. Its policy requires non-discrimination on the basis of race, color, gender and national origin and all firms contracting with the Authority shall have or adopt a similar non-discrimination policy.

Note: All TIMES, dates and Public MEETING LOCATIONS are subject to change. Changes will be posted at the Authority's Office, 412 E. Madison St., Suite 800, Tampa, FL. Please contact the Authority's Contracts Administrator, (813)272-5986 for updated information.

DEADLINE FOR SUBMITTING QUALIFICATION FORM:  
May 24, 2002, by 12:00 Noon

PLANNED SHORTLIST – COMMITTEE MEETING at the Authority Office: June 6, 2002, 9:00 a.m.

PRE-PROPOSAL MEETING FOR SHORTLISTED FIRMS:  
June 13, 2002, 1:00 p.m.

DEADLINE FOR SUBMITTING PRICE PROPOSAL:  
July 8, 2002, 12:00 Noon

PRICE PROPOSALS PUBLICLY OPENED – COMMITTEE MEETING:  
July 8, 2002, 1:00 p.m.

(Authority Office)  
CONTRACT AWARD AT MONTHLY AUTHORITY BOARD MEETING:  
July 22, 2002, 3:00 p.m.

(Location: Board of County Commissioners Chambers, County Center, Tampa, FL

NOTE: The Authority reserves the right to reject all proposals, issue a new RFP and waive formalities and technical.

**DEPARTMENT OF ELDER AFFAIRS**

**REQUEST FOR INFORMATION**

The Northeast Florida Area Agency on Aging, Inc. (Area Agency) is requesting information from entities who intend to respond to a Request for Proposal to become the lead agency for the Community Care for the Elderly Program in Baker County, or Clay County, or Duval County, or Flagler County, or Nassau County, or St. Johns County, or Volusia County. The lead agency for each of the afore named counties provides case management services for frail, homebound, elderly which includes preparing a care plan and arranging for services through contracted vendors. The elder consumer chooses the vendor(s) who is to provide the service(s).

The Contact Person at the Area Agency for responses to the Request for Information is:

Mary F. Baxla, Assistant Executive Director  
Northeast Florida Area Agency on Aging, Inc.  
4401 Wesconnett Blvd., 2nd Floor  
Jacksonville, Florida 32210

Fax (904)777-2128

Potential bidders must have demonstrated ability to provide effective case management, good coordination with governmental and social service providing entities, financial stability, and the resources to provide a minimum ten percent cash or in-kind local matching funds. If a Request for Proposal is required the contract period for lead agency in each county will be October 1, 2002 through June 30, 2003. The program is funded by State of Florida General Revenue appropriated by the Legislature.

The Area Agency does not intend to award a contract on the basis of this request for information or to otherwise pay for the information solicited.

Response to the Request for Information must be received at the Area Agency no later than 5:00 p.m., May 10, 2002. Receipt of no response by the deadline specified shall constitute a "not interested" response. discrepancies.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

BID NO. BDRS 107-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for restroom renovations at Little Talbot Island State Park in Jacksonville, Florida. Construction is for the renovation of two restrooms to meet Florida Accessibility Code. Work to include the removal of concrete flooring, piping, plumbing and fixtures, as approved by the Architect, and the installation of new showers, toilet partitions, plumbing, electrical and other associated work as indicated in the plans and specifications.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE OF CANCELLATION – Department of Children And Family Services announces a cancellation for Solicitations of Proposals for Community Anti-drug Coalition Grants to Lead Agencies for Coalition Building which was published in Vol. 28, No. 18, May 3, 2002, Florida Administrative Weekly.

**DAYTONA BEACH COMMUNITY COLLEGE**

Legal Advertisement

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona Beach Community College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring architectural

services. The project is the Hospitality/Tourism Building for the Daytona Beach Campus. The scope of work is the development of educational specifications, floor plans, a model and renderings. The facility will be approximately 40,000 gross square feet. The estimated construction budget is \$9 million. The facility will be for students working towards an AA degree in Hospitality Management or Culinary Arts. Firms or individuals with experience in designing higher education facilities and desiring to qualify for consideration must submit five copies of a proposal to Mr. Steven D. Eckman, Director, Facilities Planning Department, Daytona Beach Community College, Post Office Box 2811, Daytona Beach, Florida 32120-2811, or deliver to 1200 West International Speedway Boulevard, Building 540, Room 112, Daytona Beach, FL 32114, to arrive no later than 12:00 Noon, May 17, 2002. Each proposal must include:

