

Section I
 Notices of Development of Proposed Rules
 and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Mosquito Control Program
 RULE CHAPTER NO.: 5E-13

RULE TITLE: Mosquito Control Aircraft Registration,
 Inspection, Security, Storage, Transactions,
 Recordkeeping, Area-of-Application
 Information and Forms
 RULE NO.: 5E-13.0371

PURPOSE AND EFFECT: The purpose of the rule development is to establish requirements governing aircraft used for the mosquito control aerial application of pesticides, including requirements for recordkeeping, annual aircraft registration, secure storage when not in use, area of application information, and reporting of any sale, lease, purchase, rental, or transfer of ownership.

SUBJECT AREA TO BE ADDRESSED: Requirements for mosquito control aerial application of pesticides.

SPECIFIC AUTHORITY: 570.07(23), 388.361(2)(b) FS.

LAW IMPLEMENTED: 388.361(2)(b) FS.

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

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

PLACE: George Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Steven Rutz, Director, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-13.0371 Mosquito Control Aircraft Registration, Inspection, Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms.

(1) Registration. Each mosquito control aircraft used for aerial pesticide application, must be annually registered with the department. Application for registration shall be on form DACS-13354, New 01/02, provided by the department. The completed registration form shall be submitted to the Pesticide Certification Office, 3125 Conner Blvd., Bldg. 8 (L29), Tallahassee, Florida 32399-1650. The registration shall be submitted to the Department on or before June 30 of each year.

(2) Inspection. Authorized department representatives may inspect mosquito control aircraft required to be registered with the department as to equipment relating to aerial pesticide application under this rule during normal working hours without prior notification or as determined necessary when an emergency has been declared as contained in paragraph (7) herein.

(3) Security. Each mosquito control aircraft used for aerial application of any pesticide shall be secured when not in use. Secured storage shall include the aircraft being: within a locked building, locked in place securely, mechanically disabled from flying, or any other reasonable method which would prevent or deter theft or unauthorized use.

(4) Storage. All pesticides on the premises owned or controlled by any mosquito control applicator or mosquito control district shall be stored and maintained in a manner such that they are not accessible to unauthorized persons. Secured storage shall include: fences with a minimum 6 feet height, door locks, valve locks, electronic security systems, disabling of mobile storage units, blocking of access, ingress or egress; or any other reasonable method to prevent or deter theft or unauthorized use. Buildings used to store pesticides must be of rigid construction so unauthorized entry can not be achieved without the use of heavy machinery or equipment. If a portable building is used for storage of pesticides, the building must be secured in place so it can not be towed or otherwise removed by unauthorized persons.

(5) Transactions. Any purchase, sale, rental, leasing, or transfer of ownership of a mosquito control aircraft required to be registered with the department pursuant to paragraph (1) above shall be transmitted to the department on (1) Florida Department of Revenue form DR-42 Rev-06/99 Ownership Declaration and Sales and Use Tax Report on Aircraft or (2) Aircraft Bill of Sale Form AC 8050-2 (09/92) or (3) Report of Aircraft Transaction Form DACS-13355, New 01/02 within 24 hours of the transaction.

(6) Recordkeeping. Aerial mosquito control applicators shall maintain records relating to each application of pesticide during a declared emergency. Such records generated during the emergency shall be retained for a period of two (2) years and shall be maintained in a manner that is accessible by the department upon request.

(a) Name and FAA license number of the licensee responsible for the pesticide application;

(b) Date and time of treatment;

(c) Location of treatment area, which may be recorded using any of the following designations:

1. County, range, township and section;

2. An identification system utilizing maps and/or written descriptions which accurately identify the location and distinguish the treatment area from other sites;

3. The legal property description; or

4. Global Positioning Satellite(GPS) coordinates or Longitude/Latitude points which delineate the treated area.

(d) Name of the person requesting or authorizing the application.

(e) Aircraft manufacturer, make and model.

(f) FAA aircraft registration number.

(g) Originating airport/airstrip.

(7) Area-of-Application Information. The information listed in (6)(a) through (6)(g) is required only when a declaration of an Executive Order pursuant to the emergency powers granted to the Governor or the Commissioner of Agriculture declaring an emergency in the State of Florida. Such information shall be provided and filed with the Department in a manner determined by the department.

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

(a) Application for Aircraft Registration (DACS-13354), New 01/02.

(b) Ownership Declaration and Sales and Use Tax Report on Aircraft (DR-42), Rev.06/99.

(c) Aircraft Bill of Sale AC Form 8050-2 (09/92).

(d) Report of Aircraft Transaction (DACS-13355), New 01/02.

Specific Authority 570.07(23) FS., Ch. 2001-360, Laws of Florida. Law Implemented 570.07(23), 388.361(2)(b) FS., Ch. 2001-360, Laws of Florida. History—New

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLES:	RULE NOS.:
Introduction to the Rules	6E-1.001
Authority of the Board	6E-1.002
Definition of Terms	6E-1.003
Licensure Required; Exemptions from Licensure	6E-1.0031
Fair Consumer Practices	6E-1.0032
Diploma Programs	6E-1.0033
Fees and Expenses	6E-1.0034
Permission to Operate	6E-1.0035
Honorary Degrees	6E-1.0041
Minimum Standards for Use of the Term "College" or "University"	6E-1.0045

PURPOSE AND EFFECT: Substantive amendments to rules are required as a result of amendments to Chapter 246, Florida Statutes, which merged the State Board of Independent Colleges and Universities with the State Board of Nonpublic Career Education to create the Commission for Independent Education. The amended rules will implement the new Chapter 1005, Florida Statutes, and both will become effective at the same time, January 7, 2003.

SUBJECT AREA TO BE ADDRESSED: The subjects to be discussed in the Rule Development process are: updating the rules to reflect the new Commission instead of the two previous boards wherever the agency is referenced; adding definitions required to implement the new law; bringing rules from 6F, State Board of Nonpublic Career Education, to be combined into one title; rewriting the requirements for licensure for independent postsecondary education institutions to reflect the new statute; updating the fair consumer practices to fit all levels of institutions under the purview of the Commission; revising the fee schedule to reflect current and future costs of the new Commission; removing references to permission to operate, as that status is repealed in the new law, and institutions currently holding the status are given 90 days after the effective date to become licensed or cease operating in Florida; and updating the requirements for using the terms "college" and "university".

SPECIFIC AUTHORITY: 1005.04(1)(f), 1005.22(1)(e)1., 1005.31, 1005.33(3), 1005.34 FS.

LAW IMPLEMENTED: 1005.01, 1005.02(7), 1005.03, 1005.04, 1005.05, 1005.06, 1005.21(1), 1005.22, 1005.31, 1005.33, 1005.34, 1005.35 FS.

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

TIME AND DATE: 10:00 a.m., Friday, August 23, 2002

PLACE: National-Louis University, 4950 West Kennedy Blvd., Suite 300, Tampa, FL 33609

TIME AND DATE: 10:00 a.m., Friday, September 13, 2002

PLACE: Renaissance Hotel, 5445 Forbes Place, Orlando, FL 32812

TIME AND DATE: 10:00 a.m., Friday, September 27, 2002

PLACE: Jones College, 5353 Arlington Expressway, Jacksonville, FL 32211

TIME AND DATE: 10:00 a.m., Friday, November 1, 2002

PLACE: Carlos Albizu University, 2173 N. W. 99th Avenue, Miami, FL 33172

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, (850)487-3673

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

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLES:	RULE NOS.:
Temporary Licensure of Colleges	6E-2.001
Other Types of College Licensure	6E-2.002
Minimum Standards for Licensure	6E-2.004
Nontraditional College Programs	6E-2.0041

Medical Clinical Clerkship Programs 6E-2.0042
 Denial, Probation, or Revocation of Licensure
 or Other Status 6E-2.0061
 Amendments to Applications 6E-2.008
 Colleges which Discontinue Operation 6E-2.009
 Agents; License Required; Procedures
 for Licensure 6E-2.010
 Designating Resident Agent 6E-2.015

PURPOSE AND EFFECT: Substantive amendments to rules are required as a result of amendments to Chapter 246, Florida Statutes, which merged the State Board of Independent Colleges and Universities with the State Board of Nonpublic Career Education to create the Commission for Independent Education. The amended rules will implement the new Chapter 1005, Florida Statutes, and both will become effective at the same time, January 7, 2003.

SUBJECT AREA TO BE ADDRESSED: The subjects to be discussed in the Rule Development process are: updating the rules to reflect the new Commission instead of the two previous boards wherever the agency is referenced; bringing rules from 6F, State Board of Nonpublic Career Education, to be combined into one title; rewriting the standards for licensure for independent postsecondary education institutions to reflect the new statute; adding provisions implementing new types of licensure; revising the standards for distance learning to fit all levels of institutions under the purview of the Commission; updating the rule regarding medical clinical clerkship programs provided in Florida hospitals by foreign medical schools; revising the rule regarding actions against a licensee to reflect the provisions in the new law; combining the best parts of both former boards' rules regarding modifications to programs offered by institutions; specifying proper procedures for the orderly closing of an institution; revising the rules relating to recruiters; and updating the rule regarding designation of resident agents for out-of-state institutions or corporations operating in Florida.

SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.31, 1005.32, 1005.33, 1005.38, 1005.39 FS.

LAW IMPLEMENTED: 1005.21(1), 1005.22(1)(e),(h), 1005.31, 1005.33, 1005.34, 1005.35, 1005.36, 1005.38, 1005.39 FS.

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

TIME AND DATE: 10:00 a.m., Friday, August 23, 2002

PLACE: National-Louis University, 4950 West Kennedy Blvd., Suite 300, Tampa, FL 33609

TIME AND DATE: 10:00 a.m., Friday, September 13, 2002

PLACE: Renaissance Hotel, 5445 Forbes Place, Orlando, FL 32812

TIME AND DATE: 10:00 a.m., Friday, September 27, 2002

PLACE: Jones College, 5353 Arlington Expressway, Jacksonville, FL 32211

TIME AND DATE: 10:00 a.m., Friday, November 1, 2002
PLACE: Carlos Albizu University, 2173 N. W. 99th Avenue, Miami, FL 33172

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, (850)487-3673

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

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Administration of the Board **RULE NO.:** 6E-3.002

PURPOSE AND EFFECT: Substantive amendments to rules are required as a result of amendments to Chapter 246, Florida Statutes, which merged the State Board of Independent Colleges and Universities with the State Board of Nonpublic Career Education to create the Commission for Independent Education. The amended rules will implement the new Chapter 1005, Florida Statutes, and both will become effective at the same time, January 7, 2003.

SUBJECT AREA TO BE ADDRESSED: The subjects to be discussed in the Rule Development process are the organization and administration of the new Commission for Independent Education, including officers and terms, committees, quorum and voting, agendas, rulemaking, and parliamentary procedures.

SPECIFIC AUTHORITY: 1005.22(1)(d) FS.

LAW IMPLEMENTED: 1005.22(1)(d) FS.

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

TIME AND DATE: 10:00 a.m., Friday, August 23, 2002

PLACE: National-Louis University, 4950 West Kennedy Blvd., Suite 300, Tampa, FL 33609

TIME AND DATE: 10:00 a.m., Friday, September 13, 2002

PLACE: Renaissance Hotel, 5445 Forbes Place, Orlando, FL 32812

TIME AND DATE: 10:00 a.m., Friday, September 27, 2002

PLACE: Jones College, 5353 Arlington Expressway, Jacksonville, FL 32211

TIME AND DATE: 10:00 a.m., Friday, November 1, 2002

PLACE: Carlos Albizu University, 2173 N. W. 99th Avenue, Miami, FL 33172

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, Telephone (850)487-3673

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

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Fiscal Matters	6E-4
RULE TITLES:	RULE NOS.:
Fees and Expenses	6E-4.001
Fines	6E-4.003
Student Protection Fund	6E-4.005
Institutional Assessment Trust Fund	6E-4.007

PURPOSE AND EFFECT: Substantive amendments to rules are required as a result of amendments to Chapter 246, Florida Statutes, which merged the State Board of Independent Colleges and Universities with the State Board of Nonpublic Career Education to create the Commission for Independent Education. The amended rules will implement the new Chapter 1005, Florida Statutes, and both will become effective at the same time, January 7, 2003.

SUBJECT AREA TO BE ADDRESSED: The subjects to be discussed in the Rule Development process are the fiscal considerations for the Commission, gathering into one new chapter all matters related to finances; setting a new fee schedule to cover the expenses of the Commission's operations, as no General Revenue funds are used in its budget; and reflecting the provisions of the new statute.

SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.35, 1005.38(1) FS.

LAW IMPLEMENTED: 1005.22, 1005.35, 1005.37, 1005.38 FS.

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

TIME AND DATE: 10:00 a.m., Friday, August 23, 2002

PLACE: National-Louis University, 4950 West Kennedy Blvd., Suite 300, Tampa, FL 33609

TIME AND DATE: 10:00 a.m., Friday, September 13, 2002

PLACE: Renaissance Hotel, 5445 Forbes Place, Orlando, FL 32812

TIME AND DATE: 10:00 a.m., Friday, September 27, 2002

PLACE: Jones College, 5353 Arlington Expressway, Jacksonville, FL 32211

TIME AND DATE: 10:00 a.m., Friday, November 1, 2002

PLACE: Carlos Albizu University, 2173 N. W. 99th Avenue, Miami, FL 33172

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, (850)487-3673

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Local Government Comprehensive Planning Certification Program	9J-35

RULE TITLES:	RULE NOS.:
Purpose	9J-35.001
Definitions	9J-35.002
Application Period	9J-35.003
Application Submission	9J-35.004
Application Review	9J-35.005
Identification of Eligible Applicants	9J-35.006
Certification Agreement	9J-35.007

PURPOSE AND EFFECT: The proposed rule development implements requirements of Section 163.3246(6), Florida Statutes. The effect of the development is a proposed new rule chapter to set forth procedures governing local government applications for participation in the Local Government Comprehensive Planning Certification Program and the review and evaluation of those applications by the Department of Community Affairs, Division of Community Planning.

SUBJECT AREA TO BE ADDRESSED: Local Government Comprehensive Planning Certification Program.

SPECIFIC AUTHORITY: 163.3246(6) FS.

LAW IMPLEMENTED: 163.3246 FS.

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

TIME AND DATE: 10:00 a.m., August 27, 2002

PLACE: Department of Community Affairs, Kelley Training Center, Room 305, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Beth Frost, Senior Analyst, Division of Community Planning, 2555 Shumard Oak Boulevard, (850)488-4925, Suncom 278-4925, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Quinn, State Planning Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-4925

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9J-35.001 Purpose.

This rule chapter sets forth procedures governing local government applications for participation in the Local Government Comprehensive Planning Certification Program and the review and evaluation of those applications by the Department of Community Affairs, Division of Community Planning.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.002 Definitions.

(1) "Agreement" means a written instrument between the Department and one or more local governments that certifies all or part of the local government(s) and includes the components specified in section 163.3246(5), F.S.

(2) "Applicant" means one or more local governments that submit an application for certification pursuant to the Local Government Comprehensive Planning Certification Program.

(3) "Application" means a written request for certification in which one or more local governments provide information to demonstrate the area sought to be certified meets the criteria in sections 163.3246(2) and (5), F.S.

(4) "Certification" means the selection of local governments for participation in the Local Government Comprehensive Planning Certification Program by execution of a written Agreement.

(5) "Local Government Comprehensive Planning Certification Program" means the program established in section 163.3246, F.S.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.003 Application Period.

Local governments may submit applications for certification only during the period beginning January 5 and ending February 4 each year. Applications received prior to 8:00 a.m. (EST) January 5 or after 5:00 p.m. (EST) February 4 will not be considered for certification in the subsequent state fiscal year and will be returned to the applicant local government(s), unless the application has been previously determined to be eligible for certification pursuant to subsection 9J-35.007(2), F.A.C.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.004 Application Submission.

(1) Applications for certification shall be submitted in accordance with sections 163.3246(2) and (4), F.S., and must provide all information and address all eligibility criteria listed in those sections.

(2) Applications shall be mailed or delivered to: Plan Review and Processing Administrator, Florida Department of Community Affairs, Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Facsimile transmissions will not be accepted.

(3) Applications must be transmitted by cover letter on the applicant's letterhead. This cover letter must bear an original signature by the appropriate local government official, must affirm the accuracy of the information contained in the application, and must identify the employee or representative who will serve as the contact person for the applicant.

(4) Applicants must submit three complete sets of application materials, at least one of which must contain a cover letter with an original signature.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.005 Application Review.

(1) Each application shall be time and date stamped when received by the Agency Clerk.

(2) The identified contact person for each applicant will be notified in writing of the receipt and timeliness of their application.

(3) Within ninety (90) days of receipt, the Division shall prepare a written assessment of each application. The assessment will state whether the application meets eligibility criteria in sections 163.3246(2) and (5), F.S., based solely upon information provided in the application. The assessment will describe the basis for finding that an application does or does not meet the eligibility criteria. Each applicant shall be provided a copy of the assessment.

(4) Within thirty (30) days of the date of an assessment indicating one or more eligibility criteria have not been satisfied, the applicant may submit written explanations of information contained in their application to demonstrate they meet the questioned criteria. Applications may only be supplemented in response to the Department's assessment.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.006 Identification of Eligible Applicants.

(1) Not later than forty-five (45) days after receipt of any information submitted pursuant to section 9J-35.006, F.A.C., or after expiration of the 30-day period to submit such information, whichever occurs first, the Director, Division of Community Planning, shall determine whether an application satisfies the eligibility criteria set forth in Sections 163.3246(2) and (5), F.S.

(2) The Division shall prioritize applications meeting eligibility criteria in the order received. Local governments submitting the first eight qualifying applications will be eligible to become certified in any fiscal year.

(3) The Division shall notify all applicants whether their application satisfies eligibility criteria and whether they are included among the eight applicants selected to become certified.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History—New

9J-35.007 Certification Agreement.

(1) Following the selection of applications described above, the Division shall certify all or part of each selected local government through a written agreement containing the components specified in section 163.3246(5), F.S.

(2) If an applicant selected for certification in subsection 9J-35.006(2), F.A.C., chooses not to become certified or is disqualified through a challenge filed under section 120.569, F.S., or the Division and a selected applicant fail to reach an agreement, the Division shall offer the next eligible applicant, as determined pursuant to subsection 9J-35.006(2), F.A.C., the opportunity to become certified through a written agreement.

(3) Local government applications that meet eligibility criteria but are not included in the first eight for which agreements are executed in a fiscal year will be given highest priority, in the order received, for certification in the subsequent fiscal year.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History—New

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Application of Rules	12-6.001
Public Use Forms	12-6.0015
Conference Procedures for Notices of Intent to Make Audit Changes	12-6.002
Conference Procedures for Delinquency Notices or Billings	12-6.0023
Protest of Notices of Proposed Assessment Issued by the Department Which Result From an Audit	12-6.003
Protest of Assessments Issued by the Department Regarding Tax Returns, Other Required Filings, and Billings	12-6.0033
Final Assessments	12-6.004
Criteria for Qualified Representatives	12-6.005
Standards of Conduct for Qualified Representatives	12-6.006
Public Use Forms	12-6.007
Conference Procedures for Notices of Intent to Make Refund Claim Changes	12-6.030
Protest of Notices of Proposed Refund Denial	12-6.032

PURPOSE AND EFFECT: PART I – ADMINISTRATIVE ISSUES – A) Rule 12-6.001, F.A.C. (Application of Rules) –

explains that these rules apply to all revenues collected by the Department of Revenue (DOR) as provided by s. 213.05, F.S.; states that all notices issued pursuant to this rule chapter will be

sent to the taxpayer, unless the taxpayer designates another recipient by filing form DR-835 (Power of Attorney); explains how the time periods stipulated in this rule chapter are handled if the period ends on a weekend or holiday; and, specifies that this rule chapter does not apply to formal proceedings discussed in ss. 120.569 and 120.57, F.S.

B) Rule 12-6.0015, F.A.C. (Public Use Forms) – describes the forms that DOR will use to implement the provisions of this rule chapter, and explains how to obtain a copy of these forms. PART II. PROTEST OF ASSESSMENTS – A) Rule 12-6.002, F.A.C. (Conference Procedures for Notices of Intent to Make Audit Changes) – clarifies that this rule deals with the procedures a taxpayer may use to request a conference after DOR issues a Notice of Intent to Make Audit Changes (NOI) or a revised NOI; grants the taxpayer 30 days after DOR’s issuance of the notice to request a conference; explains where the taxpayer should submit the request, and the time frame in which it must be submitted; discusses what happens if a taxpayer files the request late, and how a taxpayer can ask for an extension of time in which to file it; states that the conference must be held at the earliest convenience of both parties, which cannot be later than 90 days after the original issuance of the NOI, unless both parties agree to an extension of the 90 day limitation; clarifies that DOR and the taxpayer can jointly agree to not hold a conference, which allows the taxpayer to move to the next step in the protest process; enumerates the circumstances that will trigger DOR’s issuance of a Notice of Proposed Assessment (NOPA) based on the previous issuance of the NOI.