1. A letter of interest.
2. Federal Government Standard Forms 254 and 255 Architect-Engineer Questionnaires, including in Section 8 of Form 255 the name, address, phone and contact person of the primary general contractor or construction manager on the project; and name, address, phone and contact person for the project; and in Section 10 the firm's practice concerning affirmative action.
3. Certificates showing evidence of insurance coverages are in force. Contact the Facilities Planning Department at Daytona Beach Community College for specific insurance requirements (DBCC Procedure 8011 Section III F).
4. Copies of State of Florida licensing board certificates for the firm and members of the firm.
5. A notarized statement of financial status. (The form of the statement is optional and could be in a form such as Dun & Bradstreet, by a certified public accountant, or other.)
6. A Sworn Statement of Public Entity Crime, as required by Section 287.133(3)(a), F.S.
7. An organizational chart listing personnel and consultants proposed for this project.
8. For each team member, list the five (5) most recent projects that are relevant to the proposed project (i.e., size, type, educational, etc.).

**PETER BROWN CONSTRUCTION COMPANY**

**NOTICE OF REQUEST FOR PROPOSALS**

AG Holley State Hospital Fourth Floor Renovation  
 DOH #10050200  
 1199 West Lantana Road  
 Lantana, Florida

Peter R. Brown Construction, Inc. (CG-C061419), the Construction Manager for the A. G. Holley State Hospital, Fourth Floor Renovation, hereby solicits sealed proposals for

the following trade(s) for the referenced project in accordance with the proposal documents to include but not limited to the following:

- Proposal Packages:
- Self-leveling Concrete
  - Selective Demolition
  - Built-up Roofing (patching only)
  - Cabinets/Shelving
  - General Trades
  - Storefront Systems & Glazing
  - Light-gauge Metal Framing, Drywall, and Plaster
  - Carpet and VCT
  - Resilient Flooring
  - Specialty Flooring
  - Ceramic Tile
  - Acoustical Ceilings
  - Painting
  - Accessories
  - Plumbing
  - HVAC
  - Fire Sprinklers
  - Electrical

The Construction Manager will accept proposals until 2:00 p.m. (Local Time), June 5, 2002, at the offices of Peter R. Brown Construction, Inc., 1475 South Belcher Road, Largo, Florida 33771. Faxed proposal will be received, sealed, and read. All proposals will be publicly opened and read aloud.

The Proposal Documents will be available at the office of the Construction Manager beginning April 26, 2002. Please call Mike Raney, (727)535-6407 or Fax a request (727)539-8485, to obtain documents. A Pre-proposal Conference will be held at the Job Site, May 15, 2002, 10:00 a.m.

A "Company Information Questionnaire" will be required of proposers. The information provided by each proposer must meet the requirements of both the owner and Peter R Brown Construction, Inc. and shall be provided by the prospective proposers before drawings will be issued. The Construction Manager reserves the right to reject any and all proposals, and to waive any informality in any proposal.

All questions regarding the work should be directed to the Construction Manager in writing. The Owner and Architect will not accept calls regarding this project.

**Section XII  
Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, 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., May 31, 2002):

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**

Applicant and Proposed Location: Sanibel Captiva Community Bank, 2441 Library Way, Sanibel, Florida 33957  
Correspondent: David Carleton Hall, 1565 Red Cedar Drive, Fort Myers, Florida 33907

Received: April 26, 2002

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: PowerNet Credit Union, 5621 Harney Road, Tampa, Florida 33610

Expansion Includes: Members and indentured apprentices of the Millwrights and Machinery Erectors Local 2411.

Received: April 30, 2002

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**NOTICE OF ACCEPTANCE OF APPLICATIONS  
ENDANGERED AND THREATENED  
NATIVE FLORA GRANTS PROGRAM**

The Florida Department of Agriculture and Consumer Services, Division of Plant Industry announces that it is once again soliciting applications for the Endangered and Threatened Native Flora Grants Program.

Grants may be awarded for activities which provide recognition of those native flora to the state that are endangered and threatened; and activities that encourage,

within a controlled program, the protection, curation, propagation, reintroduction and monitoring of native flora that are identified as endangered or threatened.

Who is eligible to apply? By law, a qualified corporation is a not-for-profit corporation pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, and which is described in, and allowed to receive contributions pursuant to the provisions of, section 170 of the Internal Revenue Code of 1954, and which is a corporation not for profit incorporated pursuant to Chapter 617, Florida Statutes, and which can demonstrate, based on program criteria, the ability to protect, conserve, propagate, reintroduce and monitor endangered and threatened native flora.