B) Rule 12-6.0023, F.A.C. (Conference Procedures for Delinquency Notices or Billings) – explains that this rule deals with the procedures a taxpayer may use to request a conference after DOR has issued a delinquency notice or billing; grants the taxpayer 20 days after DOR issues a delinquency notice or billing to request a conference with DOR; states where the taxpayer should submit the request for a conference, and the time frame in which the taxpayer must submit it; discusses what happens if a taxpayer files a request that is late, and specifies how a taxpayer can ask for an extension of time in which to request a conference; states that the conference must be held at the earliest convenience of both parties, which cannot be later than 40 days after the original issuance of the delinquency notice or billing, unless both parties agree to an extension of the 40 day limitation; enumerates the circumstances that will trigger DOR’s issuance of an assessment based on the previous issuance of a delinquency notice or billing;

C) Rule 12-6.003, F.A.C. (Protest of Notices of Proposed Assessment Issued by the Department Which Result From an Audit) – explains that a taxpayer can seek review of a NOPA by following this rule; states that the taxpayer must submit a written protest to DOR within 60 days of receiving the NOPA (150 days for taxpayers outside the United States); states that

the NOPA becomes a “final order” if the taxpayer fails to submit the request within the stipulated time, unless granted an extension of time; specifies how to request an extension or additional extensions; outlines what happens if the taxpayer fails to submit a written protest or request an extension; specifies how to file a protest, what information must be included, and how DOR will handle requests that do not have the required information; explains the procedures DOR will follow after it receives a timely, complete protest, including which offices review the protest, and how the agency will request additional information; states that DOR will issue a Notice of Decision (NOD) to the taxpayer in response to a written protest, and explains how the taxpayer can ask for a review of the NOD; explains that DOR will issue a Notice of Reconsideration (NOR) after considering a timely, complete request for such review; discusses the circumstances under which an NOD or NOR becomes a “final assessment” under Chapter 72, F.S.

D) Rule 12-6.0033, F.A.C. (Protest of Assessments Issued by the Department Regarding Tax Returns, Other Required Filings, and Billings) – explains that a taxpayer can seek review of an assessment issued by DOR concerning a return, other required filing, or billing, by following this rule; clarifies that a taxpayer cannot use the procedures in this rule if a review has already been sought under Rules 12-6.002 or 12-6.003, F.A.C., or, if the taxpayer has failed to comply with those rules; specifies that a taxpayer utilizing these procedures is still subject to audit by DOR; states that the taxpayer must submit a written protest to DOR within 20 days of receiving the assessment (150 days for taxpayers outside the U.S.); explains that the assessment becomes a “final order” if the taxpayer fails to submit the request within the stipulated time, unless granted an extension of time; specifies how to request an extension or additional extensions; outlines what happens if the taxpayer fails to submit a written protest or request an extension; specifies how to file a protest, what information must be included, and how DOR will handle requests that do not contain the required information; explains the procedures DOR will follow after it receives a timely, complete protest, including which offices review the protest, and how the agency will request additional information; states that DOR will issue a Notice of Reconsideration (NOR) to the taxpayer in response to a written protest, and that the NOR becomes a final assessment when issued; explains that DOR can pursue an enforcement action at any time during these rule procedures, if collection of the assessment is in jeopardy.

E) Rule 12-6.004, F.A.C. (Final Assessments) – this rule is repealed, since the procedures originally contained in it have been relocated to the appropriate rule sections.

F) Rule 12-6.005, F.A.C. (Criteria for Qualified Representatives) – clarifies that the term “counsel” includes a law student certified under Chapter 11 of the Rules Regulating the Florida Bar; revises provisions concerning the power of

attorney form that a qualified representative must submit to DOR, and adopts the revised form; explains that representatives who wish to handle sales and use tax issues for taxpayers must demonstrate professional competence by successfully completing the Certified Audit training program.

G) Rule 12-6.006, F.A.C. (Standards of Conduct for Qualified Representatives) – clarifies that the provisions governing qualified representatives apply to individuals who appear in proceedings before the Executive Director or the Executive Director’s designee.

H) Rule 12-6.007, F.A.C. (Public Use Forms) – this rule is repealed, since the forms that need to be incorporated by reference have been moved to new Rule 12-6.0015, F.A.C.

PART III: REFUND PROTEST PROCEDURES – A) Rule 12-6.030, F.A.C. (Conference Procedures for Notices of Intent to Make Refund Claim Changes) – explains that DOR will issue a Notice of Intent to Make Refund Claim Changes if a refund is partially or completely denied; grants the taxpayer 30 days after the notice is issued to agree to the denial, or to request a conference to discuss it; states that DOR can issue a revised notice, and discusses the taxpayer’s rights to request a conference concerning the revision; explains where the taxpayer’s request must be submitted and what happens if it is submitted late; specifies procedures a taxpayer can use to request an extension of time in which to request a conference; states that the conference must be held at the earliest convenience of both parties (but no later than 40 days after issuing the notice), unless DOR agrees to another time; explains that a failure to timely request a conference does not prevent a taxpayer from protesting DOR’s denial of a refund; provides that if both parties mutually agree that an issue cannot be resolved at this stage, the taxpayer can waive the 30-day time period established by this rule; specifies the circumstances under which DOR will issue a notice.

B) Rule 12-6.032, F.A.C. (Protests of Notices of Proposed Refund Denial) – explains that taxpayers can use the provisions in this rule to seek review of a Notice of Proposed Refund Denial; provides that a taxpayer must submit a written protest to DOR within 60 days (150 for taxpayers outside the U.S.) of the date the notice was issued; states that protests received after this time period will be considered late filed, unless an extension has been granted; outlines how a taxpayer may request an extension, the length of an extension, and how to request additional extensions; specifies that failure to meet any of the time frames associated with the submission of a written protest or a request for an extension results in dismissal of the protest and forfeiture of the rights offered by this rule; discusses where to send the written protest and what information it should contain; explains how DOR will handle protests that do not contain all the required information, the time frame in which taxpayers must submit missing information, and how to request an extension of time in which to submit missing information; outlines the offices in DOR that

review the protest, and the procedures associated with the review; states that the taxpayer will be given an opportunity to attend a conference and to submit additional information; specifies that a notice denying the refund will be issued to the taxpayer at the conclusion of DOR's review; provides a procedure taxpayers can use to petition DOR to reconsider the denial of the refund, including the time frame in which the petition must be submitted, the information the petition must include, and how to request an extension of time to file the petition; requires DOR to issue a notice that discusses the reconsideration of the refund denial at the conclusion of a review of a taxpayer's petition for reconsideration.

(Note: The refund protest procedures in Rules 12-26.005, 12-26.006, and 12-26.007, F.A.C., will be repealed, since those procedures are being moved to Rule Chapter 12-6, F.A.C., as new rules 12-6.030 and 12-6.032, F.A.C.)

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by these rule amendments and repeals is the procedures taxpayers can use to request a review of an assessment, billing, or delinquency notice issued by the Department.

SPECIFIC AUTHORITY: 72.011(2), 213.06(1), 213.21(1) FS.

LAW IMPLEMENTED: 72.011, 120.54(5), 120.569, 120.57, 213.053, 213.21, 213.34, 215.26 FS.

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

TIME AND DATE: 10:00 a.m., August 28, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (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, (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 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

~~INFORMAL PROTEST AND APPEAL PROCEDURE;
INFORMAL DISPOSITION OF TAX CONTROVERSIES;
PROCEDURES FOR COMPROMISE OF TAX PENALTIES~~
PART I: ADMINISTRATIVE ISSUES

12-6.001 Application of Rules ~~Rule~~.

(1) The rules set forth in this chapter are applicable to all revenues ~~taxes~~ assessed and collected by the Department pursuant to Section 213.05, F.S.

(2)(a) The Department of Revenue encourages taxpayers to attempt to resolve any notice, billing, assessment, or refund denial through discussions with the Department, whether in person, in writing, or by telephone, prior to initiating the informal protest procedures contained in this Rule Chapter. This will allow the Department and the taxpayer to address possible miscommunication, misunderstanding, or Department or taxpayer error.

(b) Notices issued by the Department pursuant to this Rule Chapter will be issued to the taxpayer, unless the taxpayer submits a completed Power of Attorney and Declaration of Representative (DR-835) which instructs the Department as to how the taxpayer wants these notices to be issued (see Rule 12-6.005(1)(d), F.A.C.).

(c) If this Rule Chapter provides for a specific number of consecutive calendar days within which a taxpayer or the Department must act, the expiration of such period will not occur on a Saturday, Sunday, or legal holiday. For purposes of this Rule Chapter, the term "legal holiday" shall mean a holiday that is observed by state agencies as a legal holiday as this term is defined in Section 110.117, F.S. Instead, such specific number of consecutive calendar days will expire on the next successive day that is not a Saturday, Sunday, or legal holiday.

(d) This Chapter does not apply to the formal proceedings governed by Sections 120.569 and 120.57, Florida Statutes.

~~Specific Authority 120.53(1), 120.54, 213.06(1), 213.21(1) FS.; Ch. 81-178, Laws of Florida. Law Implemented 213.21 120.53(1), 120.54 FS.; Ch. 81-178, Laws of Florida. History-New 10-8-81, Formerly 12-6.01, Amended _____.~~

12-6.0015 Public Use Forms.

The following forms are employed by the Department in its dealings with the public. These forms are hereby incorporated by reference in this rule. Copies of these forms are available by using one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Forms 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 stated in the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

<u>Form Number</u>	<u>Title</u>	<u>Effective Date</u>
(1) DR-835	<u>Power of Attorney and Declaration of Representative (r. 01/00)</u>	_____

Specific Authority 213.06(1), 213.21(1) FS. Law Implemented 72.011, 120.54(5), 120.569, 120.57, 213.21 FS. History--New _____.

PART II: PROTEST OF ASSESSMENTS

12-6.002 Conference Field Procedures for Notices of Intent to Make Audit Changes.

(1)(a) ~~Except in cases of jeopardy assessments, or estimated assessments, refund denials, or where review of the taxpayer's books and records results in no liability due to the state or no refundable amount due to the taxpayer, the Department will, upon completion of an audit, issue a Notice of Intent to Make Audit Changes. Each Notice of Intent to Make Audit Changes, and supplementary form(s), prescribed by the Department, are incorporated by reference in Rule 12-6.007, F.A.C. The taxpayer shall have 30 consecutive calendar days after the date of issuance on the Notice of Intent to Make Audit Changes receipt of this notice to mail or fax a written request for a field conference to the office address or fax number on the Notice, with the Auditor, Audit Group Supervisor, or Senior Audit Supervisor, as the case may be.~~

(b) If the Department issues a Revised Notice of Intent to Make Audit Changes, the taxpayer shall have 30 consecutive calendar days after the date of issuance on the Revised Notice of Intent to Make Audit Changes to mail or fax a written request for a conference to the office address or fax number on the revised notice.

(c) A request for a field conference should be made directly to the local office designated on issuing the Notice of Intent to Make Audit Changes or the Revised Notice of Intent to Make Audit Changes. In order for the taxpayer's request to be considered timely, the request must be postmarked or faxed within 30 consecutive calendar days from the date of issuance on the Notice of Intent to Make Audit Changes or the Revised Notice of Intent to Make Audit Changes.

(d) Requests postmarked or faxed more than 30 consecutive calendar days after the date of issuance on the Notice of Intent to Make Audit Changes or the Revised Notice of Intent to Make Audit Changes will be deemed late filed and shall result in forfeiture of the taxpayer's rights to such conference, unless the taxpayer has timely secured a written extension of time within which to file a request for a conference.

(2)(a) A taxpayer may request an extension of time in which to request a conference by mailing or faxing a written request to the office address or fax number designated on the Notice of Intent to Make Audit Changes or Revised Notice of Intent to Make Audit Changes, prior to the expiration of the period within which a conference must be requested. An extension of time will be for 30 consecutive calendar days.

Within a 30 consecutive calendar day extension period, the taxpayer may submit a request in writing to the office address or fax number designated on the Notice of Intent to Make Audit Changes or Revised Notice of Intent to Make Audit Changes for an additional 30 consecutive calendar day extension within which to request a conference.

(b) Failure to mail or fax a written request for a conference within the 30 consecutive calendar day extension period, or to mail or fax a written request for an additional 30 consecutive calendar day extension within a pending extension period, shall result in forfeiture of the taxpayer's rights to such conference.

(3)(2) If a field conference is requested, it will be held at the earliest convenience of both the taxpayer and the Department, but it will not be held more than 90 consecutive calendar days after the date of issuance on of the Notice of Intent to Make Audit Changes or Revised Notice of Intent to Make Audit Changes, unless specifically agreed to authorized in writing by the Department. After the field conference, if no agreement is reached, a proposed assessment will be issued by the Compliance Support Process.

(4)(3) If a request for a field conference is not timely made, the right to seek a field conference is waived and a proposed assessment will be issued by the Department. Failure to request a field conference will not preclude instituting the protest procedures provided for in Rule 12-6.003, F.A.C.

(5)(4) If it is jointly determined by the Department's representative and the taxpayer that an issue(s) cannot be resolved at the local level, to expedite ultimate resolution of the issue(s), the 30 consecutive calendar days provided under subsection (1) of this rule the Field Protest Procedures may be waived by the taxpayer. The Department prescribes Form DR-829, Consent to Waive 30-Day Field Conference Period Allowed by Protest Procedures, Rule 12-6, F.A.C. (incorporated by reference in Rule 12-6.007, F.A.C.), to be utilized for this purpose. A waiver will result in the immediate issuance of a proposed assessment by the Compliance Support Process.

(6) A Notice of Proposed Assessment will be issued by the Department if:

(a) An agreement is not reached after the conference held pursuant to this section; or,

(b) The taxpayer has not timely filed a written request for a conference; or,

(c) The taxpayer has not timely filed a written request for an extension of time for requesting a conference; or,

(d) The taxpayer has waived his or her right to a conference pursuant to this section.

Specific Authority 213.06(1), 213.21(1) FS. Law Implemented 213.21 FS. History--New 10-8-81, Amended 12-31-81, Formerly 12-6.02, Amended 8-10-92,_____.

12-6.0023 ~~Field~~ Conference Procedures for Delinquency Notices or Billings (Collection and Enforcement).

(1)(a) After issuance of receiving a delinquency notice or billing by the Department, from the Taxpayer Services Process, the taxpayer may request a conference ~~with the collection supervisor, or section or area administrator if an no~~ assessment has not been issued. ~~Each delinquency notice or billing form, prescribed by the Department, is incorporated by reference in Rule 12-6.007, F.A.C.~~ A request for a conference shall be made by mailing, telephoning, or faxing the request directly to the address, telephone number, or fax number of the office designated on the delinquency notice or billing Taxpayer Services Process, 1379 Blountstown Highway, Tallahassee, Florida 32304 or to the local office issuing the notice within 20 consecutive calendar days of the date of issuance on the delinquency notice or billing. (notices are filed under provisions of Chapters 206, 207, and 212, F.S.). In order for the taxpayer's request to be considered timely, the request must be postmarked, telephoned, or faxed within 20 consecutive calendar days from the date of issuance on the delinquency notice or billing.

(b) Requests postmarked, telephoned, or faxed more than 20 consecutive calendar days after the date of issuance on the delinquency notice or billing will be deemed late filed and shall result in forfeiture of the taxpayer's rights to such conference, unless the taxpayer has timely secured a written extension of time within which to file a request for a conference.

(2)(a) A taxpayer may request an extension of time in which to request a conference pursuant to subsection (1) if the request for an extension is received by the office designated on the delinquency notice or billing prior to the expiration of the period within which a conference must be requested. An extension of time will be for 30 consecutive calendar days. Within a 30 consecutive calendar day extension period, the taxpayer may submit a request in writing to the office address or fax number designated on the delinquency notice or billing for an additional 30 consecutive calendar day extension within which to request a conference.

(b) Failure to mail, telephone, or fax a request for a conference within the 30 consecutive calendar day extension period, or failure to contact the Department, or failure to request an additional 30 consecutive calendar day extension within a pending extension period, shall result in forfeiture of the taxpayer's rights to such conference.

(3)(2) If a conference is requested, it will be held at the earliest convenience of both the taxpayer and the Department, but it will not be held more than 40 consecutive calendar days after the date of issuance on of the delinquency notice or billing, unless specifically agreed to in writing by the Department.

(4)(3) If an no agreement is not reached as a result of after the field conference, or if no request is made for a conference, or if a request is not timely made for a conference, and if an assessment will be is issued, and the taxpayer may file a protest under the procedures provided for in Rule 12-6.0033, F.A.C.

Specific Authority 72.011(2), 213.06(1), 213.21(1) FS. Law Implemented 72.011, 213.21 FS. History--New 7-1-88, Amended 8-10-92, _____.

(Substantial rewording of Rule 12-6.003 follows. See Florida Administrative Code for present text.)

12-6.003 Protest of Notices of Proposed Assessment Issued by the Department Which Result From an Audit.

(1)(a) A taxpayer may secure review of a Notice of Proposed Assessment (Assessment) by implementing the provisions of this section.

(b) To secure review of an Assessment, a taxpayer must file a written protest postmarked or faxed within 60 consecutive calendar days (150 consecutive calendar days if the taxpayer is outside the United States) from the date of issuance on the Assessment.

(c) Protests postmarked or faxed more than 60 consecutive calendar days (150 consecutive calendar days for taxpayers not in the United States) after the date of issuance on the Assessment will be deemed late filed, and the Assessment becomes final for purposes of Chapter 72, F.S., upon the expiration of 60 consecutive calendar days (150 consecutive calendar days for taxpayers not in the United States) after the date of issuance on the Assessment, unless the taxpayer has timely secured a written extension of time within which to file a protest.

(d)1. A taxpayer may request an extension of time for filing a protest by mailing or faxing a written request to the address or fax number designated on the Assessment. In order for the taxpayer's request to be considered timely, the request must be postmarked or faxed within 60 consecutive calendar days (150 consecutive calendar days for taxpayers not in the United States) from the date of issuance on the Assessment. An extension of time will be for 30 consecutive calendar days. Within a 30 consecutive calendar day extension period, the taxpayer may submit a request in writing to the address or fax number designated on the Assessment for an additional 30 consecutive calendar day extension within which to submit a written protest.

2. Failure to mail or fax the written protest or failure to mail or fax a written request for an additional extension within a 30 consecutive calendar day extension period shall result in forfeiture of the taxpayer's rights to the proceedings provided by this rule and the proposed refund denial will become a final denial for purposes of Chapter 72, F.S., at the expiration of the extended filing period.

(2)(a) The protest shall be filed by mailing or faxing a written request to the address or fax number designated on the Assessment, and shall include:

1. The taxpayer's name, address, telephone number, federal taxpayer identifying number, and audit number.

2. The tax type, the periods, and the dollar amount of tax, interest, or penalty protested.

3. A list of the unagreed items.

4. A statement of facts and a description of any additional information not previously available that supports the list of unagreed items.

5. A statement explaining the law or other authority on which the taxpayer's position is based.

6. A copy of the Assessment.

7. A statement whether oral presentation and argument are requested.

(b)1. If the protest does not contain this required information, the taxpayer will be notified in writing by the Compliance Support Process that the required information must be submitted within 15 consecutive calendar days. Within this 15 consecutive calendar day period, the taxpayer may submit a request in writing to the Compliance Support Process at the address or fax number listed on the written notification from the Process for an additional 15 consecutive calendar days within which to submit this required information. Within a 15 consecutive calendar day extension period, the taxpayer may submit a request in writing to the Compliance Support Process at the address or fax number listed on the written notification from the Process for an additional 15 consecutive calendar day extension within which to submit this required information.

2. Failure to submit this information or to request an additional 15 consecutive calendar day extension within either the original 15 consecutive calendar day period or an additional 15 consecutive calendar day extension period shall result in issuance of a written dismissal of the protest and forfeiture of the taxpayer's right to the proceedings provided by this rule.

3. If the taxpayer either fails to submit the required information or fails to request an extension of time within which to submit the required information, the Assessment shall become a final Assessment for purposes of Chapter 72, F.S., on the later of:

a. The date a 15-consecutive calendar day period expires pursuant to this rule; or

b. The expiration of 60 consecutive calendar days after the date of issuance on the Assessment.

(3)(a)1. Upon receipt of a complete, timely filed written protest, the Compliance Support Process will review the protest and initiate an attempt to resolve the issues. The Compliance Support Process may require the office originating the Assessment to provide a written explanation, report, or narrative setting forth the basis for the Assessment.