If the projects receive legislative approval, funds will become available after July 1, 2003. The deadline for filing applications is July 31, 2002 and applications must be delivered to the Division of Plant Industry's Plant Inspection office by 5:00 p.m. on that date or be clearly postmarked on or before that date.

Further information and an application may be obtained from: Mr. Dan Phelps, Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100, (352)372-3505, Ext. 162 or Fax (352)955-2301 or email: phelpsd@doacs.state.fl.us.

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-602-002  
DATE RECEIVED: April 26, 2002  
DEVELOPMENT NAME: POINIANA  
DEVELOPER/AGENT: Avatar Properties/Bob Whidden  
DEVELOPMENT TYPE: 28-24, F.A.C.  
COUNTY LOCATION: Osceola  
LOCAL GOVERNMENT: Osceola County

**NOTICE OF APPROVAL  
FOR PRESERVATION 2000 FUNDS**

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, Series P10 funding cycle. The project plan listed below was approved by the Executive Director under authority delegated from the

governing body. The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the project and that funds be released as follows:

Project: 00-018-P10/Withlacooche Gulf Pathways  
(Ohlwiler)

Grantee: Town of Yankeetown

Amount of Approved Funds: the lesser of 100.00% of the final total project costs or \$2,200,000.00

#### 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, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any

defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

#### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

##### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, MuZ of North America, Inc. d/b/a Motorrad of North America, intends to allow the establishment of Scooterra d/b/a Scooterra, as a dealership for the sale of MZ motorcycles, at 929 W. Fairbanks Ave., Winter Park (Orange County), Florida 32789, on or after April 17, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Scooterra d/b/a Scooterra are dealer operator and principal investor(s): Steven Dehlinger, 400 Lake Shore Drive, Lake Mary, FL 32746.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ray Campanile, President/GM, MuZ of North America, Inc. d/b/a Motorrad of North America, 771 Fentress Blvd., Unit 22, Daytona Beach, FL 32114.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Western Golf Car Manufacturing d/b/a Lido Motors USA, LLC, intends to allow the establishment of All Star Golf Car, as a dealership for the sale of Lido brand electric vehicles, at 104 S. E. 5th Court, Deerfield Beach (Broward County), Florida 33441, on or after April 26, 2002.

The name and address of the dealer operator(s) and principal investor(s) of All Star Golf Car are dealer operator: Gerald Koscoe and Janus Koscoe, 3 S. W. 11th Street, Deerfield Beach, FL 33441; principal investor(s): Gerald Koscoe, 3 S. W. 11th Street, Deerfield Beach, FL 33441.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Andrew Shenkman, Quality Assurance Manager, Western Golf Car Manufacturing d/b/a Lido Motors USA, LLC, 69-391 Dillon Rd., Desert Hot Springs, CA 922241.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

**AGENCY FOR HEALTH CARE ADMINISTRATION**

CERTIFICATE OF NEED  
LETTERS OF INTENT

The Agency For Health Care Administration received and accepted the following letters of intent for the May 29, 2002 application filing date for Other Beds and Programs batching cycle:

- County: Jefferson District: 2
- Date Filed: April 29, 2002 LOI#: N020401
- Facility/Project: Jefferson Nursing Center
- Applicant: Monticello Partnership, Ltd.
- Project Description: Add 58 community nursing beds through delicensure of 58 community nursing beds at Pine Lake Nursing Home
- County: Lake District: 3
- Date Filed: April 29, 2002 LOI#: N020402
- Facility/Project: Lady Lake Specialty Care Center
- Applicant: Lady Lake NH, LLC
- Project Description: Add up to 30 skilled nursing beds at Lady Lake Specialty Care through delicensure/transfer of up to 30 beds at the Oaks Residential
- County: Duval District: 4
- Date Filed: April 29, 2002 LOI#: N020403
- Facility/Project: Shands Jacksonville Medical Center
- Applicant: Shands Jacksonville Medical Center, Inc.
- Project Description: Add up to 13 skilled nursing beds through conversion of the same number of adult inpatient psychiatric beds
- County: Volusia District: 4
- Date Filed: April 29, 2002 LOI#: N020404
- Facility/Project: Indigo Manor
- Applicant: Alliance Foundation of Florida, Inc.
- Project Description: Add up to 48 nursing beds through delicensure of the same number of beds at Holiday Care Center
- County: Pasco District: 5
- Date Filed: April 26, 2002 LOI#: N020405
- Facility/Project: East Pasco Medical Center
- Applicant: East Pasco Medical Center, Inc.