2. If a resolution is not achieved, the protest will be forwarded to Technical Assistance and Dispute Resolution. Technical Assistance and Dispute Resolution will review the

protest and may require the office originating the Assessment to provide a written explanation, report, or narrative setting forth the basis for the Assessment. If requested by the taxpayer, an opportunity for submission of additional information and an oral conference will be provided. Conferences are conducted informally in Tallahassee, Florida, and no transcript of the proceedings will be made by the Department.

(b) If a protest is timely filed and the taxpayer and the Department are unable to resolve the disputed issues, a Notice of Decision (NOD) shall be issued. The Assessment will become a final Assessment for purposes of Chapter 72, F.S., as of the date of issuance on the NOD, unless the taxpayer timely files a petition for reconsideration of the NOD.

(4)(a)1. A taxpayer shall have 30 consecutive calendar days from the date of issuance on the NOD to file a petition for reconsideration.

2. Petitions for reconsideration must be in writing, postmarked or faxed to the address or fax number stated on the NOD, and must contain additional facts or arguments in support of the taxpayer's position.

3. The Department will not grant an extension of time for filing a petition for reconsideration.

(b)1. If the petition for reconsideration does not contain this required information, the taxpayer will be notified in writing by Technical Assistance and Dispute Resolution that the required facts or arguments must be submitted within 15 consecutive calendar days. Within this 15 consecutive calendar day period, the taxpayer may submit a request in writing to Technical Assistance and Dispute Resolution for an additional 15 consecutive calendar day extension within which to submit this required information. Within a 15 consecutive calendar day extension period, the taxpayer may submit a request in writing to Technical Assistance and Dispute Resolution for an additional 15 consecutive calendar day extension within which to submit this required information.

2. Failure to submit this information or to request an additional 15 consecutive calendar day extension within either the original 15 consecutive calendar day period or an additional 15 consecutive calendar day extension period shall result in issuance of a Notice of Reconsideration (NOR) that dismisses the petition for reconsideration and sustains the NOD. The Assessment will become a final Assessment for purposes of Chapter 72, F.S., as of the date of issuance on the NOR.

(c) If a petition for reconsideration is timely filed and the taxpayer and the Department are unable to resolve the disputed issues, a NOR shall be issued. The Assessment will become a final Assessment for purposes of Chapter 72, F.S., as of the date of issuance on the NOR.

(5) Procedures outlined in this section shall be for investigative purposes as specified in Section 120.57(5), F.S.

Specific Authority 72.011(2), 213.06(1), 213.21(1) FS. Law Implemented 72.011, 213.21 FS. History—New 12-31-81, Formerly 12-6.03, Amended 7-1-88.

(Substantial rewording of Rule 12-6.0033 follows. See Florida Administrative Code for present text.)

12-6.0033 Protest of Assessments Issued by the Department Regarding Tax Returns, Other Required Filings, and Billings.

(1)(a) A taxpayer may secure review of an assessment issued by the Department regarding tax returns, other required filings, and billings by implementing the provisions of this section. When a taxpayer has pursued review under the provisions of either Rule 12-6.002 or 12-6.003, F.A.C., or both, or has failed to comply with the time limitations or has exhausted the review rights in those rules, the taxpayer shall not have the right to pursue review under this section. The assessment procedure under this rule and review of such assessments regarding tax returns, other required filings, and departmental billings shall not preclude an audit of taxpayer books and records, and shall not preclude audit assessments or other assessments for tax deficiency.

(b) To secure review of an assessment regarding tax returns, other required filings, and billings a taxpayer must file a written protest postmarked or faxed within 20 consecutive calendar days (150 consecutive calendar days if the taxpayer is outside the United States) from the date of issuance on the assessment.

(c) Protests postmarked or faxed more than 20 consecutive calendar days (150 consecutive calendar days for taxpayers not in the United States) after the date of issuance on the assessment will be deemed late filed, and the assessment becomes final for purposes of Chapter 72, F.S., upon the expiration of 20 consecutive calendar days (150 consecutive calendar days for taxpayers not in the United States) after the date of issuance on the assessment, unless the taxpayer has timely secured a written extension of time within which to file a protest.

(d)1. A taxpayer may request an extension of time for filing a protest by mailing or faxing a written request to the address or fax number designated on the assessment. In order for the taxpayer's request to be considered timely, the request must be postmarked or faxed within 20 consecutive calendar days (150 consecutive calendar days for taxpayers not in the United States) from the date of issuance on the assessment. An extension of time will be for 15 consecutive calendar days. Within a 15 consecutive calendar day extension period, the taxpayer may submit a request in writing to the address or fax number designated on the assessment for an additional 15 consecutive calendar day extension within which to submit a written protest.

2. Failure to mail or fax the written protest or failure to mail or fax a written request for an additional extension within a 20 consecutive calendar day extension period shall result in

forfeiture of the taxpayer's rights to the proceedings provided by this rule and the proposed refund denial will become a final denial for purposes of Chapter 72, F.S., at the expiration of the extended filing period.

(2)(a) The protest shall be filed by mailing or faxing a written request to the address or fax number designated on the assessment, and shall include:

1. The taxpayer's name, address, telephone number, federal taxpayer identifying number, and account number or audit number (where appropriate);

2. The tax type, the periods, and dollar amount of tax, interest, or penalty protested;

3. A list of the unagreed items;

4. A statement of facts and a description of any additional information not previously available that supports the list of unagreed items;

5. A statement explaining the law or other authority on which the taxpayer's position is based;

6. A copy of the assessment;

7. A statement whether oral presentation and argument are requested.

(b)1. If the protest does not contain this required information, the taxpayer will be notified in writing by the office issuing the assessment that the required information must be submitted within 15 consecutive calendar days. Within this 15 consecutive calendar day period, the taxpayer may submit a request in writing to the office issuing the assessment for an additional 15 consecutive calendar days within which to submit this required information. Within a 15 consecutive calendar day extension period, the taxpayer may submit a request in writing to the office issuing the assessment for an additional 15 consecutive calendar day extension within which to submit this required information.

2. Failure to submit this information or to request an additional 15 consecutive calendar day extension within either the original 15 consecutive calendar day period or an additional 15 consecutive calendar day extension period shall result in issuance of a written dismissal of the protest and forfeiture of the taxpayer's right to the proceedings provided by this rule.

3. If the taxpayer either fails to submit the required information or fails to request an extension of time within which to submit the required information, the assessment shall become a final assessment for purposes of Chapter 72, F.S., on the later of:

a. The date a 15-consecutive calendar day period expires pursuant to this rule; or

b. The expiration of 20 consecutive calendar days after the date of issuance on the assessment.

(3)(a)1. Upon receipt of a complete, timely filed written protest, the office that issued the assessment will review the protest and initiate an attempt to resolve the issues. The office

that issued the assessment may require the office originating the assessment to provide a written explanation, report, or narrative setting forth the basis for the assessment.

2. If a resolution is not achieved, the protest will be forwarded to Technical Assistance and Dispute Resolution. Technical Assistance and Dispute Resolution will review the protest and may require the office originating the assessment to provide a written explanation, report, or narrative setting forth the basis for the assessment. If requested by the taxpayer, an opportunity for submission of additional information and an oral conference will be provided. Conferences are conducted informally in Tallahassee, Florida, and no transcript of the proceedings will be made by the Department.

(b) If a protest is timely filed and the taxpayer and the Department are unable to resolve the disputed issues, a Notice of Reconsideration (NOR) shall be issued. The assessment will become a final assessment for purposes of Chapter 72, F.S., as of the date of issuance on the NOR.

(4) If at any time jeopardy conditions exist, the Department may initiate enforcement action under the Department's jeopardy procedures to enforce an assessment.

(5) Procedures outlined in this section shall be for investigative purposes as specified in Section 120.57(5), F.S.

Specific Authority 72.011(2), 213.06(1), 213.21(1) FS. Law Implemented 72.011, 213.21, 213.732 FS. History—New 7-1-88, Amended 8-10-92, _____.

12-6.004 Final Assessments.

Specific Authority 72.011, 120.53(1), 120.54, 213.06(1), 213.21 FS. Law Implemented 72.011, 120.53(1), 120.54, 213.21 FS. History—New 12-31-81, Formerly 12-6.04, Repealed.

12-6.005 Criteria for Qualified Representatives.

(1)(a) Any person who appears before the Department in any proceeding has the right, at his or her own expense, to be accompanied, represented, and advised by counsel or by other qualified representatives. For the purposes of this rule, "counsel" shall mean a member of the Florida Bar or a law student certified pursuant to Chapter 11 of the Rules Regulating Article XVIII of the Integration Rule of The Florida Bar.

(b) through (c) No change.

(d)1. Any individual person qualified as a representative under this rule shall file a Power of Attorney and Declaration of Representative power of attorney in a form acceptable to the Department, signed under penalty of perjury by the qualified representative and sworn to by the party being represented.

2. The suggested form of a power of attorney is the Power of Attorney and Declaration of Representative (form DR-835), adopted and incorporated by reference in Rule 12-6.0015 that used by the Internal Revenue Service.

(e) Other individuals persons chosen by a taxpayer to represent the taxpayer may be qualified to appear before the Department, the Executive Director, or the Executive

Director's designees appointees if the presiding officer of the proceeding is satisfied as to the qualifications of the individual person seeking to qualify as a representative. In determining qualification to represent, the presiding officer shall satisfy himself or herself by reference to the provisions in the of Uniform Rules of Procedure, Rule 28-106.106, F.A.C. (Who May Appear; Criteria for Other Qualified Representatives), F.A.C., that, if the issue in question is a sales and use tax issue, the representative has demonstrated professional competency by successfully completing the Certified Audit training program administered by the Florida Institute of Certified Public Accountants as it is in effect on the date of the adoption of this rule.

Specific Authority 213.06(1), 213.21(1) FS. Law Implemented 213.053, 213.21 FS. History—New 5-27-82, Formerly 12-6.05, Amended.

12-6.006 Standards of Conduct for Qualified Representatives.

In all proceedings before the Department, the Executive Director, or the Executive Director's designees under this chapter plan, all individuals persons qualified as a taxpayer's representative shall comply with the provisions Standards of conduct set forth in Uniform Rules of Procedure, Rule 28-106.107, F.A.C., as it is in effect on the date of the adoption of this rule.

Specific Authority 213.06(1), 213.21(1) FS. Law Implemented 213.21 FS. History—New 5-27-82, Formerly 12-6.06, Amended.

12-6.007 Public Use Forms.

Specific Authority 213.06(1), 213.21(1) FS. Law Implemented 72.011, 120.54(5), 120.569, 120.57, 213.21 FS. History—New 8-10-92, Repealed.

PART III. REFUND PROTEST PROCEDURES

12-6.030 Conference Procedures for Notices of Intent to Make Refund Claim Changes.

(1)(a) The Department, upon determining that a refund should be wholly or partially denied, except in the case of a mathematical error, will issue a notice to the address provided by the taxpayer with his or her application for refund. The notice shall include a clear explanation of the reason for denial. No such notice will be issued by the Department if the only change made by the Department results from a mathematical error made by the taxpayer. Examples of mathematical errors include those resulting from the taxpayer's improper computation of collection allowances or discounts. The taxpayer shall have 30 consecutive calendar days after the date of issuance on the notice to sign the notice agreeing to the proposed changes or to mail or fax a written request for a conference to the address or fax number designated on the notice.

(b) If the Department issues a revised notice, the taxpayer shall have 30 consecutive calendar days after the date of issuance on the revised notice to mail or fax a written request for a conference to the office address or fax number on the revised notice.

(c) A request for a conference should be made directly to the address or fax number designated on the notice or the revised notice. In order for the taxpayer's request for a conference to be considered timely, the request must be postmarked or faxed within 30 consecutive calendar days from the date of issuance on the notice or on the revised notice.

(d) Requests postmarked or faxed more than 30 consecutive calendar days after the date of issuance on the notice or the revised notice will be deemed late filed and shall result in forfeiture of the taxpayer's rights to such conference, unless the taxpayer has timely secured a written extension of time within which to file a request for a conference.

(2)(a) A taxpayer may request an extension of time in which to request a conference by mailing or faxing a written request to the address or fax number designated on the notice or the revised notice, prior to the expiration of the period within which a conference must be requested. An extension of time will be for 30 consecutive calendar days. Within a 30 consecutive calendar day extension period, the taxpayer may submit a request in writing to the address or fax number designated on the notice or the revised notice for an additional 30 consecutive calendar day extension within which to request a conference.

(b) Failure to mail or fax a written request for a conference within the 30 consecutive calendar day extension period, or to mail or fax a written request for an additional 30 consecutive calendar day extension within a pending extension period, shall result in forfeiture of the taxpayer's rights to a conference.

(3) If a conference is requested, it will be held at the earliest convenience of both the taxpayer and the Department, but it will not be held more than 40 consecutive calendar days after the date of issuance on the notice or revised notice, unless specifically agreed to in writing by the Department.

(4) Failure to request a conference will not preclude instituting the protest procedures provided in Rule 12-6.032, F.A.C.

(5) If it is jointly determined by the Department's representative and the taxpayer that an issue(s) cannot be resolved, to expedite ultimate resolution of the issue(s), the 30 consecutive calendar days provided under subsection (1) of this rule may be waived by the taxpayer.

(6) A Notice of Proposed Refund Denial (form DR-832R) will be issued by the Department if:

(a) An agreement is not reached after the conference held pursuant to Rule 12-6.032, F.A.C.; or

(b) The taxpayer has not timely filed a written request for a conference; or

(c) The taxpayer has not timely filed a written request for an extension of time for requesting a conference; or

(d) The taxpayer has waived his or her right to a conference pursuant to this section.

(7) When an amount to be refunded is determined, the Department shall voucher a request for warrant for the amount approved and submit it to the Comptroller.

Specific Authority 213.06(1) FS. Law Implemented 213.34, 215.26 FS. History—New _____.

12-6.032 Protest of Notices of Proposed Refund Denial.

(1)(a) A taxpayer may secure review of a Notice of Proposed Refund Denial (Form DR-832R), by implementing the provisions of this section.

(b) To secure review of a Notice of Proposed Refund Denial (NPRD), a taxpayer must file a written protest, postmarked or faxed within 60 consecutive calendar days (150 consecutive calendar days for taxpayers not in the United States) from the date of issuance on the NPRD.

(c) Protests postmarked or faxed more than 60 consecutive calendar days (150 consecutive calendar days for taxpayers not in the United States) after the date of issuance on the NPRD will be deemed late filed, and the proposed refund denial becomes final for purposes of Chapter 72, F.S., upon the expiration of 60 consecutive calendar days (150 consecutive calendar days for taxpayers not in the United States) after the date of issuance on the NPRD, unless the taxpayer has timely secured a written extension of time within which to file a protest.

(d)1. A taxpayer may request an extension of time for filing a protest by mailing or faxing a written request to the address or fax number designated on the NPRD. In order for the taxpayer's request to be considered timely, the request must be postmarked or faxed within 60 consecutive calendar days (150 consecutive calendar days for taxpayers not in the United States) from the date of issuance on the NPRD. An extension of time will be for 30 consecutive calendar days. Within a 30 consecutive calendar day extension period, the taxpayer may submit a request in writing to the address or fax number designated on the NPRD for an additional 30 consecutive calendar day extension within which to submit a written protest.

2. Failure to mail or fax the written protest or failure to mail or fax a written request for an additional extension within a 30 consecutive calendar day extension period shall result in forfeiture of the taxpayer's rights to the proceedings provided by this rule and the proposed refund denial will become a final denial for purposes of Chapter 72, F.S., at the expiration of the extended filing period.

(2) The procedures for obtaining review of a proposed refund denial are as follows:

(a) The protest shall be filed by mailing or faxing a written request to the address or fax number designated on the NPRD and shall include:

1. The taxpayer's name, address, telephone number, account number, federal taxpayer identifying number, and audit number or refund control number;

2. The type of tax and the dollar amount of the proposed refund denial that is being protested;

3. The refund period covered by the denial;

4. A copy of the Notice of Proposed Refund Denial;

5. A concise statement of facts including a statement of all disputed issues of material fact and a description of any additional information not previously available that supports the taxpayer's position. If there are no disputed issues of material fact, the petition must so indicate;

6. A statement supporting the taxpayer's position as to any contested issue;

7. A statement explaining the law or other authority upon which the taxpayer is relying;

8. A statement explaining the relief the taxpayer seeks from the Department;

9. Whether the taxpayer desires oral presentation and argument; and

10. Other information the taxpayer contends is material to the refund.

(b)1. If the protest does not contain this required information, the taxpayer will be notified in writing by the Department that the required information must be submitted within 15 consecutive calendar days. Within this 15 consecutive calendar day period the taxpayer may submit a request in writing to the address or fax number designated on the NPRD for an additional 15 consecutive calendar days within which to submit this required information. Within a 15 consecutive calendar day extension period the taxpayer may submit a request in writing to the Department for an additional 15 consecutive calendar day extension within which to submit this required information.

2. Failure to submit this information or to request an additional 15 consecutive calendar day extension within either the original 15 consecutive calendar day period or an additional 15 consecutive calendar day extension period shall result in issuance of a written dismissal of the protest and forfeiture of the taxpayer's right to the proceedings provided by this rule.

3. If the taxpayer either fails to submit the required information or fails to request an extension of time within which to submit the required information, the proposed refund denial shall become a final refund denial for purposes of Chapter 72, F.S., on the later of:

a. The date a 15-consecutive calendar day period expires pursuant to this rule; or

b. The expiration of 60 consecutive calendar days after the date of issuance on the NPRD.

(3)(a)1. Upon receipt of a complete, timely filed written protest, the Refunds and Distribution Process will review the protest and initiate an attempt to resolve the issues. The Refunds and Distribution Process may require the field office that reviewed the Notice of Proposed Refund Denial to provide a written explanation, report, or narrative setting forth the basis for the denial.

2. If a resolution is not achieved, the protest will be forwarded to Technical Assistance and Dispute Resolution. Technical Assistance and Dispute Resolution will review the protest and may require the office originating the Notice of Proposed Refund Denial to provide a written explanation, report, or narrative setting forth the basis for the refund denial. If requested by the taxpayer, an opportunity for submission of additional information and an oral conference will be provided. Conferences are conducted informally in Tallahassee, Florida, and no transcript of the proceedings will be made by the Department.

(b) If a protest is timely filed and the taxpayer and the Department are unable to resolve the disputed issues, the protest will be denied. The proposed refund denial will become a final refund denial for purposes of Chapter 72, F.S., as of the date of issuance on the denial, unless the taxpayer timely files a petition for reconsideration of the denial.

(4)(a)1. A taxpayer shall have 30 consecutive calendar days from the date of issuance on the denial to file a petition for reconsideration.

2. Petitions for reconsideration must be in writing, postmarked or faxed to the address or fax number designated on the denial, no later than 30 consecutive calendar days after the date of issuance on the denial, and must contain additional facts or arguments in support of the taxpayer's position.

3. The Department will not grant an extension of time for filing a petition for reconsideration.

(b)1. If the petition for reconsideration does not contain this required information, the taxpayer will be notified in writing by Technical Assistance and Dispute Resolution that the required facts or arguments must be submitted within 15 consecutive calendar days. Within this 15 consecutive calendar day period, the taxpayer may submit a request in writing to Technical Assistance and Dispute Resolution for an additional 15 consecutive calendar day extension within which to submit this required information. Within a 15 consecutive calendar day extension period, the taxpayer may submit a request in writing to Technical Assistance and Dispute Resolution for an additional 15 consecutive calendar extension within which to submit this required information.

2. Upon failure to submit this information or to request an additional 15 consecutive calendar day extension within either the original 15 consecutive calendar day period or an additional 15 consecutive calendar day extension period, the

petition for reconsideration will be dismissed and the denial of the protest will be sustained. The proposed refund denial will become a final refund denial for purposes of Chapter 72, F.S., upon expiration of the original 15-consecutive calendar day period or the last extension period.

(c) If a petition for reconsideration is timely filed and the taxpayer and the Department are unable to resolve the disputed issues, the petition shall be denied. The proposed refund denial will become a final refund denial for purposes of Chapter 72, F.S., as of the date the petition is denied.

(5) Procedures outlined in this section shall be for investigative purposes as specified in Section 120.57(5), F.S.

Specific Authority 213.06(1) FS. Law Implemented 72.011, 213.34, 215.26 FS. History--New _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:

Placement of Inmates into Community Release Programs 33-601.606

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify ineligibility criteria for community release programs and to delete unnecessary language from the rule.

SUBJECT AREA TO BE ADDRESSED: Community release programs.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.606 Placement of Inmates into Community Release Programs.

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

~~(e) Pre-Work Release Transition Program refers to the department's 100-hour transitional skills program which prepares inmates for employment and re-entry into society prior to an inmate being assigned to work release. The program covers thirteen modules including goal setting, problem solving, social situations, emotional control, job hunting, pre-employment skills, keeping a job, money management, wellness, sexual responsibility and parenting, domestic violence, continuing education, special needs issues and~~

~~community re-entry support. The program is provided by an OPS teacher position in conjunction with a local community college.~~

- ~~(c)(d) No change.~~
- ~~(d)(e) No change.~~
- (2) Eligibility and Ineligibility Criteria.

(a) An inmate is ineligible for community release programs if he has:

- 1. No change.
- 2. A disciplinary report for escape within the last five years or cCurrent or prior convictions for escape covered by s. 945.092, F.S. or had a disciplinary report for escape within the last five years.

- 3. through 7. No change.
- (b) through (3) No change.

(4) Process for Removal from CWA, Work Release and Community-Based Residential Substance Abuse Programs.

(a) When an inmate is removed from CWA, work release or a community-based residential substance abuse program and placed in a secure facility, the inmate shall be terminated from the program.

(b) Upon the termination of an inmate from CWA, work release, or a community-based residential substance abuse program, the Termination Report, Form EF6-009 will be given to the ICT who shall approve or disapprove the termination. Form EF6-009 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 March 14, 2001.

(c) ~~If the ICT disapproves the termination disapproved,~~ the inmate shall be reinstated to his previous work release status by the ICT. If the ICT determines that there is a need to transfer the inmate to a different work release facility, the ICT shall forward the request to the SCO for approval.

(d) ~~If approved by the ICT approves the termination,~~ the termination shall be forwarded to the SCO who shall approve or disapprove the termination.

(e) ~~If disapproved by the SCO disapproves the termination,~~ the SCO shall ensure that the inmate is returned to his or her previous work release status.

- (5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 3-14-01, Amended 9-2-01, 3-19-02, _____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Administration of Federal Aging Programs 58A-1

RULE TITLES: RULE NOS.:
Definitions 58A-1.001

Responsibilities of the Department of Elder Affairs as the State Agency on Aging 58A-1.004
 Designation of Area Agencies on Aging 58A-1.006
 Area Agency on Aging Functions and Responsibilities 58A-1.007
PURPOSE AND EFFECT: The purpose of the amendments to Rules 58A-1.001, .004, .006, and .007, F.A.C., will be to delete all references to the Department of Elder Affairs Programs and Service Manual and incorporation thereof, from Chapter 58A-1, F.A.C.
SUBJECT AREA TO BE ADDRESSED: Department of Elder Affairs Programs and Service Manual.
SPECIFIC AUTHORITY: 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla.
LAW IMPLEMENTED: 20.41(2), 410.011, 410.016, 430.03(6) FS., ch. 91-115, Laws of Fla.

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 SHOW BELOW.
TIME AND DATE: 10:00 a.m. – 12:00 p.m., August 28, 2002
PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Community Care for the Elderly	58C-1
RULE TITLES:	RULE NOS.:
Administration	58C-1.003
Provider Requirements	58C-1.005
Contributions and Donations	58C-1.007

PURPOSE AND EFFECT: The purpose of the amendments to Rules 58C-2.003, .005, and .007, F.A.C., will be to delete all references to the Department of Elder Affairs Programs and Service Manual and incorporation thereof, from Chapter 58A-1, F.A.C.
SUBJECT AREA TO BE ADDRESSED: Department of Elder Affairs Programs and Service Manual.
SPECIFIC AUTHORITY: 410.021-.029, 430.08 FS., ch. 80-101, s. 10, ch. 91-115, s. 10, Laws of Fla.
LAW IMPLEMENTED: 410.021-.029, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla.

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 SHOW BELOW.
TIME AND DATE: 10:00 a.m. – 12:00 p.m., August 28, 2002
PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ELDER AFFAIRS

Alzheimer’s Disease Initiative

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Administration of the Alzheimer’s Disease Initiative	58D-1
RULE TITLES:	RULE NOS.:
Definitions	58D-1.002
Program Administration	58D-1.005
Service Provider Responsibilities	58D-1.006

PURPOSE AND EFFECT: The purpose of the amendments to Rules 58D-1.002, .005, and .006, F.A.C., will be to delete all references to the Department of Elder Affairs Programs and Service Manual and incorporation thereof, from Chapter 58D-1, F.A.C.
SUBJECT AREA TO BE ADDRESSED: Department of Elder Affairs Programs and Service Manual.
SPECIFIC AUTHORITY: 410.401(3), 430.08 FS.
LAW IMPLEMENTED: 410.401-.403, 430.04(6) FS., Ch. 91-115, Laws of Florida, s.10.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.
TIME AND DATE: 10:00 a.m. – 12:00 p.m., August 28, 2002
PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ELDER AFFAIRS

Home Care for the Elderly

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Home Care for the Elderly	58H-1
RULE TITLES:	RULE NOS.:
Administration	58H-1.003
Access to the Program	58H-1.004
Caregiver Requirements	58H-1.006
Dwelling Requirements	58H-1.007

PURPOSE AND EFFECT: The purpose of the amendments to rules 58H-1.003, .004, .006, and .007, F.A.C., will be to delete all references to the Department of Elder Affairs Programs and Service Manual and incorporation thereof, from Chapter 58H-1, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Department of Elder Affairs Programs and Service Manual.

SPECIFIC AUTHORITY: 430.603 FS.

LAW IMPLEMENTED: 430.601-.606 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., August 28, 2002

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

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

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office

RULE TITLE:	RULE NO.:
Professional Guardian Registration	58M-2.001

PURPOSE AND EFFECT: This is a rule development notice to establish the form that will be used by professional guardians to register with the Statewide Public Guardianship Office pursuant to Section 744.1083, F.S. Professional guardian registration will make important information available to all judicial circuits and will provide an accurate account of the number of professional guardians in the state.

SUBJECT AREA TO BE ADDRESSED: Registration of professional guardians.

SPECIFIC AUTHORITY: 744.1083(2),(4) FS.

LAW IMPLEMENTED: 744.1083(2),(4) FS.

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

TIME AND DATE: 10:00 a.m., August 29, 2002

PLACE: MHF 104, University of South Florida Campus, 13301 Bruce B. Downs Blvd., Tampa, FL 33612

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen P. Campbell, Office of the Public Guardian, 1923B Capital Circle, N. E., Tallahassee, FL 32308, (850)487-4609, Ext. 103

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

CHAPTER 58M-2 – STATEWIDE PUBLIC GUARDIANSHIP OFFICE

58M-2.001 Professional Guardian Registration.

(1) A person seeking to register with the Statewide Professional Guardianship Office as a professional guardian must complete the Statewide Public Guardianship Office Guardian Registration Form, Form No. 100-1, with all requested information provided as specified in Section 744.1083, F.S., which is incorporated herein by reference and available at the Statewide Public Guardianship Office, MHF 104, University of South Florida Campus, 13301 Bruce B. Downs Blvd., Tampa, FL 33612.

(a) The Statewide Public Guardianship Office Guardian Registration Form shall be signed, under oath, by the professional guardian (or corporate officer if the professional guardian is a corporation) or an individual designated in writing by the professional guardian or corporate officer, who is least 18 years old.

(b) The completed registration form shall be delivered to the Statewide Public Guardianship Office by hand-delivery or mail. No facsimile submissions will be accepted. The completed registration form shall be delivered to MHF 104, University of South Florida Campus, 13301 Bruce B. Downs Blvd., Tampa, FL 33612.

(c) The following documentation shall be attached to and delivered with the completed registration form:

1. Credit History for Guardian and Employees with Fiduciary Responsibilities.
2. Criminal History for Guardian and Employees with Fiduciary Responsibilities.
3. Documentation of Bonding.
4. Documentation that Educational Requirements have been met.

5. List of Employees with Fiduciary Responsibilities. An employee with Fiduciary Responsibilities means an individual who holds a position of trust and confidence to the ward and who is obligated by virtue of the guardianship relationship to protect and preserve the wards assets, property and who has access to the ward’s personal identifiable information.

(2) The Statewide Public Guardianship Office Guardian Registration Form, Form No. 100-1, shall be submitted to the Statewide Public Guardianship Office with a \$25.00

registration fee. The registration fee shall be in the form of a money order or cashier's check made payable to the Statewide Public Guardianship Office.

(3) The Statewide Public Guardianship Office will respond in writing within 30 days of receiving a completed Statewide Public Guardianship Office Guardian Registration Form, any supporting documentation and the registration fee. The Statewide Public Guardianship Office may request additional information and/or documentation prior to registering a professional guardian. The Statewide Public Guardianship Office will issue a certificate of registration to the professional guardian within 30 days of the receipt of the Statewide Public Guardianship Office Guardian Registration Form, registration fee, and all registration materials.

Specific Authority 744.1083(2),(4) FS. Law Implemented 744.1083(2),(4) FS. History—New

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLE: Statewide Provider and Health Plan Claim
 RULE NO.: 59A-12.030

Dispute Resolution Program

PURPOSE AND EFFECT: The purpose of this rule amendment workshop is to discuss the amendment to rule 59A-12.030, F.A.C., Statewide Provider and Managed Care Organization Claim Dispute Resolution Program. The proposed amendment reflects the statutory changes to the program contained in Senate Bill 46 E, Section 3.

SUBJECT AREA TO BE ADDRESSED: The agency is proposing an amendment to rule 59A-12.030, based on legislative changes to the law. Senate Bill 46 E, Section 3, changed the title of the program, added carriers of major medical expense health insurance policies as defined in s. 627.643(2)(e), F.S., individual health insurers licensed pursuant to Chapter 624, F.S., and preferred provider organizations licensed under Section 627.6471, F.S., to the listing of insurers that may access the dispute resolution program. In addition, the legislation specified timeframes for submission of documentation to the dispute resolution program, and authorizes the dispute resolution program to enter a default decision if the requested information is not provided.

SPECIFIC AUTHORITY: 408.7057(7) FS.

LAW IMPLEMENTED: 408.7057 FS.

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

TIME AND DATE: 10:00 a.m., August 23, 2002

PLACE: Agency for Health Care Administration, Building 1, Conference Room 311, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Elfie Stamm, Senior Management Analyst, Bureau of Managed Health Care, Building 1, Mailstop 26, 2727 Mahan Drive, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-12.030 Statewide Provider and ~~Health Plan Managed Care Organization~~ Claim Dispute Resolution Program.

(1) Definitions.

(a) "Disputed Claim" means a claim that has been submitted by a provider to the ~~health plan managed care organization~~ or by a ~~health plan managed care organization~~ to a provider for payment and has been denied in full or in part, or is presumed to have been underpaid or overpaid.

(b) "Disputed Claim Amount" means the difference between the expected reimbursement amount and the reimbursement received.

(c) "~~Health Plan Managed care organization~~" means for the purpose of this section only, a health maintenance organization or a prepaid health clinic certified under chapter 641, Florida Statutes, a prepaid health plan authorized under s. 409.912, Florida Statutes, or an exclusive provider organization certified under s. 627.6472, Florida Statutes, or a major medical expense health insurance policy, as defined in s. 627.643(2)(e), offered by a group or an individual health insurer licensed pursuant to chapter 624, including a preferred provider organization under s. 627.6471, F.S.

(d) "Provider" as defined in Section 641.19(15), Florida Statutes, means any physician, hospital, or institution, organization, or persons that services and is licensed or otherwise authorized to practice in the state.

(e) "Resolution organization" means a qualified independent third-party claim-dispute resolution entity selected by and contracted with the Agency for Health Care Administration.

(2) Jurisdictional amounts and methods of aggregation for claim disputes.

(a) claims submitted for dispute resolution shall be submitted separately by the following claim categories:

1. Hospital inpatient services claims.
2. Hospital outpatient services claims.
3. Professional services claims.

(b) Entities filing a request for dispute resolution shall be permitted to aggregate claims. The minimum disputed claim amounts for claims submitted to the resolution organization shall be as follows:

1. Hospital inpatient services. Disputed individual claim amounts must be aggregated to a total amount of \$25,000 for HMO contracted hospitals and \$10,000 for non-contracted hospitals.

2. Hospital outpatient services. Disputed individual claim amounts must be aggregated to a total amount of \$10,000 for HMO contracted hospitals, and \$3,000 for non-contracted hospitals.

3. Professional services. Disputed individual claim amounts shall be aggregated to a minimum amount of \$500.

(c) Rural hospitals as defined in Chapter 395.602(2)(e), Florida Statutes, filing requests for claim dispute resolution, are exempt from the minimum disputed claim amounts specified in subparagraphs (b)1. and 2., of this rule.

(3) Application process.

(a) The resolution organization shall review claim disputes filed by either contracted and noncontracted providers, or ~~health plans managed care organizations~~. A request for dispute resolution and supporting documentation must be submitted in hard copy or electronically to the resolution organization in a format prescribed by the resolution organization.

(b) A complete copy of the request, including all supporting documentation, must be submitted to the adverse party at the same time.

(c) The resolution organization must review all requests for claim dispute resolution within 10 days after receipt to determine whether the request meets the statutory and rule criteria for submission to the resolution organization as specified in subparagraphs 408.7057(2)(b)1. through 7., and (d), Florida Statutes.

(d) If the resolution organization determines that the dispute resolution request does not meet the statutory and rule criteria, the request shall be returned to the entity filing the request.

(4) Review Process.

(a) Once the resolution organization determines that the application meets statutory and rule criteria, it must review the documentation submitted. The resolution organization must notify the entity requesting the dispute resolution and the adverse party electronically or by mail that the request for dispute resolution has been accepted for review.

(b) If the resolution organization determines that the documentation provided with the initial application is not sufficient, it may request additional documents from the entity filing the request for dispute resolution. The resolution organization shall require the health plan or provider submitting the claim dispute to submit any supporting documentation to the resolution organization within 15 days after receipt by the health plan or provider of a request from the resolution organization for documentation in support of the claim dispute. The resolution organization may extend the time if appropriate. Failure to submit the supporting documentation within such time period shall result in the dismissal of the submitted claim dispute within the timeframes specified by the resolution organization. Any additional documentation submitted to the resolution organization must be submitted to the adverse party at the same time.

(c) The resolution organization shall require the respondent in the claim dispute to submit all documentation in support of its position within 15 days after receiving a request from the resolution organization for supporting documentation. The resolution organization may extend the time if appropriate. Failure to submit the supporting documentation within such time period shall result in a default against the health plan or provider. In the event of such a default, the resolution organization shall issue its written recommendation to the agency that a default be entered against the defaulting entity. The written recommendation shall include a recommendation to the agency that the defaulting entity shall pay the entity submitting the claim dispute the full amount of the claim dispute, plus all accrued interest, and shall be considered a nonprevailing party for the purposes of this section. The adverse party may submit a response and documentation related to the disputed claim within timeframes specified by the resolution organization. If the documentation is submitted in a timely manner, it must be considered by the dispute resolution organization. The dispute resolution organization may request additional documentation from the adverse party within specified timeframes. Any additional information submitted by the adverse party to the resolution organization must be submitted to the entity filing the request for dispute resolution at the same time.

(d) The resolution organization shall issue a written recommendation, based on findings of fact, within 60 days after the requested information is received within the timeframes specified by the resolution organization receipt of the request as specified in subsection 408.7057(3), Florida Statutes. In no event shall the review time exceed 90 days following receipt of the initial claim dispute submission by the resolution organization as specified in subsection 408.7057(3), F.S.

(e) The agency shall issue a final order within 30 days after receipt of the recommendations issued by the resolution organization. The agency shall enforce the final order as authorized under subsection 641.52(1)(e), Florida Statutes.

(5) Review Cost.

(a) The agency shall approve the review cost fee schedule proposed by the resolution organization.

(b) The entity that does not prevail in the agency's final order must pay the review costs.

(c) In the event that both parties prevail in part, the review fee shall be apportioned in proportion to the final judgement. The apportionment shall be based on the claim amount.

(d) If the non-prevailing party or parties fail to pay the ordered review costs within 35 days after the agency's final order, the non-paying party or parties are subject to a penalty of \$500 per day.

Specific Authority 408.7057(7) FS. Law Implemented 408.7057 FS. History-- New 10-23-00, Amended 3-28-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Lease Bonds
 RULE NO.: 59E-4.010

PURPOSE AND EFFECT: The purpose of the proposed Rule development is to create Rule Number 59E-4.010 to incorporate the following changes based on Section 400.179, F.S. (2002) and House Bill 59E, Section 16, 2002-03, Laws of Florida. A leasehold licensee may meet the requirements of subparagraph 1, 400.179, Sale or transfer of ownership of a nursing facility; liability for Medicaid underpayments and overpayments, by payment of a nonrefundable fee, paid at initial licensure, paid at the time of any subsequent change of ownership, and paid at the time of any subsequent annual license renewal, in the amount of 2 percent of the total of 3 months' Medicaid payments to the facility computed on the basis of the preceding 12-month average Medicaid payments to the facility. If a preceding 12-month average is not available, projected Medicaid payments may be used. The fee shall be deposited into the Health Care Trust Fund and shall be accounted for separately as a Medicaid nursing home overpayment account. These fees shall be used at the sole discretion of the agency to repay nursing home Medicaid overpayments. Payment of this fee shall not release the licensee from any liability for any Medicaid overpayments, nor shall payment bar the agency from seeking to recoup overpayments from the licensee and any other liable party. As a condition of exercising this lease bond alternative, licensees paying this fee must maintain an existing lease bond through the end of the 30-month term period of that bond. The agency is herein granted specific authority to promulgate all rules pertaining to the administration and management of this account, including withdrawals from the account, subject to federal review and approval. This subparagraph is repealed on June 30, 2003. This provision shall take effect upon becoming law and shall apply to any leasehold license application.

- a. The financial viability of the Medicaid nursing home overpayment account shall be determined by the agency through annual review of the account balance and the amount of total outstanding, unpaid Medicaid overpayments owing from leasehold licensees to the agency as determined by final agency audits.
- b. The agency, in consultation with the Florida Health Care Association and the Florida Association of Homes for the Aging, shall study and make recommendations on the minimum amount to be held in reserve to protect against Medicaid overpayments to leasehold licensees and on the issue of successor liability for Medicaid overpayments upon sale or transfer of ownership of a nursing facility. The agency shall submit the findings and recommendations of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2003. The leasehold licensee operator may meet the bond requirement through

other arrangements acceptable to the agency Department. The agency is herein granted specific authority to promulgate rules pertaining to lease bond arrangements.

The effect of the proposed amendment will be the creation of Rule Number 59E-4.010, Lease Bonds. Pursuant to 400.179, F.S., Sale or transfer of ownership of a nursing facility; liability for Medicaid underpayments and overpayments, by payment of a nonrefundable fee, paid at initial licensure, paid at the time of any subsequent change of ownership, and paid at the time of any subsequent annual license renewal, in the amount of 2 percent of the total of 3 months' Medicaid payments to the facility computed on the basis of the preceding 12-month average Medicaid payments to the facility.

SUBJECT AREA TO BE ADDRESSED: Nursing home lease bonds.

SPECIFIC AUTHORITY: 400.179 FS.

LAW IMPLEMENTED: 408.061 FS.

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

TIME AND DATE: 10:00 a.m., August 28, 2002

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Denise Lasko, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2101, Tallahassee, Florida 32308, (850)414-2759

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Pre-licensing Education for Broker and
 RULE NO.: 61J2-3.008

Salesperson Applicants
 PURPOSE AND EFFECT: The purpose of the proposed rule development is to bring the rule into compliance with statutory changes taking effect July 1, 2002.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the method of providing pre-licensure education for real estate licensure.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, August 21, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Continuing Education for Active and Inactive Broker and Salesperson Licensees

RULE NO.: 61J2-3.009

PURPOSE AND EFFECT: The purpose of the proposed rule development is to bring the rule into compliance with statutory changes relating to distance education.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to continuing education courses.

SPECIFIC AUTHORITY: 455.2123, 475.01(1)(d),(e),(2), 475.05, 475.42(1)(c) FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, August 21, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Post-licensing Education for Active and Inactive Broker and Salesperson Licensees

RULE NO.: 61J2-3.020

PURPOSE AND EFFECT: The purpose of the proposed rule development is to bring the rule into compliance with statutory changes taking effect July 1, 2002, relating to distance education.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the method of providing post-licensure education for real estate licensees.

SPECIFIC AUTHORITY: 475.05, 475.17 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, August 21, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Written Dental Records; Minimum Content; Retention

RULE NO.: 64B5-17.002

PURPOSE AND EFFECT: The Board proposes this rule amendment to allow for advances in office automation procedures while safekeeping patient records.

SUBJECT AREA TO BE ADDRESSED: Patient records to be recorded and stored electronically.