Project Description: Establish an adult open heart surgery program  
 County: Pinellas District: 5  
 Date Filed: April 29, 2002 LOI#: N020406  
 Facility/Project: Sylvan Health Center  
 Applicant: Sylvan Health Systems, LLC  
 Project Description: Add 60 nursing beds through the conversion of 60 sheltered beds and the delicensure of 60 nursing beds at Gulf Coast Nursing and Rehab. Center  
 County: Hillsborough District: 6  
 Date Filed: February 8, 2002 LOI#: N020407  
 Facility/Project: Tampa General Hospital  
 Applicant: Florida Health Sciences Center, Inc.  
 Project Description: Establish a pediatric liver transplantation program  
 County: Hillsborough District: 6  
 Date Filed: April 25, 2002 LOI#: N020408  
 Facility/Project: Tampa General Hospital  
 Applicant: Florida Health Sciences Center, Inc.  
 Project Description: Establish a pediatric liver transplantation program  
 County: Hillsborough District: 6  
 Date Filed: January 9, 2002 LOI#: N020409  
 Facility/Project: LifePath Hospice and Palliative Care  
 Applicant: LifePath Hospice and Palliative Care, Inc.  
 Project Description: Convert four hospice residential beds to four inpatient beds  
 County: Hillsborough District: 6  
 Date Filed: April 1, 2002 LOI#: N020410  
 Facility/Project: Life Path Hospice and Palliative Care, Inc.  
 Applicant: Life Path Hospice and Palliative Care, Inc.  
 Project Description: Establish a 24-bed freestanding inpatient hospice house  
 County: Hillsborough District: 6  
 Date Filed: April 1, 2002 LOI#: N020411  
 Facility/Project: Life Path Hospice and Palliative Care, Inc.  
 Applicant: Life Path Hospice and Palliative Care, Inc.  
 Project Description: Establish a 24-bed freestanding inpatient hospice house  
 County: Polk District: 6  
 Date Filed: April 1, 2002 LOI#: N020412  
 Facility/Project: Life Path Hospice and Palliative Care, Inc.  
 Applicant: Life Path Hospice and Palliative Care, Inc.  
 Project Description: Establish a 24-bed freestanding inpatient hospice house

County: Palm Beach District: 9  
 Date Filed: April 26, 2002 LOI#: N020413  
 Facility/Project: Bethesda Memorial Hospital  
 Applicant: Bethesda Healthcare System, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Indian River District: 9  
 Date Filed: April 26, 2002 LOI#: N020414  
 Facility/Project: Indian River Memorial Hospital  
 Applicant: Indian River Memorial Hospital, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Palm Beach District: 9  
 Date Filed: April 26, 2002 LOI#: N020415  
 Facility/Project: Edgewater Pointe Estates  
 Applicant: ACTS Retirement – Life Communities, Inc.  
 Project Description: Add 40 community skilled nursing beds through the delicensure of 40 skilled nursing beds at Willowbrooke Court  
 County: Palm Beach District: 9  
 Date Filed: April 29, 2002 LOI#: N020416  
 Facility/Project: St. Mary’s Medical Center  
 Applicant: Tenet St. Mary’s, Inc.  
 Project Description: Establish a pediatric cardiac catheterization program  
 County: Palm Beach District: 9  
 Date Filed: April 29, 2002 LOI#: N020417  
 Facility/Project: St. Mary’s Medical Center  
 Applicant: Tenet St. Mary’s, Inc.  
 Project Description: Establish a pediatric open heart surgery program  
 County: Dade District: 11  
 Date Filed: April 26, 2002 LOI#: N020418  
 Facility/Project: Sunrise Community, Inc.  
 Applicant: Sunrise Community, Inc.  
 Project Description: Establish a new six-bed ICF/DD through the transfer/delicensure of six beds at Sunrise Group Home #1  
 County: Dade District: 11  
 Date Filed: April 29, 2002 LOI#: N020419  
 Facility/Project: Sunrise Community, Inc.  
 Applicant: Sunrise Community, Inc.  
 Project Description: Establish a new six-bed ICF/DD through transfer/delicensure of six beds at Sunrise Group Home #1

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after May 29, 2002, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on June 14, 2002.