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.058, 466.028(1)(m),(o) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-17.002 Written Dental Records; Minimum Content; Retention.

(1) through (5) No change.

(6) Patient records may be kept in an electronic data format, provided that the dentist maintains a back-up copy of information stored in the data processing system using disk, tape or other electronic back-up system and that said back-up is updated on a regular basis, at least weekly, to assure that data is not lost due to system failure. Any electronic data system must be capable of producing a hard copy on demand.

Specific Authority ~~466.004(4)(3)~~ FS. Law Implemented 456.058, 466.028(1)(m),(o) FS. History—New 10-8-85, Formerly 21G-17.02, Amended 10-28-91, Formerly 21G-17.002, Amended 11-22-93, Formerly 61F5-17.002, 59Q-17.002, Amended 11-15-99.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Ownership of Dental Equipment by a Dental Hygienist

RULE NO.: 64B5-17.0105

PURPOSE AND EFFECT: The Board proposes a new rule to address the use of dental hygiene equipment owned and used by dental hygienists in the provision of their dental hygiene services under the authority of a supervising dentist.

SUBJECT AREA TO BE ADDRESSED: Use of equipment owned by dental hygienists under the authority of a supervising dentist.

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 466.0285(1)(b) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-17.0105 Ownership of Dental Equipment by a Dental Hygienist.

For purposes of interpreting Section 466.0285(1)(b), Florida Statutes, a Dental Hygienist is not precluded from owning dental equipment used by her or him in the provision of dental hygiene services, so long as the final authority on the suitability and/or manner in which said equipment will be used in the provision of dental hygiene services remains with the supervising dentist.

Specific Authority 466.004(4) FS. Law Implemented 456.058, 466.028(1)(m) FS. History—New

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLES:	RULE NOS.:
Application for Examination	64B10-11.001
Examination for Licensure	64B10-11.002
Reexamination	64B10-11.003
Notification of Change of Address or Employing Facility	64B10-11.012

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

SUBJECT AREA TO BE ADDRESSED: Application for examination, examination for licensure, reexamination, notification of change of address or employing facility.

SPECIFIC AUTHORITY: 456.017, 456.033(7), 456.035, 468.1685(1),(2),(5),(7),(8), 468.1695(1) FS.

LAW IMPLEMENTED: 456.017, 456.033(6), 456.035, 468.1685(2), 468.1695(1),(5),(7),(8) FS.

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

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 Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-1753

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Change of Status Fee
 RULE NO.: 64B10-12.0105
 PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary.
 SUBJECT AREA TO BE ADDRESSED: Change of status fee.
 SPECIFIC AUTHORITY: 456.036(7),(8), 468.1685(1) FS.
 LAW IMPLEMENTED: 456.036(7),(8) FS.

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

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 Nursing Home Administrators, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-1753

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Continuing Education
 RULE NO.: 64B17-9.001
 PURPOSE AND EFFECT: The Board proposes to add to current rule text.
 SUBJECT AREA TO BE ADDRESSED: Continuing Education.
 SPECIFIC AUTHORITY: 486.025 FS.
 LAW IMPLEMENTED: 486.109(2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B17-9.001 Continuing Education.
- (1) through (2) No change.
- (3) Acceptable subject areas for physical therapy continuing education include professional ethics, clinical education, clinical practice, clinical research, clinical management, clinical science, Florida law relating to physical

therapy, basic sciences, risk management, and HIV/AIDS. No more than five contact hours of courses in risk management shall be accepted within a biennium. Up to three contact hours in HIV/AIDS education pursuant to Rule Chapter 64B17-8, F.A.C., may be included in the twenty-four contact hours. Up to three contact hours in prevention of medical errors education pursuant to Rule Chapter 64B17-8, F.A.C., may be included in the twenty-four contact hours.

(4) through (7) No change.

Specific Authority 486.025 FS. Law Implemented 486.109(2) FS. History—New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02,_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Developmental Services Program

RULE TITLE: Intelligence Tests to be Administered
 RULE NO.: 65B-4.032
 PURPOSE AND EFFECT: This rule specifies the intelligence tests to be used in the determination of Mental Retardation for the purpose of imposition of the sentence in felony cases.
 SUBJECT AREA TO BE ADDRESSED: Intelligence tests for use in sentencing for capital crimes.
 SPECIFIC AUTHORITY: 921.137 FS.
 LAW IMPLEMENTED: 921.137 FS.

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

TIME AND DATE: August 29, 2002, 10:00 a.m. – 12:00 Noon
 PLACE: 1317 Winewood Blvd., Building 3, Room 313, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Charles Ball or Michael Hemingway, Developmental Disabilities Program Office, 1317 Winewood Blvd., Building 3, Room 303, Tallahassee, Florida 32399, (850)488-4257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65B-4.032 Intelligence Tests to be Administered.

(1) When a defendant convicted of a capital felony is suspected of having or determined to have mental retardation, intelligence tests to determine intellectual functioning as specified in (2) below shall be administered by a qualified professional licensed pursuant to Chapter 490, 491, 458 or 459, Florida Statutes. Further, the examiner shall have two or more years of verifiable experience in the administration of intelligence tests. The evaluation shall consist of an individually administered test, which is valid and reliable for the purpose of determining intelligence. If in the opinion of the evaluator, these tests are not appropriate, then said professional

shall select an appropriate alternative instrument and the evaluator shall state in writing the reason the instruments specified in (2) below were inappropriate and the justification for the alternative instrument or instruments selected.

(2) Unless determined to be inappropriate in accordance with (1) above, one of the following tests shall be used in capital felony cases.

(a) The Stanford-Binet intelligence scale.

(b) Wechsler Intelligence Scale.

Specific Authority 921.137 FS. Law Implemented 921.137 FS. History--New

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Requests for Inspections, Reinspections **RULE NO.:** 5F-8.005
PURPOSE AND EFFECT: Applicable law, § 616.242(7), Florida Statutes, requires amusement rides must receive an inspection certificate each time the ride is set up or moved to a new location in the state, with certain exceptions. The Legislature added to the exceptions a kiddie ride used at a public event, provided there are no more than three amusement rides at the event, none of the kiddie rides at the event exceed a capacity of 12 persons, and the ride has an inspection certificate that was issued within the preceding 6 months. The purpose of the rule is to give the Department's inspectors guideline to use when determining if a rides capacity meets or exceeds the exception when it is not clearly specified by the manufacturer.

SUMMARY: This amendment of Rule 5F-8.005, Florida Administrative Code, removes the set-up inspections required of kiddie rides provided there are no more than three amusement rides at the event, none of the kiddie rides at the event exceed a capacity of 12 persons, and the ride has an inspection certificate that was issued within the preceding 6 months. The purpose of the rule is to give guidelines on how the Department's Inspectors will determine ride capacity if it is not clearly specified by the manufacturer.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared as costs are anticipated to be negligible.

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

SPECIFIC AUTHORITY: 616.241, 616.242 FS.

LAWS IMPLEMENTED: 616.241, 616.242 FS.

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

TIME AND DATE: 10:00 a.m., August 28, 2002

PLACE: Division of Standards Conference Room, Suite E, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-8.005 Request for Inspections, Reinspections.

(1) through (8) No change.

(9) Where a manufacturer has not determined nor specified the capacity of a kiddie ride the Department will determine the capacity as follows:

(a) A Department Inspector will count the number of carrier units or tubs per ride. The number of carrier units or tubs per ride is based on the manufacturer's intended configuration of the ride in order to make it fully operational. Lacking the manufacturer's guidance on proper configuration of carrier units or tubs, the department's inspector will evaluate the ride and make a recommendation to the Bureau for final determination. Arbitrary reduction of carrier units by operators are not permitted.

(b) Having determined the number of carrier units or tubs per ride, the Department inspector will count the number of passenger positions per carrier unit, or individual tub, i.e. the number of seat belts, pre-formed seating spots or other identifiable seating arrangements. With no identifiable passenger positions, the inspectors will determine the number of positions based on the number of 12 year old passengers that can be positioned safely in the carrier unit, i.e. each passenger must have a separate position and meet the required height and/or weight requirements for that ride. Sitting on laps to qualify as one position will not be permitted.

Specific Authority 616.241, 616.242 FS. Law Implemented 616.241, 616.242 FS. History--New 9-15-92, Amended 2-23-94, 5-27-96, 9-23-97, 2-15-99, 3-21-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael W. Rinehart, Operations & Management Consultant II, Bureau of Fair Rides Inspection, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)488-9790

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE: Food Permits; Requirements and Fees
RULE NO.: 5K-4.020

PURPOSE AND EFFECT: The rule amendment establishes a fee charged by the Department to recover the costs incurred to reinspect food establishments that have received previous unsatisfactory reports of inspection. The Department reinspects these food establishments to verify compliance with Chapter 500, F.S., the Florida Food Safety Act and Chapter 5K-4, FAC.

SUMMARY: The Department is charged with the duty of inspecting and regulating food establishments in the State of Florida. The rule amendment establishes a fee charged to a food establishment to recover the cost of reinspection pursuant to s. 500.09(7), F.S. When the Department inspects a food establishment and issues an unsatisfactory report of inspection due to sanitation violations, the firm is reinspected to verify compliance with Chapter 500, F.S. and Chapter 5K-4, FAC. This rule amendment sets forth the fee a firm shall pay for recovery of the cost of the reinspection.

FEDERAL STANDARDS STATEMENT: A federal rule on this subject does not exist.

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: 500.09(7), 570.07(23) FS.

LAW IMPLEMENTED: 500.12(1)(f), 500.147 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2002

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, Training Center, Basement Level, 3125 Conner Boulevard, Tallahassee, FL, (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-3951

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) through (6) No change.

(7) Recovery of Cost for Reinspections

(a) A food establishment shall pay a fee of \$110 to the department for recovery of the cost incurred to provide each reinspection of the food establishment. For the purposes of this section, a reinspection refers to any inspection conducted for the purpose of verifying compliance with Chapter 500, F.S., or the rules promulgated thereunder, following a previous

unsatisfactory inspection. Such unsatisfactory inspection shall be indicated by issuance of an inspection report listing conditions which are not in compliance and which, when viewed as a whole, are more likely to contribute to food contamination, illnesses or environmental health hazards.

(b) Nothing in this section shall prohibit the department from imposing additional sanctions for violations of Chapter 500, F.S., or the rules promulgated thereunder. The costs of reinspection may be included in any administrative action taken against the establishment for violations of Chapter 500 or this Chapter, or may be billed separately by invoice of the department. If the cost of reinspection is billed separately by invoice, the fee shall be paid within 21 days receipt thereof. Failure to pay a reinspection fee is a violation of this chapter and shall be grounds for suspension of the establishment's food permit.

(c) The fee established for a reinspection shall include the average cost per inspection for inspectors' salary, benefits, travel, training, equipment, supervision, and other costs or charges directly related to administration of the food establishment inspection program.

(d) The fee shall be applicable for each reinspection regardless of whether the reinspection is satisfactory or unsatisfactory. Provided however, a fee for reinspection shall not be required when both of the following conditions are met:

1. The conditions which were deemed unsatisfactory in the prior inspection are in compliance and the overall finding of the reinspection is satisfactory and

2. No previous reinspection of the establishment has been conducted during the same calendar year.

(e) This rule shall become effective January 1, 2003.

Specific Authority 500.09, 500.12(1)(b), 570.07(23) FS. Law Implemented 500.04, 500.10, 500.12(1)(a),(b),(c),(d), 500.171, 500.172, 500.177 FS. History—New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01; 1-1-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-3951

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Marion Fuller, Director, Division of Food Safety

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 24, 2002, Vol. 28, No. 21

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Aquaculture Best Management Practices
RULE CHAPTER NO.: 5L-3

RULE TITLE: Aquaculture Best Management Practices Manual
 RULE NO.: 5L-3.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend 5L-3 to reference an updated aquaculture best management practice manual, dated May, 2002. The manual change will specifically include an additional section to the aquaculture best management practices for aquatic animal health.

SUMMARY: The proposed rule establishes the procedures to follow and best management practices to implement by aquaculture producers in order to obtain an aquaculture certificate of registration from the Florida Department of Agriculture and Consumer Services.

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

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

SPECIFIC AUTHORITY: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.002, 597.003, 597.004 FS.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Kal Knickerbocker, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301

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

TIME AND DATE: 1:00 p.m., Tuesday, September 3, 2002

PLACE: Division of Aquaculture Conference Room, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist, Bureau of Personnel Management, (850)921-6262, at least seven days before the meeting.

THE PROPOSED RULE AND REFERENCE MANUAL ARE AVAILABLE ON THE DIVISION OF AQUACULTURE’S WEBSITE: www.FloridaAquaculture.com

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kal Knickerbocker, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-3.004 Aquaculture Best Management Practices Manual.

(1) The Best Management Practices manual used by the Department under Rule 5L-3, F.A.C. is adopted and incorporated by reference in this section. The manual is listed below by subject title and date. Copies of the manual may be obtained by contacting the Department.

(2) Aquaculture Best Management Practices Manual, ~~May, 2002~~ ~~July, 2000~~.

Specific Authority 570.07(23), 595.004(2)(b) FS. Law Implemented 597.003, 597.004 FS. History—New 10-4-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kal Knickerbocker

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

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

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Educational Leadership Examination
 RULE NO.: 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt and publish a revised set of the competencies and skills required for certification in educational leadership in Florida. The effect of the amendment is that revised competencies and skills will be used on the Florida Educational Leadership Examination and the revised competencies and skills may be accessed by professional certification candidates, professors, and other interested individuals.

SUMMARY: Revised competencies and skills required for Florida educational leadership certification are adopted and made accessible through this rule amendment.

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: 231.15(1), 231.17(8)(11), 231.30(1) FS.

LAW IMPLEMENTED: 231.15, 231.17, 231.30 FS.

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

TIME AND DATE: 9:00 a.m., September 10, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas H. Fisher, Bureau of Curriculum, Instruction, and Assessment, Division of Public Schools and Community Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-8198

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.00821 Florida Educational Leadership Examination.

(1) No change.

(2) Description of the examination.

(c) The competencies to be demonstrated by means of a written examination are contained in the publication "Competencies and Skills Required for Certification in Educational Leadership in Florida, Second ~~First~~ Edition 2002 ~~1998~~," which is hereby incorporated by reference and made a part of this rule. Copies of this publication may be obtained from the Department of Education, Assessment and Evaluation Section, 325 West Gaines Street, Tallahassee, Florida 32399 at a price to be established by the Commissioner not to exceed actual cost.

Specific Authority 231.15(1), 231.17(8)(11), 231.30(1) FS. Law Implemented 231.15, 231.17, 231.30 FS. History—New 12-25-86, Amended 1-11-89, 5-19-98, 10-5-99, 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: July 22, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Definition of Terms for State Student Aid Programs	6A-20.001
William L. Boyd, IV, Florida Resident Access Grants	6A-20.007
Critical Teacher Shortage Tuition Reimbursement Program	6A-20.012

Critical Teacher Shortage Student Loan Forgiveness Program	6A-20.013
Children of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships	6A-20.019
Seminole and Miccosukee Indian Scholarships	6A-20.020
Jose Marti Scholarship Challenge Grant Fund	6A-20.023
Grants for Teachers for Special Training in Exceptional Student Education	6A-20.025
Rosewood Family Scholarship Fund	6A-20.027
Mary McLeod Bethune Scholarship Program and Trust Fund	6A-20.029
Florida Public Student Assistance Grant	6A-20.031
Florida Private Student Assistance Grant	6A-20.032
Florida Postsecondary Student Assistance Grant	6A-20.033
Right to Appeal Eligibility Determination	6A-20.0371
Florida Work Experience Program	6A-20.038
Florida Teacher Scholarship and Forgivable Loan Program	6A-20.039
Occupational Therapist or Physical Therapist Tuition Reimbursement Program	6A-20.040
Occupational Therapist or Physical Therapist Student Loan Forgiveness Program	6A-20.041
Occupational Therapist or Physical Therapist Scholarship Loan Program	6A-20.042

PURPOSE AND EFFECT: The above rule amendments update administrative procedures and forms based upon the decentralization of the Florida Student Assistance Grant programs and the creation of the State Student Financial Aid database. Obsolete references and eligibility requirements have also been removed from the rules or updated.

SUMMARY: The rule amendments update the procedures for administration of state-funded student financial aid programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 229.053(1), 231.62(1), 231.621(4), 295.01(3), 240.1201(11), 240.4042(1), 240.405(5), 240.4063(1), 240.4064(2), 240.409(6), 240.4095(6), 240.4097(7), 240.412(1), 240.4125(10), 240.4126(2), 240.413(1), 240.437(4), 240.465(7), 240.605(2), 240.606(7), 240.6063(1), 240.6072(3), 240.6074(4), 295.01(3), 295.02 FS.

LAW IMPLEMENTED: 229.053, 231.62, 231.621, 240.1201, 240.40201, 240.40202, 240.40203, 240.40204, 240.40205, 240.40206, 240.40207, 240.40209, 240.404, 240.40401, 240.4041, 240.4042, 240.405, 240.4063, 240.4064, 240.4065, 240.408, 240.409, 240.4095, 240.4097, 240.412, 240.4125, 240.4126, 240.413, 240.424, 240.437, 240.465, 240.6045,

240.605, 240.606, 240.4063, 240.6071, 240.6072, 240.6073, 204.6074, 240.6075, 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 295.02, 295.03, 295.04, 295.05 FS.

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

TIME AND DATE: 9:00 a.m., September 10, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jeanine Blomberg, Director, Division of Support Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-6023

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-20.001 Definitions of Terms for State Student Aid Programs.

These definitions apply to ~~all~~ Rules 6A-20.001 through ~~6A-20.099, 6A-20.100, FAC.~~

(1) through (22) No change.

(23) Reinstatement student. A student who was eligible for a specific state aid program but did not receive an award during the previous academic year(s) and wishes to reestablish use of the scholarship.

~~(24)(23) Remedial course. A course defined by a college or university as necessary for a student to acquire the necessary skills or knowledge to perform successfully in college-level courses.~~

(25)(24) Renewal student. A student who has received an award the previous academic year and who continuously met the program eligibility requirements for to be continued on a specific state aid program.

~~(26)(25) Repayment. Money received from state aid which a student is required to return to the educational institution; or an amount of money received from a state scholarship loan which a student is required to return to the state.~~

~~(27)(26) Residency. The legal status which a person acquires as the result of establishment of a domicile with the intent to permanently remain in that domicile other than for temporary absences. However, any domicile established solely or primarily for the purpose of obtaining an education or of obtaining financial aid from the state shall not constitute residency.~~

(28) Restoration student. A student who lost eligibility for a specific state aid program that provided for restoration due to a low renewal grade point average, but earned the required grade point average in a subsequent academic year.

~~(29)(27) School year. The period of time beginning with the academic year from one fall term to the next fall term.~~

~~(30)(28) Three-quarter-time undergraduate enrollment. Undergraduate enrollment in nine (9) to eleven (11) credit hours, or in three hundred fifty (350) to four hundred forty-nine (449) clock hours during an academic term.~~

~~(31)(29) Undergraduate student. A student who is in the process of attaining a first bachelor's or baccalaureate degree.~~

Specific Authority 229.053(1), ~~240.605~~ FS. Law Implemented 229.053, 240.405, 240.4063, 240.4064, 240.408, 240.409, 240.4095, 240.4097, 240.412, 240.4125, 240.4126, 240.413, 240.465, 240.6045, 240.605, 240.606, 240.6072, 240.6073, 240.6074, 240.6075 FS. History—New 12-9-86, Amended

6A-20.007 William L. Boyd, IV, Florida Resident Access Grants.

(1) Eligibility Criteria for Awards. To receive aid, a student shall meet the provisions of Sections 240.605, 240.4042, and 240.404, Florida Statutes, and Rules 6A-20.001, 6A-20.003, ~~6A-20.004, 6A-20.005,~~ and 6A-20.0371, 6A-20.006, FAC., and:

(a) Meet the application procedures established by the participating institution. Submit each year to the institution, by the date established by the institution, Form FRAG-1, Florida Resident Access Grant Application, which is hereby incorporated by reference and made a part of this rule to become effective October, 1994. A copy of Form FRAG-1 may be obtained from the Office of Student Financial Assistance, Department of Education, The Florida Education Center, Tallahassee, Florida 32399. Participating institutions may, however, elect not to require students to submit FRAG-1 and may determine the procedures to be used to collect the necessary information to determine each year the student's eligibility.

(b) Not have previously received a bachelor's degree.

(c) Be enrolled in a degree program in an eligible institution, pursuant to Section 240.605(3), Florida Statutes.

(d) Not be enrolled in a degree program which has the primary purpose of advancing or impeding religion.

(e) Be enrolled for a minimum of twelve (12) credits at the end of the regular registration period, inclusive of the drop-add period, for each academic term in which aid is received.

~~(f) Have met the College Level Academic Skills Test (CLAST) requirements for the receipt of state student aid, pursuant to Rule 6A-20.005, FAC.~~

~~(g) Have met the registration requirements of the Selective Service System, pursuant to Rule 6A-20.006, FAC.~~

~~(f)(h) Have been a bona fide Florida resident, pursuant to Section 240.1201, Florida Statutes, and Rule 6A-20.003, FAC., for twelve (12) months prior to the first day of class for the first academic term for which funds are being requested.~~

~~(g)(i) Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state grant or scholarship program.~~

~~(h)(†)~~ Not be in default on any federal or state student loan program, unless satisfactory arrangements to repay the loan have been made.

~~(i)(†)~~ Eligibility for the renewal of awards pursuant to Section 240.404(1)(b), Florida Statutes, shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

1. Have earned, at the last institution attended, a minimum cumulative grade point average of 2.0 on a 4.0 scale, and

2. Have earned during the previous summer and two (2) semesters or three (3) quarters, if a renewal applicant, twelve (12) credit hours per term, or the equivalent, for the number of terms for which the award was received. A student who has received the funds through this program who fails to earn the required credits shall be ineligible for a renewal award.

3. A student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for two (2) semesters or three (3) quarters. To be eligible for renewal the following year, each such student shall have earned the required credits and a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period.

4. A student who fails to meet the renewal requirements stated in subparagraphs (1)(k)2. and 3. of this rule shall, after two (2) semesters or three (3) quarters, be eligible to apply for restoration reinstatement. Each such student may be eligible for a reinstatement if he has an earned grade point average of 2.0 on a 4.0 scale at the end of the second semester or third quarter of the academic year for which he was ineligible for an award.

5. Reinstatement awards. A student who met the requirements for a renewal award, but did not receive an award during a full year of eligibility and wishes to reestablish use of the grant may apply for reinstatement in any subsequent year provided the student has earned a cumulative grade point average of 2.0 on a 4.0 scale as of the end of the second semester or third quarter of the academic year preceding the year the award is sought.

(2) Appeals. An applicant may appeal decisions of ineligibility made due to failure to meet academic progress requirements ~~or selective service registration requirements~~, or errors made by the Office of Student Financial Assistance under the provisions of Rules ~~6A-20.004, 6A-20.006 and 6A-20.0371, FAC.~~

(3) Maximum Terms of Eligibility. A student shall be eligible to receive financial aid for a maximum of nine (9) semesters or fourteen (14) quarters. However, pursuant to Section 240.404(3), Florida Statutes, a student participating in college preparatory instruction, a student requiring additional time to complete the college-level communication and computation skills testing program, or a student enrolled in a five-year undergraduate degree program shall be eligible to

receive financial aid for a maximum of ten (10) semesters or fifteen (15) quarters. Five-year eligibility does not extend to a program of study which leads to the simultaneous award of a graduate and undergraduate degree.

(4) Amount of Awards. The amount of the annual award may be no more than forty (40) percent of the full cost to the state per academic year of an undergraduate student in public postsecondary education established pursuant to Section 240.209, Florida Statutes, or as specified in the General Appropriations Act. Awards for the first academic term shall be one-half of the annual award for semester schools and one-third of the annual award for quarter schools. However, should the funds requisitioned by participating institutions, in accordance with subsection (5) of this rule, exceed the appropriation, the Department shall prorate awards for the second semester or second and third quarters accordingly.

(5) Institutional Responsibilities. The institution each academic term shall determine the eligibility of students and notify students of their award eligibility. The institution shall certify to the Department utilizing the State Student Financial Aid Database, no later than October 30 and February 28 for first and second semesters or quarters respectively, and April 15 for third quarter, each student's enrollment and eligibility status, ~~on Form REQ Requisition for Payment, which is hereby incorporated by reference and made a part of this rule to become effective October, 1994. A copy of Form REQ may be obtained from the Office of Student Financial Assistance, Department of Education, The Florida Education Center, Tallahassee, Florida 32399. The requisition~~ This certification shall include a list of eligible students awarded and official certification of each student's eligibility. When awarding and requisitioning funds for a student receiving other aid designated for tuition and fees, the institution shall assure that the amount of the grant, when combined with such aid, does not exceed the cost of the student's tuition and fees. Refunds shall be received by the Department within sixty (60) days of the end of the institution's regular registration period, inclusive of the drop-add period.

(6) Supplemental Requisitions for Payment. Institutions submitting supplemental requisitions for additional students may receive payment for such students at the end of the academic year. Supplemental requisitions will be honored by the Department to the extent that funds are available after all regular requisitions have been funded.

(7) Payments of Awards. The Department shall provide for the delivery of funds to students by transmitting the funds each academic term to the institutions for distribution.

Specific Authority 229.053(1), ~~240.404~~, 240.605(2) FS. Law Implemented 240.1201, 240.404, 240.4042, 240.605 FS. History—New 9-27-79, Amended 3-23-83, Formerly 6A-7.397, 6A-7.0397, Amended 12-25-86, 1-11-88, 4-3-90, 10-18-94, _____.

6A-20.012 Critical Teacher Shortage Tuition Reimbursement Program.

(1) To receive aid, teachers shall meet the provisions of Section 240.4064, Florida Statutes, and Rule 6A-20.001, FAC., and:

(a) ~~Submit, each term by the date established by the Department, Form FFAA-2, Florida Financial Aid Application for Teachers, Form CPSI-1, Postsecondary Institution Certification, and Form CEMP-1, Employment Certification Form by September 15. TR-1, Tuition Reimbursement Application Critical Teacher Shortage Tuition Reimbursement Program and Exceptional Student Education Training Grant Program for Out-of-Field Teachers, which is Forms FFAA-2, CPSI-1, and CEMP-1 are hereby incorporated by reference and made a part of this rule to become effective October 2002 March, 1994. A copy of Forms FFAA-2, CPSI-1, and CEMP-1 TR-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.~~

(b) Have as a minimum a valid temporary Florida teacher's certificate or license.

(c) Intend to gain or renew certification, or to earn a graduate degree, in a designated critical teacher shortage area.

(d) Not receive reimbursement from other sources sufficient to pay the full cost of ~~for~~ tuition and registration fees for a course(s) for which reimbursement is being sought from other sources.

(e) Not owe a repayment of a grant received under the Pell Grant, Supplemental Educational Opportunity Grant, or any state scholarship or grant program.

(f) Not be in default on a National Defense Loan, Perkins National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay the loan have been made.

(2) By October August 15 of each year, the Department shall distribute to Florida publicly funded school district superintendents applications and a description of the program and application process utilizing the State Student Financial Aid Database and the program.

(3) Publicly funded schools shall be responsible for providing teachers with information regarding the Tuition Reimbursement Program and the necessary forms.

(4) ~~The Department shall make awards each academic term; however, an~~ An applicant may receive aid for a maximum of nine (9) credit hours during a period beginning with the fall summer term and ending with the close of the summer term second semester, or equivalent.

(5) The Department may prorate awards if funds are not available to make full awards shall make awards on a first come, first served basis.

(6) The Department shall notify applicants of their award eligibility and shall provide for the delivery of funds to eligible applicants on a funds available basis.

Specific Authority 240.4064(2) FS. Law Implemented 240.4064 FS. History--New 5-24-84, Formerly 6A-7.163, 6A-7.0163, Amended 12-25-86, 3-22-89, 3-6-94.

6A-20.013 Critical Teacher Shortage Student Loan Forgiveness Program.

(1) Eligibility criteria for initial awards. To receive aid, an initial applicant shall meet the provisions of Section 231.621, Florida Statutes, and shall:

(a) Have, as a minimum in the first year of application, a valid temporary Florida Educator's Certificate or license which indicates certification or licensure in the critical teacher shortage subject area in which employed for the academic year for which funds are requested; Submit by July 15, during the first year of teaching full time as a certified teacher in a critical teacher shortage area Form LF-1, Critical Teacher Shortage Student Loan Forgiveness Program Application, which is hereby incorporated by reference and made a part of this rule to become effective February, 1995. A copy of Form LF-1, may be obtained from the Office of Student Financial Assistance, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

(b) Have taught a full school year, as defined in Section 228.041(16), Florida Statutes, in a Florida publicly-funded school or developmental research school, in a designated critical teacher shortage subject area. If an otherwise eligible applicant completes eligible teaching service for at least ninety (90) days during a school year and does not complete one (1) full year of teaching service, the Department may provide up to one-half of a full award; Submit, by July 15, an academic transcript from each postsecondary educational institution which the applicant attended in order to complete an education program.

(c) Not owe a repayment of a state or federal student grant or scholarship unless satisfactory arrangements have been made; Submit, by July 15, Form LF-3, Critical Teacher Shortage Student Loan Forgiveness Program Employment Verification, which is hereby incorporated by reference and made a part of this rule to become effective May, 1990. A copy of Form LF-3 may be obtained from the Office of Student Financial Assistance, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

(d) Not be in default on a National Defense Loan, Perkins National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay the loan have been made; Submit, by July 15, Form LF-4, Critical Teacher Shortage Student Loan Forgiveness Program Loan Record, which is hereby incorporated by reference and made a part of this rule to become effective May, 1990. A copy of

Form LF-4 may be obtained from the Office of Student Financial Assistance, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

(e) ~~Not have received a Paul Douglas Teacher Scholarship, Critical Teacher Shortage Scholarship Loan, "Chappie" James Most Promising Teacher Scholarship Loan, Master's Fellowship Loan Program for Teachers, or Critical Teacher Shortage Forgivable Loan under the Florida Teacher Scholarship and Forgivable Loan Program; and Have, as a minimum the first year of application, a valid temporary Florida Teacher's Certificate which indicates certification in the critical teacher shortage area in which employed for the academic year for which funds are requested.~~

(f) ~~Submit by July 15: Have taught a full school year, as defined in Section 228.041(16), Florida Statutes, in a Florida public school or developmental research school, in a designated critical teacher shortage subject area. If an otherwise eligible applicant completes eligible teaching service for at least ninety (90) days during a school year and does not complete one (1) full year of teaching service, the Department may provide up to one-half of a full award.~~

1. After the end of the academic year in which the applicant taught for the first time as a full-time certified teacher in a critical teacher shortage subject area for at least ninety (90) days, Form FFAA-2, Florida Financial Aid Application for Teacher Program, as incorporated by reference in Rule 6A-20.012, FAC.,

2. An academic transcript from each postsecondary educational institution which the applicant attended in order to complete an education program,

3. Form CEMP-1, Employment Certification, as incorporated by reference in Rule 6A-20.012, FAC., and

4. Form CLON-1, Loan Certification, which is hereby incorporated by reference in this rule to become effective October 2002.

A copy of Form FFAA-2, Form CEMP-1, and Form CLON-1 may be obtained by contacting the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(g) ~~Not owe a repayment of a state or federal student grant or scholarship unless satisfactory repayment arrangements have been made.~~

(h) ~~Not be in default on any federal or state student loan program, unless satisfactory arrangements to repay the loan have been made.~~

(i) ~~Not have received the Paul Douglas Teacher Scholarship, the Critical Teacher Shortage Scholarship Loan, the "Chappie" James Most Promising Teacher Scholarship Loan, the Master's Fellowship Loan Program for Teachers, or the Critical Teacher Shortage Forgivable Loan under the Florida Teacher Scholarship and Forgivable Loan Program.~~

(2) Eligibility criteria for renewal awards. Eligibility for renewal shall be evaluated at the end of the renewal year of teaching. As a condition for renewal, a teacher shall meet the provisions of Section 231.621, Florida Statutes, and shall:

(a) Have, each academic year, a valid Florida Educator's Certificate or license which indicates certification or licensure in the subject area for which an initial award was made or in a current critical teacher shortage subject area for the academic year for which funds are being requested; Submit, by July 15 of each academic year, Form LF-3, Critical Teacher Shortage Student Loan Forgiveness Program Employment Verification.

(b) Have taught a full school year in a Florida publicly-funded school, or developmental research school, in the subject area for which the original loan repayment was made or in a current critical teacher shortage area in which the applicant is certified. If an otherwise eligible renewal applicant completes eligible teaching service for at least ninety (90) days and does not complete a full year of teaching service, the Department may provide up to one-half of a full award; Have, each academic year, a valid Florida Educator's Certificate which indicates certification in the subject area for which an initial award was made or in a current critical teacher shortage subject area for the academic year for which funds are being requested.

(c) Not owe a repayment of a grant received under the Pell Grant, Supplemental Educational Opportunity Grant, or any state grant or scholarship program; Have taught a full school year in a Florida public school, or developmental research school, in the subject area for which the original loan repayment was made or in a current critical teacher shortage area in which the applicant is certified. If an otherwise eligible renewal applicant completes eligible teaching service for at least ninety (90) days and does not complete a full year of teaching service, the Department may provide up to one-half of a full award.

(d) Not be in default on a National Defense Loan, Perkins National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay have been made; Not owe a repayment of a grant received under the Pell Grant, Supplemental Educational Opportunity Grant, or any state grant or scholarship program.

(e) Not have received a Paul Douglas Teacher Scholarship, Critical Teacher Shortage Scholarship Loan, "Chappie" James Most Promising Teacher Scholarship Loan, Masters' Fellowship Loan Program for Teachers, or Critical Teacher Shortage Forgivable Loan under the Florida Teacher Scholarship and Forgivable Loan Program; and Not be in default on any federal or state student loan program, unless satisfactory arrangements to repay have been made.

(f) ~~Submit by July 15 of each academic year. Form CEMP-1, Employment Certification. Not have received the Paul Douglas Teacher Scholarship, the Critical Teacher Shortage Scholarship Loan, the Masters' Fellowship Loan Program for Teachers, or the Critical Teacher Shortage Forgivable Loan under the Florida Teacher Scholarship and Forgivable Loan Program.~~

(3) Amount of award. The annual amount of student loan repayment shall be a maximum of twenty-five hundred (2,500) dollars for undergraduate loans and a maximum of five thousand (5,000) dollars for graduate loans for up to a combined total of five thousand (5,000) dollars annually. The amount of the award is based on the principal balance outstanding on the applicant's loan as of the June 30 prior to the beginning date of teaching as a certified teacher in a critical teacher shortage subject area.

(4) Maximum terms of eligibility. A teacher shall be eligible to receive student loan forgiveness for either a maximum of four (4) academic years or a total repayment of ten thousand (10,000) dollars whichever comes first.

(5) Award procedures. The Department shall determine eligibility and make awards ~~on a first come, first served basis.~~ Awards may be prorated if funds are not available to make full awards. Renewal applicants will be given priority upon timely receipt of all required forms and documentation. The Department shall notify applicants of their award eligibility.

(6) Payment of awards. The Department shall provide for the delivery of funds to teachers by issuing warrants made payable to the teachers and the lending institutions for all loans held by lending institutions. The Department will forward the warrants to the teachers for submission to the lending institutions; however, a teacher who submits documentation from all lenders that all principal balances which were due as of the June 30 prior to the beginning date of teaching, pursuant to ~~subparagraph (1)(f)1., Paragraph (1)(a)~~ of this rule, have been paid by the teacher may have the warrant made payable directly to the teacher. If the loan was a National Direct Student Loan, National Defense Loan, or Perkins Loan, each lending institution must also indicate that the repayment was not a result of teaching service cancellation.

Specific Authority 229.053(1), 231.621(4) FS. Law Implemented 231.621 FS. History—New 5-24-84, Formerly 6A-7.612, 6A-7.0612, Amended 12-25-86, 3-22-89, 5-16-90, 2-15-95, _____.

6A-20.019 Children of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships.

(1) Eligibility criteria for awards. To receive aid, a student shall meet the provisions of Sections 240.404, 240.4042, 295.01, 295.02, 295.03, 295.04, and 295.05, Florida Statutes, and Section 295.015, or 295.016, or 295.017, or 295.018, or 295.019, or 295.0195, Florida Statutes, and Rules 6A-20.001; ~~6A-20.004, 6A-20.005, 6A-20.006, and 6A-20.0371, FAC., and:~~

(a) Submit, for each academic year on or before April 1, Form FFAA-1, Florida Financial Aid for Students, as incorporated by reference in Rule 6A-20.020, FAC., and Form CDDV-1 ~~CVS-1~~, Scholarships for Children of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Certification Form Application. Form CDDV-1 CVS-1 is hereby incorporated by reference and made a part of this rule to become effective ~~October 2002 April, 1992~~. A copy of Forms FFAA-1 and CDDV-1 CVS-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399-0400.

(b) Be enrolled at a state university, state community college, or state postsecondary vocational-technical school, or any postsecondary institution pursuant to Section 240.40204, Florida Statutes.

(c) Be enrolled for a minimum of twelve (12) credits, or four hundred fifty (450) clock hours, at the end of the regular registration period, inclusive of the drop-add period, for each academic term in which aid is received.

~~(d) Have met the College-Level Academic Skills Test (CLAST) requirements for the receipt of state student assistance, pursuant to Rule 6A-20.005, FAC.~~

~~(e) Have met the registration requirements of the Selective Service System, pursuant to Rule 6A-20.006, FAC.~~

~~(d)(f)~~ Not have previously received a bachelor's degree if in undergraduate study.

~~(e)(g)~~ Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state scholarship or grant program.

~~(f)(h)~~ Not be in default on a National Defense Loan, National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay the loan have been made.

~~(g)(i)~~ Eligibility for the renewal of awards shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

1. Have earned, at the last institution attended, a minimum cumulative grade point average of 2.0 on a 4.0 scale; and

2. Have earned during the previous summer and two (2) semesters or three (3) quarters, if a renewal applicant, twelve (12) credit hours or four hundred fifty (450) clock hours per term or the equivalent for the number of terms for which the award was received. A student who has received funds through this program who fails to earn the required credits shall be ineligible for an award the following year. However, such student may be considered for restoration reinstatement after one year, if the student has an earned cumulative grade point average of 2.0 on a 4.0 scale.

3. Pursuant to Section 240.404(1)(b)2., Florida Statutes, a student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for two (2) semesters or three (3) quarters. To be eligible for renewal the following academic year, each such student shall have earned the required credits and a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period.

4. Reinstatement awards. A student who met the requirements for a renewal award but did not receive an award during a full year of eligibility and wishes to reestablish use of the scholarship may apply for reinstatement in any subsequent year provided that the student has earned a cumulative grade point average of 2.0 on a 4.0 scale as of the end of the second semester or third quarter of the academic year preceding the year the award is sought.

(2) Appeals. A student who receives state student aid and subsequently fails to meet state academic progress requirements due to verifiable illness or other emergencies may, pursuant to Section 240.404(1)(b)4., Florida Statutes, be granted an exception from the academic requirements. An applicant may appeal the denial of an award pursuant to Sections 240.404 and 240.4042, Florida Statutes, and Rule 6A-20.0371, FAC.

(3) Maximum terms of eligibility. A student shall be eligible to receive financial aid for a maximum of eight (8) semesters or twelve (12) quarters. However, pursuant to Section 240.402 ~~240.204~~, Florida Statutes, and ~~Rule 6A-20.004, FAC.~~, a student participating in college preparatory instruction, a student requiring additional time to complete the college-level communication and computation skills testing program, or a student enrolled in a five (5) year undergraduate degree program shall be eligible to receive financial aid for a maximum of ten (10) semesters or fifteen (15) quarters. Five-year eligibility does not extend to a program of study which leads to the simultaneous award of a graduate and undergraduate degree.

(4) Verification of student eligibility. The Department shall be responsible for verifying applicant's eligibility.

(5) Period of award. Scholarships shall be awarded annually for the following academic year.

(6) Amount of award. The maximum amount of a scholarship shall be the amount of tuition and registration fees assessed the student at the end of regular registration, inclusive of the drop-add period. However, the amount of the scholarship in combination with other student aid shall not exceed the student's cost of education. A student who receives a Children of Deceased or Disabled Veterans Scholarship, who is enrolled in nonpublic postsecondary institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, shall receive a fixed award calculated by using the average matriculation and fee

calculation for full-time attendance at a public postsecondary education institution at the comparable level. A student enrolled part-time shall receive a reduced award by either one-half or three-fourths of the maximum award, depending on the level or fees assessed.

(7) Award procedures. The Department shall, if funds are insufficient to award all eligible applicants, first award renewal applicants and then rank initial applicants according to the postmark or electronic receipt dates of the applications. Students applying pursuant to subparagraph (1)(j)3., of this rule shall be considered for awards after all eligible renewal and initial students are awarded. The Department shall notify students and institutions of the student's award eligibility.