AHCA Purchase Order Number: S5900J00496

---

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF AVAILABILITY**

**FLORIDA CATEGORICAL EXCLUSION NOTIFICATION**

The Florida Department of Environmental Protection has determined, under the State Revolving Fund program, that the Horseshoe Beach Water Association's water treatment plant upgrades, water distribution system upgrade and ground storage tank will not adversely affect the environment.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." For more information, call Bob Holmden, (850)488-8163.

---

**DEPARTMENT OF HEALTH**

On April 18, 2002, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Josephine Hoffman, M.D., license number ME 0061924. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 24, 2002, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Lisa Rogers, R.T. license number RT 005592. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

---

On April 26, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Christine Rodenberg, L.P.N. Rodenberg holds license number PN 5148000. Rodenberg's last known address is 4002 Aston Place, Plant City, Florida 33567. 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.

---

The Department of Health will be submitting a new application to receive federal funds under the Title V Maternal Child Health Block Grant. If you wish to make any suggestions or provide input for the Federal Fiscal Year 2003 application and report, please call: Bob Peck, (850)245-4444, Ext. 2965, by May 31, 2002.

**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN April 22, 2002  
 and April 26, 2002

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF EDUCATION**  
**University of South Florida**

6C4-3.008	4/26/02	5/16/02	Newspaper	
6C4-3.009	4/26/02	5/16/02	Newspaper	

**Florida School for the Deaf and the Blind**

6D-4.002	4/24/02	5/14/02	28/7	
6D-4.003	4/24/02	5/14/02	28/7	
6D-8.004	4/24/02	5/14/02	28/7	

**DEPARTMENT OF CORRECTIONS**

33-302.101	4/22/02	5/12/02	28/11	
33-602.201	4/26/02	5/16/02	28/12	

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

40B-400.051	4/25/02	5/15/02	28/12	
40B-400.091	4/25/02	5/15/02	28/12	
40B-400.115	4/25/02	5/15/02	28/12	
40B-400.485	4/25/02	5/15/02	28/12	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

61D-6.008	4/24/02	5/14/02	28/4	
-----------	---------	---------	------	--

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-4.242	4/25/02	5/15/02	28/4	28/11
62-302.200	4/25/02	5/15/02	28/4	
62-302.300	4/25/02	5/15/02	28/4	
62-302.500	4/25/02	5/15/02	28/4	
62-302.530	4/25/02	5/15/02	28/4	
62-302.800	4/25/02	5/15/02	28/4	

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

64B2-12.002	4/26/02	5/16/02	28/12	
-------------	---------	---------	-------	--

**Board of Clinical Laboratory Personnel**

64B3-9.004	4/26/02	5/16/02	28/5	
------------	---------	---------	------	--

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**Board of Opticianry**

64B12-9.003	4/26/02	5/16/02	28/13	
-------------	---------	---------	-------	--

**Board of Psychology**

64B19-19.0025	4/24/02	5/14/02	28/7	
---------------	---------	---------	------	--

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

65A-2.022	4/24/02	5/14/02	28/4	
65A-2.033	4/24/02	5/14/02	28/4	
65A-2.036	4/24/02	5/14/02	28/4	

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

68A-4.001	4/23/02	5/13/02	28/9	
68A-5.005	4/23/02	5/13/02	28/9	
68A-9.002	4/23/02	7/1/02	28/9	
68A-9.007	4/23/02	5/13/02	28/9	
68A-13.003	4/23/02	5/13/02	28/9	
68A-13.004	4/23/02	5/13/02	28/9	
68A-15.005	4/23/02	5/13/02	28/9	
68A-15.006	4/23/02	5/13/02	28/9	
68A-15.061	4/23/02	5/13/02	28/9	
68A-16.004	4/23/02	5/13/02	28/9	
68A-16.005	4/23/02	5/13/02	28/9	
68A-23.008	4/23/02	7/1/02	28/9	
68A-24.002	4/23/02	5/13/02	28/9	
68A-25.031	4/23/02	5/13/02	28/9	
68A-25.032	4/23/02	5/13/02	28/9	
68A-25.042	4/23/02	5/13/02	28/9	

**Marine Fisheries**

68B-21.0015	4/23/02	5/13/02	28/9	
68B-21.003	4/23/02	5/13/02	28/9	
68B-21.008	4/23/02	5/13/02	28/9	
68B-28.0035	4/23/02	5/13/02	28/9	
68B-28.0036	4/23/02	5/13/02	28/9	

**Marine Resources**

68E-3.004	4/23/02	5/13/02	28/9	
-----------	---------	---------	------	--