(8) Institutional responsibilities. Participating institutions shall verify the continued eligibility of awarded students, provide for the disbursement of funds to students, comply with the Department's reporting requirements, and refund to the Department any undisbursed funds. Institutions shall certify to the Department, each academic term within thirty (30) fifteen ~~(15)~~ days of the end of the regular registration period, the student's enrollment, continued eligibility, and the award amount of tuition and fees on Form CVS-3, Scholarships for Children of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Request for Payment, which is hereby incorporated by reference and made a part of this rule to become effective December, 1986. A copy of Form CVS-3 may be obtained from the Office of Student Financial Assistance, Department of Education, The Florida Education Center, Tallahassee, Florida 32399. Refunds shall be received by the Department within sixty (60) days of the end of the institution's regular registration period, inclusive of the drop-add period.

(9) Payment of awards. The Department shall, ~~upon receipt of Form CVS-3,~~ provide for the delivery of funds to students by transmitting the funds to the institution for distribution.

Specific Authority 229.053(1), 295.02 FS. Law Implemented 240.404, 240.4042, 240.4045, 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 295.02, 295.03, 295.04, 295.05 FS. History—New 12-28-86, Amended 3-22-89, 5-16-90, 3-24-92, 10-18-94, _____.

6A-20.020 Seminole and Miccosukee Indian Scholarships.

(1) General Eligibility Criteria. To receive aid, a student shall meet the provisions of Sections 240.404, ~~240.4045~~ and 240.413, Florida Statutes, Rules 6A-20.001, ~~6A-20.004, 6A-20.005,~~ and 6A-20.006, FAC., and:

(a) Submit, for each academic year ~~a completed application to their respective tribal office~~ by the date established by the Department, Form FFAA-1, Florida Financial Aid Application for Students and Form CSMT-1, Tribal Certification Instructions and Worksheet for Tribal Use Only Form SM-1, Seminole and Miccosukee Indian Scholarship Application. Forms FFAA-1 and CSMT-1 SM-1 ~~are~~ is hereby incorporated by reference and made a part of this

rule to become effective ~~October 2002~~ December, 1990. A copy of Forms FFAA-1 and CSMT-1 ~~SM-1~~ may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

(b) Demonstrate financial need as defined by the Department and as defined by the respective tribe. Financial need is the student's cost of education, less the family contribution and Federal Pell Grant as determined by the federal need analysis methodology or by the respective tribe in the event of extenuating circumstances.

(c) Annually submit to the respective tribe written evidence of extenuating family financial circumstances within time limits specified by the tribe.

(d) Have been a bona fide Florida resident for twelve (12) months prior to the first day of classes for the first academic term of the academic year for which funds are being requested.

(e) Be enrolled in a degree program in a state university or community college authorized by Florida law; a nursing diploma school approved by the Board of Nursing; any Florida college, university, or community college which is accredited by a member of the Council on Postsecondary Accreditation; or any Florida institution the credits of which are acceptable for transfer to state universities.

(f) Enroll each semester either full time, three-quarter time, half time, or less than half time for the number of credit hours as described below:

	Undergraduate	Graduate
Full time	12 or more	9 or more
Three quarter time	9-11	-
Half time	6-8	6-8
Less than half time	1-5	1-5

For the purpose of disbursement of ~~or~~ an award, enrollment shall be determined at the end of the regular registration period inclusive of the drop-add period for each academic term in which aid is received.

(g) Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state scholarship or grant.

(h) Not be in default on any federal Title IV loan program or any state loan program, unless satisfactory arrangements to repay the loan have been made.

~~(i) Have met the College Level Academic Skills Test (CLAST) requirements for the receipt of state student aid prior to the completion of sixty semester credit hours toward an associate of arts or bachelor's degree, pursuant to Rule 6A-20.005, FAC. Students enrolled in graduate school shall be exempt from this requirement.~~

~~(j) Have met the registration requirements of the Selective Service System, pursuant to Rule 6A-20.006, FAC.~~

~~(1)(k)~~ Be a member or eligible for membership in the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida.

(2) Eligibility for Initial Awards. To be eligible for an initial award a student must meet the general eligibility requirements of this rule in subsection (1) of this rule.

(3) Eligibility for renewal awards. Eligibility for renewal of an award shall be evaluated at the end of the second semester or third quarter of each academic year. A renewal award shall be made, to the extent funds are available, to an applicant who accepted a disbursement for an award during the academic year immediately preceding the academic year for which applying, and who:

(a) Meets the general eligibility requirements of this rule in subsection (1) above.

(b) Has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.

(c) Has earned the minimum number of credit hours per term for full-time, three-quarter time, half-time, or less than half-time enrollment, or the equivalent, for the number of terms for which the scholarship was awarded. The number of credit hours earned will be determined at the end of the second semester or third quarter of the academic year, and shall, if to the benefit of the student, include credit hours earned during the previous summer. ~~An undergraduate or graduate student who does not earn the required credits shall be ineligible to continue on the program, except as provided in subsection (5) of this rule.~~

(4) Eligibility for reinstatement awards. A reinstatement award is an award made to an applicant who was previously eligible for an award but did not accept any disbursements for an award during the academic year immediately preceding the academic year for which applying, and who:

(a) Meets the general eligibility requirements of this rule in subsection (1) above.

(b) Has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale for previous college work.

(5) Probationary awards. A student who has received funds through this program and who fails to earn a minimum cumulative grade point average of 2.0 on a 4.0 scale is granted a probationary award for one (1) academic year, not to exceed two (2) semesters or three (3) quarters. Probationary awards will be made to the extent that funds are available. To be eligible for renewal the following year, each such student shall have earned the required credits and an institutional cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period. ~~A student who does not earn a cumulative 2.0 grade point average on a 4.0 scale by the end of the spring semester or third quarter of the probationary academic year shall be ineligible to continue under this program.~~

(6) Restoration awards. A student who fails to meet the provisions of paragraphs (3)(a), (b), and (c) or subsection (5) of this rule shall be eligible to apply for restoration during a

subsequent application period. Each such student may be eligible for restoration if the student has earned an institutional cumulative grade point average of 2.0 on a 4.0 scale.

~~(7)(6)~~ Appeals. A student who receives state student aid and subsequently fails to meet state academic progress requirements due to verifiable illness or other emergencies may file a written appeal with the respective tribal education office. The appeal shall include a description and verification of the circumstances. Verification of illness or other emergencies include the written statement of a physician, parent, college official or other responsible adult. The tribal education office shall recommend exceptions with necessary documentation to the Department. The Department may accept or deny such recommendations for exceptions. The Department shall determine if an exception is to be granted, dependent upon the recommendation of the tribe and the relevance of the students' documented circumstances for the failure to meet academic progress standards. A student who is successful in an appeal for an exception shall be granted an award.

~~(8)(7)~~ Maximum terms of eligibility.

(a) Undergraduate students shall be eligible to receive financial aid for a maximum of eight (8) semesters or twelve (12) quarters, or the equivalent for less than full-time enrollment, or until receipt of a first baccalaureate degree, whichever occurs first. However, pursuant to Section 240.404(3), Florida Statutes, an undergraduate student participating in college preparatory instruction, a student requiring additional time to complete the College-Level Academic Skills Test (CLAST), or a student enrolled in an approved five-year undergraduate degree program shall be eligible to receive financial aid for a maximum of ten (10) semesters or fifteen (15) quarters. An eligible five-year degree program is a program of study which requires the completion of at least one hundred thirty two (132) semester hours or one hundred ninety two (192) quarter hours for an undergraduate degree. Five-year eligibility also applies to a program which leads to the simultaneous award of a graduate and an undergraduate degree. Additional terms of eligibility for five-year programs will be allowed based on the number of credit hours required by the institution for completion of the program of study as follows:

Semester Hours Required	Terms of Eligibility
132-143	9
144 or more	10
Quarter Hours Required	Terms of Eligibility
192-203	13
204-215	14
216 or more	15

(b) Graduate students shall be eligible to receive financial aid for a maximum of four (4) semesters or six (6) quarters, or the equivalent for less than full-time study.

(c) A student who used any terms of eligibility as an undergraduate student may subsequently apply for an award for graduate study. However, such student will be considered as an initial applicant for purposes of eligibility determination and award distribution.

~~(9)(8)~~ Amount of awards. The tribe shall recommend an annual award amount to the Department on Form SM-1. The amount of the scholarship in combination with other student aid shall not exceed the student's cost of education for full-time or less than full-time study.

~~(10)(9)~~ The respective tribes shall submit annually to the Department a written description of the criteria to be used in making their respective award recommendations.

~~(11)(10)~~ The respective tribes shall designate a scholarship coordinator to act as liaison with the Department.

~~(12)(11)~~ The Department shall provide each tribe with an annual report that will show the distribution of scholarship funds.

~~(13)(12)~~ Award procedures. The Department shall allocate the appropriation annually based on the proportionate percentage of the tribal membership populations each year. Priority for awards will first be given to renewal applicants, and then to initial, ~~and~~ reinstatement and restoration applicants. The tribes will submit to the Department applications for renewal, initial, ~~and~~ reinstatement and restoration awards in priority order for consideration. The Department shall be responsible for verifying the applicants' eligibility, and will make awards to eligible applicants of each tribe in priority order up to the maximum amount of each tribe's allocation. In the event that awards for one tribe are less than the tribe's annual allocation, the Department may make additional awards to applicants from the other tribe until all funds are committed. The Department shall provide for the delivery of funds to students by transmitting funds each academic term to the institutions for distribution.

~~(14)(13)~~ Institutional responsibilities. Participating institutions shall verify the continued eligibility of awarded students, provide for the disbursement of funds to students, and comply with the Department's reporting requirements. The institution will notify the Department of the eligibility status of awarded students within thirty (30) days of the date that the warrant was mailed by the Department, or within thirty (30) days of the end of the regular registration period each term, whichever is later. Refunds and accompanying documentation shall be received by the Department within sixty (60) days of the date that the warrant was mailed by the Department, or within sixty (60) days of the end of regular registration, whichever is later.

Specific Authority 229.053(1), 240.1201, 240.4041, 240.413(1) FS. Law Implemented 240.404, 240.413 FS. History—New 10-15-80, Amended 3-23-83, Formerly 6A-7.292, 6A-7.0292, Amended 12-25-86, 12-18-90, 3-15-94, _____.

6A-20.023 Jose Marti Scholarship Challenge Grant Fund.

(1) General eligibility criteria. To receive aid, a student shall meet the provisions of Sections 240.404 and 240.412, Florida Statutes, Rules 6A-20.001, 6A-20.003, ~~6A-20.004, 6A-20.005, and 6A-20.0371, 6A-20.006, FAC.~~, and:

(a) Be a person of Spanish culture who was born in, or whose natural parent was born in, either Mexico or Spain, or a Hispanic country of the Caribbean, Central America or South America, regardless of race.

~~(b) Submit, each year by April 1, Form JM-1, Jose Marti Scholarship Challenge Grant Fund Application, which is hereby incorporated by reference and made a part of this rule to become effective February, 1995. A copy of Form JM-1 may be obtained from the Office of Student Financial Assistance, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.~~

~~(b)(e) Complete and submit annually, either the College Scholarship Service or American College Testing Program a need analysis form specified by the Department to the need analysis agency in time to be processed error-free by May 15 received by that agency by April 15.~~

~~(c)(d) Have been a bona fide Florida resident for twelve (12) months prior to the first day of classes for the fall term of the academic year for which funds are being requested pursuant to Section 240.1201, Florida Statutes, and Rule 6A-20.003, FAC.~~

~~(d)(e) Be a United States citizen or permanent resident pursuant to regulations established by the U.S. Congress or the U.S. Department of Education for the receipt of federal financial assistance.~~

~~(e)(f) Be enrolled in a degree program in a state university or community college authorized by Florida law, or any Florida college, university, or community college which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.~~

~~(f)(g) Be enrolled for a minimum of twelve (12) credits for undergraduate study, or nine (9) credits for graduate study, at the end of the regular registration period inclusive of the drop-add period for each academic term in which aid is received.~~

~~(h) Have met the College Level Academic Skills Test (CLAST) requirements for the receipt of state student aid, pursuant to Rule 6A-20.005, FAC. Students enrolled in graduate school shall be exempt from this requirement.~~

~~(i) Have met the registration requirements of the Selective Service System, pursuant to Rule 6A-20.006, FAC.~~

~~(g)(j) Demonstrate sufficient financial need to receive a full two thousand (2,000) dollar scholarship. Student financial need is the student's cost of education less the family contribution as determined by the need analysis service.~~

~~(h)(k) Not owe a repayment of a state or federal student grant or scholarship unless satisfactory repayment arrangements have been made.~~

~~(i)(l) Not be in default on a state or federal student loan unless satisfactory repayment arrangement have been made.~~

(2) Eligibility for initial awards. To be eligible for an initial award a student must:

~~(a) For undergraduate study, submit an application, Form FFAA-1, Florida Financial Aid Application for Students, as incorporated by reference in Rule 6A-20.020, FAC., and Form CHS-1, High School Certification, which is hereby incorporated by reference and made a part of this rule to become effective October 2002. JM-1, complete with high school grade point average certification and postmarked or electronically dated by no later than April 1 during the applicant's last year in high school. For graduate study, submit an application, Form FFAA-1 and Form CPSI-1, Postsecondary Institution Certification, as incorporated by reference and made a part of this rule to become effective October 2002. JM-1, complete with undergraduate grade point average certification by the graduate school and postmarked or electronically dated by no later than April 1 immediately prior to the academic year for which funds are being requested. A copy of Form FFAA-1, Form CHS-1, and Form CPSI-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.~~

~~(b) For undergraduate study, have earned by the end of the seventh semester of high school, a 3.0 unweighted grade point average on a 4.0 scale for high school subjects creditable towards a diploma. For graduate study, have earned a 3.0 cumulative grade point average on a 4.0 scale for undergraduate college level course work completed by the date of application. Eligibility determinations shall not be influenced, positively or negatively, by grade point averages calculated subsequent to the application period. Unweighted grade point averages shall be computed to three (3) decimals and shall not be rounded.~~

~~(c) Meet the general eligibility requirements in subsection (1) of Rule 6A-20.023, FAC.~~

(3) Eligibility for renewal awards. Eligibility for renewal of an award shall be evaluated at the end of the second semester or third quarter of each academic year. A renewal award may be made to an applicant who used one (1) or more terms of eligibility for an award during the academic year immediately preceding the academic year for which applying, and who:

~~(a) Submits an application, Form JM-1, to the Department which is postmarked no later than April 1 immediately preceding the academic year for which funds are being requested.~~

~~(a)(b) Meets the general eligibility requirements in subsection (1) of Rule 6A-20.023, FAC.~~

~~(b)(e) Has earned, at the last institution attended, a minimum cumulative grade point average of 3.0 on a 4.0 scale.~~

~~(c)(4)~~ For undergraduate study, has earned during the previous summer and two (2) semesters or three (3) quarters, at least twelve (12) credit hours per term or the equivalent for the number of terms for which the award was received. For graduate study, has earned during the previous summer and two (2) semesters or three (3) quarters, at least nine (9) credit hours per term or the equivalent for the number of terms for which the award was received. An undergraduate or graduate student who does not earn the required credits shall be ineligible to continue on the program, except as provided in subsection (5) of Rule 6A-20.023, FAC.

(4) Probationary awards. A student who has received funds through this program and who fails to earn a minimum grade point average of 3.0 on a 4.0 scale may be granted a probationary award for one (1) academic year, not to exceed two (2) semesters or three (3) quarters. A student who does not earn a 3.0 grade point average on a 4.0 scale by the end of the spring semester or third quarter of the probationary academic year shall be ineligible to continue under this program.

(5) Appeals. A student who receives state student aid and subsequently fails to meet state academic progress requirements described in paragraph (3)(d) of Rule 6A-20.023, FAC., due to verifiable illness or other emergencies may be granted an exception from the academic requirements, pursuant to Section 240.404(1)(b)4., Florida Statutes.

(6) Maximum terms of eligibility.

(a) An undergraduate student shall be eligible to receive financial aid for a maximum of eight (8) semesters or twelve (12) quarters, or until receipt of a first baccalaureate degree, whichever occurs first. However, pursuant to Section 240.404(3), Florida Statutes, an undergraduate student participating in college preparatory instruction, a student requiring additional time to complete the college-level communication and computation skills testing program, or a student enrolled in an approved five-year undergraduate degree program shall be eligible to receive financial aid for a maximum of ten (10) semesters or fifteen (15) quarters. An eligible five-year degree program is a program of study which requires the completion of at least one hundred thirty two (132) semester hours or one hundred ninety two (192) quarter hours for an undergraduate degree. Five-year eligibility may apply to a program of study which leads to a simultaneous award of a graduate and an undergraduate degree. Additional terms of eligibility for five-year programs will be allowed based on the number of credit hours required by the institution for completion of the program of study as follows:

Semester Hours Required	Terms of Eligibility
132-143	9
144 or more	10
Quarter Hours Required	Terms of Eligibility
192-203	13
204-215	14
216 or more	15

(b) A graduate student shall be eligible to receive financial aid for a maximum of four (4) semesters or six (6) quarters.

(c) A student who used any terms of eligibility as an undergraduate student may subsequently apply for an award for graduate study. However, such student will be considered as an initial graduate applicant for purposes of eligibility determination and award distribution.

(7) Amount of awards. The amount of each annual award is two thousand (2,000) dollars.

(8) Award distribution. The Department shall make awards based on the annual appropriation and the amount of contributions received by the Department. Priority in the distribution of funds will be as follows:

(a) Eligible renewal applicants shall be given priority,

(b) Initial undergraduate applicants shall first be ranked by the least family contribution as determined by the nationally recognized need analysis report,

(c) Then by high school grade point average,

(d) And, if necessary, by the postmarked or electronic receipt date of Form ~~FFAA-1 JM-1~~.

(e) From funds remaining, initial graduate applicants shall be ranked and awarded, based on the least family contribution and then by undergraduate grade point average; and, finally, on the postmark date of the Form ~~FFAA-1 JM-1~~.

(9) Institutional responsibilities. Participating institutions shall verify the continued eligibility of awarded students, provide for the disbursement of funds to students, and comply with the Department's reporting requirements. Within thirty (30) days of the end of the regular registration period each term, the institution shall notify the Department of the eligibility status of each awarded student. The institution shall remit refunds and submit accompanying documentation to the Department within sixty (60) days of the end of the institution's regular registration period. For supplemental awards, the institution will notify the Department of the eligibility status of awarded students within thirty (30) days of the date that the warrant was mailed by the Department. Refunds and accompanying documentation shall be received by the Department within sixty (60) days of the date that the warrant was mailed by the Department.

(10) Reserve funds for renewal awards. The Department shall reserve in the trust fund sufficient state and matching dollars to ensure the availability of funds to renew each eligible applicant for the necessary number of years to complete the educational objective stated on the initial application, Form ~~FFAA-1 JM-1~~.

(11) Award procedures. The Department shall notify students and institutions of the students' eligibility for awards, and shall provide for the delivery of funds to students by transmitting funds each academic term to the institutions for distribution.

(12) Contributions from private sources. Scholarship contributions to the Jose Marti Scholarship Challenge Grant Fund from private sources may be accepted by the Department and deposited in the Jose Marti Scholarship Challenge Grant Trust Fund.

Specific Authority 229.053(1), 240.4041, 240.412(1) FS. Law Implemented 240.1201, 240.404, 240.412 FS. History—New 12-28-86, Amended 5-16-90, 2-15-95, _____.

6A-20.025 Grants for Teachers for Special Training in Exceptional Student Education.

(1) Eligibility criteria. To be eligible to receive a tuition reimbursement grant for special training in exceptional student education, the applicant shall:

(a) Hold a full-time contract to teach in a district school system, a state operated or a state supported program, or an agency or organization under contract with the Department.

(b) Hold a valid Florida educator’s certificate that does not reflect an exceptional student education coverage or endorsement which is appropriate for the assignment.

(c) Complete specialization course(s) needed for certification in the area in which he or she is assigned to teach with a minimum grade of 3.0 on a 4.0 scale.

~~(d) Comply with the Selective Service System registration requirements.~~

~~(d)(e) Submit for each institution, and by the established deadline for each term, a completed Form FFAA-2, Florida Financial Aid application for Teachers, Form CPSI-1, Postsecondary Institution Certification, and Form CEMP-1, Employment Certification as incorporated by reference in Rule 6A-20.012, FAC. TR-1, Tuition Reimbursement Application Critical Teacher Shortage Tuition Reimbursement Program and Exceptional Student Education Training Grant Program for Out-of-Field Teachers, which is hereby incorporated by reference and made a part of this rule to become effective March, 1994. These forms This form may be obtained from the Office of Student Financial Assistance, Teacher Training Grant Program, Bureau of Education for Exceptional Students, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399-0400.~~

(2) Review agency. Pending review of the application by the Department of Education, the applicant shall receive notification of award eligibility.

(3) Reimbursement. Eligible applicants may receive tuition reimbursement not to exceed nine (9) semester hours, or the equivalent quarter hours, per term. Reimbursement shall be at a rate consistent with that established for programs authorized by Section 240.4064, Florida Statutes. No special fees charged by the universities or colleges shall be included in the payment to a recipient nor shall payments be made if tuition has been paid, waived or assumed, in full ~~or in part~~, through other ~~public~~ sources. For each fiscal year, grants are

~~awarded on a first-come, first-served basis to the extent of funds appropriated for this program. Awards may be prorated if funds are not available to make full awards.~~

~~(4) Certification agency. The Bureau of Education for Exceptional Students shall certify to the Office of Student Financial Assistance, Department of Education, eligible applicants with specified amounts to be disbursed to each.~~

~~(4)(5) Fiscal agency. The Office of Student Financial Assistance, Department of Education, upon receipt of eligible applicants, shall provide for payment of eligible applicants to the extent of funds appropriated for the program.~~

Specific Authority ~~420.55(1)(a)4,~~ 229.053(1), 240.405(4)(5) FS. Law Implemented 240.405 FS. History—New 4-13-87, Amended 3-6-94, _____.

6A-20.027 Rosewood Family Scholarship Fund.

(1) General eligibility criteria for awards. To receive aid, a student shall meet the provisions of Sections 240.404, ~~240.4042, 240.4045,~~ and 240.4126, Florida Statutes, and Rules 6A-20.001, ~~6A-20.004, 6A-20.005,~~ and 6A-20.0371, 6A-20.006, FAC., and:

(a) Be a minority individual belonging to one (1) of the following race/ethnic categories: Black, not of Hispanic origin; Hispanic; Asian or Pacific Islander; American Indian or Alaskan native.

(b) If an initial, ~~or reinstatement, or restoration~~ applicant, submit a completed application to the Department, Form FFAA-1, Florida Financial Aid Application for Students, as incorporated by reference in Rule 6A-20.012, FAC., RFS-1, Rosewood Family Scholarship Application, by the established April 1 deadlines. ~~Form RFS-1 is hereby incorporated by reference and made a part of this rule to become effective October, 1994. A copy of Form FFAA-1 RFS-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399-0400.~~

~~1. For the 1994-95 academic year, a completed Form RFS-1 must be postmarked to the Department no later than November 1, 1994.~~

~~2. For the 1995-96 and subsequent academic years, a completed Form RFS-1 must be postmarked no later than April 1 prior to the academic year for which the award is sought.~~

(c) Submit to the appropriate processor a completed need analysis document which is designed to use the need analysis methodology currently approved by the U.S. Congress:

~~1. For the 1994-95 academic year, out-of-state applicants must postmark a copy of the student aid report (SAR) received from the need analysis agency with the application by November 1. All Florida residents must submit the need analysis document in sufficient time for it to be considered by November 1.~~

~~1.2. For the 1995-96 and subsequent academic years, a~~ A Florida resident must submit the need analysis document in time for it to be processed by the U.S. Department of Education no later than May 15.

~~2.3. For the 1995-96 and subsequent academic years, a~~ A non-Florida resident, must postmark a copy of the SAR received from the need analysis agency to the Department no later than May 15.

(d) Be enrolled in an undergraduate degree or certificate program at a state university, state community college, or state postsecondary vocational-technical school. A certificate-seeking student must be enrolled in a program that requires a minimum of nine hundred (900) clock hours to complete.

(e) At the end of the regular registration period, inclusive of the drop add period for each academic term for which aid is received, an eligible student shall be:

1. Enrolled for a minimum of twelve (12) credits for a degree program or
2. Enrolled for a minimum of twenty-four (24) clock hours per week for a certificate program, to include the Associate in Applied Science (A.A.S.) Degree.

(f) Not have previously received a baccalaureate degree.

~~(g) Have met the College Level Academic Skills Test (CLAST) requirements for the receipt of state student aid, pursuant to Rule 6A-20.005, FAC.~~

~~(h) Have met the registration requirements of the Selective Service System, pursuant to Rule 6A-20.006, FAC.~~

~~(g)(+)~~ Not owe a repayment of a federal Title IV grant, or any state grant or scholarship unless satisfactory arrangements have been made to repay.

~~(h)(+)~~ Not be in default on any state or federal student loan program unless satisfactory arrangements have been made to repay.

(2) Academic criteria for renewal awards. Academic eligibility is determined at the end of the second semester or third quarter of each academic year.

(a) To be eligible for a renewal award, a student shall:

1. Have earned a minimum cumulative institutional grade point average of 2.0 on a 4.0 scale for postsecondary work.
2. If degree-seeking, have earned during the previous summer and two (2) semesters, a minimum of twelve (12) credit hours per term or the equivalent for the number of terms for which the award was received.
3. If certificate-seeking, have completed eighty (80) percent of the clock hours for which the student was enrolled during the terms for which the award was received. A student who earns less than the required clock hours will be eligible for renewal if the institution certifies that the student successfully completed all competencies on an accelerated basis and that

the student was unable to continue full-time enrollment because there were no courses available in the program of study.

(3) Probationary awards. A student who earns the minimum number of credit or clock hours, but who fails to earn the minimum cumulative 2.0 grade point average, may be granted a probationary award for two (2) semesters. To be eligible for renewal the following year, the student must earn the required credit or clock hours for the probationary award year and a cumulative grade point average of 2.0 on a 4.0 scale.

(4) Restoration and rReinstatement awards. A student who failed to earn the minimum number of credit or clock hours required for renewal, or who failed to meet the requirements for renewal of a probationary award, is eligible to apply for restoration reinstatement after one (1) academic year if the student has earned a cumulative grade point average of 2.0 on a 4.0 scale as of the end of the second semester or third quarter of the academic year preceding the year the award is sought. A student who met the requirements for a renewal award but did not receive an award during a full year of eligibility and wishes to reestablish use of the scholarship may apply for reinstatement in any subsequent year provided that the student has earned a cumulative grade point average of 2.0 on a 4.0 scale as of the end of the second semester or third quarter of the academic year preceding the year the award is sought.

(5) Maximum terms of eligibility. A student will be eligible to receive an award for a maximum of eight (8) semesters or twelve (12) quarters or until receipt of the first baccalaureate degree, whichever is less. However, a student who is required to participate in college preparatory or remedial courses, who needs additional time to meet the minimum standards of the CLAST, or who is enrolled in a five (5) year undergraduate degree program may receive an award for a maximum of ten (10) semesters or fifteen (15) quarters. Five (5) year eligibility does not extend to a program of study that leads to the simultaneous award of a graduate and an undergraduate degree. Additional terms of eligibility for five (5) year degree programs will be based on the number of credit hours required by the institution for completion of the program of study as follows:

Semester Hours Required	Terms of Eligibility
132-143	9
144 or more	10
Quarter Hours Required	Terms of Eligibility
192-203	13
204-215	14
216 or more	15

(6) Appeals. An applicant may appeal decisions of ineligibility made due to failure to meet academic progress requirements ~~or selective service registration requirements~~, or errors made by the Office of Student Financial Assistance under the provisions of Rules ~~6A-20.004, 6A-20.006 and 6A-20.0371, FAC.~~

(7) Amount of award. The amount of each annual award may not exceed four thousand (4,000) dollars; the amount of tuition and fees in the state university system, the public community colleges or the public postsecondary vocational-technical schools for the equivalent of fifteen (15) semester hours or four hundred fifty (450) clock hours per term of undergraduate study; or the amount established in the General Appropriations Act, whichever is less. If the appropriation is insufficient to provide the maximum award to each of the twenty-five (25) recipients, the amount of each award will be prorated.

(8) Award procedures. The Department will make awards based on the annual appropriation, not to exceed twenty-five (25) scholarship awards per year.

(a) A direct descendant of an African-American Rosewood family is an applicant whose ancestor is a member of a family identified as an affected Rosewood resident as provided in Section 240.4126, Florida Statutes Sections 3 and/or 4 of CS/HB 591, as enacted by the 1994 Legislature. The applicant shall provide the Department proof sufficient to establish eligibility as a Rosewood descendant as defined by this rule. The Department may verify eligibility by using records already in possession of the State of Florida. Among eligible Rosewood family descendant applicants:

1. First priority will be given to renewal applicants.

2. Second priority for awards will be given to initial applicants. If the number of awards remaining is insufficient to award all such applicants, they will be ranked and selected first by the least family contribution as specified on the need analysis report and second by the earliest postmark or electronic receipt date of the application, ~~Form RFS-1~~. If the number of awards remaining is insufficient to award all equally ranked applicants, the tie will be broken through random selection.

3. Third priority for awards will be given to reinstatement applicants. If the number of awards remaining is insufficient to award all such applicants, they will be ranked and selected first by the least family contribution as specified on the need analysis report and second by the earliest postmark or electronic receipt date of the application, ~~Form RFS-1~~. If the number of awards remaining is insufficient to award all equally ranked applicants, the tie will be broken through random selection.

(b) Other minority applicants. If awards remain after all eligible applicants who are direct descendants of Rosewood families have received awards, all other eligible minority applicants will be divided into renewal, initial and reinstatement applicants. Among eligible minority applicants:

1. First priority for awards will be given to renewal applicants. If the number of awards remaining is insufficient to award all renewal applicants, they will be ranked and selected by the least family contribution as specified on the need

analysis report. If the number of awards remaining is insufficient to award all equally ranked applicants, the tie will be broken through random selection.

2. Second priority for awards will be given to initial applicants. If the number of awards remaining is insufficient to award all initial applicants, they will be ranked and selected using the procedures specified in subparagraph (8)(a)2., of this rule.

3. Third priority for awards will be given to reinstatement applicants. If the number of awards remaining is insufficient to award all reinstatement applicants, they will be ranked and selected using the procedures specified in subparagraph (8)(a)3., of this rule.

(9) Payment of awards. The Department will provide for the delivery of funds to students each academic term by transmitting the funds to the institution for distribution to students. To be eligible for payment, the student must be enrolled full time at the end of the institution's drop/add period. After disbursement of funds to a student or to the student's account, the student may not return part or all of the award for the purpose of restoring a term of eligibility.

(10) Institutional responsibilities. Participating institutions must verify the continued eligibility of awarded students, provide for the disbursement of funds to students, comply with the Department's reporting and refund requirements as specified in Rules 6A-20.002 and 6A-20.0021, FAC.

Specific Authority 229.053(1), ~~240.4041~~, 240.4126(2) FS. Law Implemented 240.404, 240.4042, 240.4126 FS. History—New 10-30-94, Amended

6A-20.029 Mary McLeod Bethune Scholarship Program and Trust Fund.

(1) General eligibility criteria for awards. To receive aid, a student must meet the provisions of Sections 240.4125, 240.404, and 240.4042, ~~and 240.4045~~, Florida Statutes, and Rules 6A-20.001, 6A-20.003, ~~6A-20.004, 6A-20.005, and 6A-20.0371, 6A-20.006~~, FAC., and:

(a) Be enrolled as a degree-seeking undergraduate student at either Florida Agricultural and Mechanical University, Bethune-Cookman College, Edward Waters College, or Florida Memorial College.

(b) Have been a bona fide Florida resident, pursuant to Section 240.1201, Florida Statutes, and Rule 6A-20.003, FAC., for twelve (12) months prior to the first day of class of the fall term of the academic year for which funds are being requested.

(c) Be enrolled for a minimum of twelve (12) credits at the end of the regular registration period, inclusive of the drop-add period, for each academic term in which aid is received.

~~(d) Have met the College Level Academic Skills Test (CLAST) requirements for the receipt of state student assistance, pursuant to Rule 6A-20.005, FAC.~~

~~(e) Meet the registration requirements of the Selective Service System, pursuant to Rule 6A-20.006, FAC.~~

~~(d)(f)~~ Not owe a repayment of a federal Title IV grant, or any state grant or scholarship program unless satisfactory arrangements to repay have been made.

~~(e)(g)~~ Not be in default on any state or federal student loan program, unless satisfactory arrangements to repay the loan have been made.

(2) Eligibility for initial awards.

~~(a) Eligible institutions shall select 1994-95 initial year scholarship recipients from the pool of applicants who applied under the provisions of Section 240.4125, Florida Statutes, which were in effect prior to July 1, 1994. Beginning with the 1995-96 academic year, the~~ The application procedure shall be established and communicated to students by each participating institution.

(b) To be eligible for an initial award, a student must have earned a minimum, unweighted, cumulative grade point average of 3.0 on a 4.0 scale, or the equivalent, for high school subjects creditable towards a diploma.

(3) Eligibility for renewal awards. An applicant who receives the scholarship in one year will be considered for renewal the following year. ~~Applicants who received scholarships during the 1993-94 academic year will be evaluated for renewal of 1994-95 scholarships based on the provisions of Section 240.4125(5)(b), Florida Statutes, which were in effect prior to July 1, 1994.~~ All applicants for renewal of scholarships for the 1995-96 academic year and thereafter will be considered for awards in accordance with the following academic progress standards and the rating system established under subsection (8) of this rule. To be eligible for renewal of the scholarship, a student shall have met the following conditions of academic progress at the end of the second semester or third quarter of each academic year:

(a) Have earned a minimum institutional cumulative grade point average of 3.0 on a 4.0 scale;

(b) Have earned a minimum of twelve (12) credit hours each term for the number of terms for which the award was received; and

(c) Have filed a renewal application, if required by the institution.

(4) Reinstatement awards. A reinstatement applicant is a student who received the scholarship during one academic year and met the academic progress requirements for renewal of the scholarship, but did not receive the scholarship in the following year. To be eligible for reinstatement a student must:

(a) File an application for reinstatement within the deadlines established by the institution, if required by the institution;

(b) Apply for reinstatement within three (3) years of filing an initial application;

(c) Have maintained, at the end of the second semester or third quarter of each academic year, a cumulative grade point average of 3.0 on a 4.0 scale for all college work attempted.

(d) Applicants for reinstatement will be considered for awards in accordance with the rating system established under subsection (8) of this rule.

(5) Appeals. An applicant may appeal decisions of ineligibility made due to failure to meet academic progress requirements ~~or selective service registration requirements~~, or errors made in determining student eligibility pursuant to Sections 240.404; and 240.4042, ~~and~~ 240.4045, Florida Statutes, respectively.

(6) Amount of award. The full amount of the Mary McLeod Bethune Scholarship is three thousand (3,000) dollars annually. However, the institution may prorate its scholarship allocation equally among all eligible initial, renewal and reinstatement students as allowed under paragraph (8)(c) of this rule.

(7) Period of award. Awards are made annually for the first and second semesters of an academic year.

(8) Award procedures. The institution shall rank students prior to the beginning of the fall term each year based on the following rating system:

(a) The institution shall first determine that the applicant meets the general eligibility criteria pursuant to subsection (1) of this rule, and either the initial, renewal or reinstatement eligibility criteria, pursuant to subsections (2), (3) and (4), respectively, of this rule.

(b) The institution shall then rank all eligible applicants on the basis of financial need using the institution's financial need policy pursuant to paragraph (16)(a) of this rule. Students having the greatest financial need shall receive the highest rank. In the event that there are more eligible applicants with financial need than there are scholarships available, the institution shall further rank such applicants on the basis of those having the highest grade point averages.

(c) Based on the number of awards allocated to the institution by the Department, the institution shall make full awards to eligible applicants who have the highest rank based on their financial need and grade point averages. The institution may, however, elect to provide partial scholarships to all applicants who meet the minimum eligibility criteria for an award by prorating the institution's full scholarship allocation equally among all eligible initial, renewal and reinstatement applicants, without regard to ranking by financial need or grade point averages.

(d) The institution shall notify each applicant in writing of the status of the student's application. The institution shall also notify each student in writing who receives a scholarship of the award amount.

(9) Number of awards to be allocated to each institution. The Department will notify each institution annually of the total number of scholarships made available through the General Appropriations Act. Each institution shall notify the Department, no later than June 1 annually, of the maximum number of scholarships for which the institution pledges

matching contributions. In the event that the total number of scholarships pledged by all institutions exceeds the number of scholarships appropriated, the Department shall allocate scholarships on the basis of the institution's request, or on the basis of each institution's proportionate number of full-time equivalent (FTE) students to the FTE of all institutions, whichever is less. FTE is the total number of semester hours attempted by Florida residents enrolled at the eligible institution during the fall term divided by fifteen (15) credit hours. The Department will send to each institution a final allocation notice no later than July 1 of each year which describes the number of scholarships allocated to the institution for the academic year and the amount of matching contribution in increments of one ~~five~~ thousand (1,000) ~~(5,000)~~ dollars that must be paid by each institution.

(10) Maximum terms of eligibility. A student is eligible to receive the award for eight (8) semesters or twelve (12) quarters over a period of six (6) consecutive years, or until the student receives a baccalaureate degree, whichever occurs first. A student may receive the award for up to ten (10) semesters or fifteen (15) quarters when: the student has enrolled in college preparatory course work required by the institution; the student needs additional terms of eligibility to meet the requirements of the College Level Academic Skills Testing (CLAST) Program; or the student is enrolled in a five (5) year undergraduate degree program. Five (5) year eligibility does not apply to a program of study which leads to the simultaneous award of a graduate and an undergraduate degree. Additional terms of eligibility for five (5) year programs will be allowed based on the number of credit hours required by the institution for completion of the program of study as follows:

Semester Hours Required	Terms of Eligibility
132-143	9
144 or more	10
Quarter Hours Required	Terms of Eligibility
192-203	13
204-215	14
215 or more	15

(11) Matching contributions. Each institution shall submit to the Department the total matching contribution for its scholarship allocation no later than August 1 prior to the academic year for which funds are being matched.

(12) Other contributions. The Department shall deposit in the trust fund any moneys contributed by private sources for use toward Mary McLeod Bethune Scholarships. Contributions received by May 31 of each year shall be used to meet the cost of institution matching contributions for the following academic year. The Department shall allocate any such moneys for use by all institutions or earmark the contribution for use by a specific institution, in accordance with the request of the private source contributor.

(13) Disbursement procedures. The Department shall disburse scholarship funds to the institution on a term-by-term basis. The Department shall disburse an amount each term equal to one-half (1/2) of the annual scholarship amount for semester institutions multiplied by the total number of scholarships allocated to the institution. The institution shall disburse the funds to eligible students each term upon confirming each student's continued eligibility at the end of the regular registration period each term, inclusive of the drop add period. Notwithstanding the provisions of Rule 6A-20.002(1)(k), FAC., the institution shall remit, no later than April 1 of each year, full refunds for any term awards not disbursed during the academic year and full refunds for any disbursements made in error to ineligible students. Refunds for disbursements made to eligible recipients who withdraw during a term shall be submitted to the Department within sixty (60) days of the date that the student's enrollment terminated. Such refunds will be in amounts consistent with the percentage of refund as defined by the institution's refund policy.

(14) Transfer of awards during the academic year. A student may request a transfer of the award from one (1) eligible institution to another during an academic year. To be eligible for transfer during the academic year, the student must notify the Department in writing no later than November 15 of the student's transfer to another eligible institution. The Department will transfer the student's term award, including matching contribution, to the new institution. A student who changes from one eligible institution to another eligible institution between academic years must comply with the renewal application procedures and deadlines established by the institution the student plans to attend.

(15) Annual report. Each institution shall file an annual report due to the Department no later than April 1 of each academic year. The annual report shall contain, at a minimum, the following information:

(a) A list which includes the social security number, last name, first name, race, sex, and disbursement amount by term for each student, a summary count of the total number of students and total amount of disbursements by term, and a certification that each student listed met all of the eligibility criteria as described in Section 240.4125, Florida Statutes, and this rule.

(b) A reconciliation of funds received and utilized during the academic year including: the total number of scholarship allocations received from the Department; the amount of funds received by the institution each term; the total number of students who received disbursements each term; the amount of dollars disbursed to students each term; and any refunds paid to the Department as described under subsection (13) of this rule.

(c) The institution's method for determining a student's financial need pursuant to paragraph (16)(a) of this rule.

(16) Other institutional responsibilities.

(a) The institution shall develop a written policy which describes the institution's method of determining the financial need of students who apply for Mary McLeod Bethune Scholarships. The institution shall use this policy consistently in the ranking of all eligible initial, renewal and reinstatement applicants for scholarships as described in paragraph (8)(b) of this rule.

(b) All institutions shall comply with all administrative responsibilities described in Rule 6A-20.002, FAC., including the provision of any reports of demographic or directory information on awarded students as needed by the Department. Bethune-Cookman College, Edward Waters College and Florida Memorial College shall comply with Rule 6A-20.0021, FAC.

Specific Authority 229.053(1), 240.4041, 240.4125(10) FS. Law Implemented 240.1201, 240.404, 240.4125 FS. History--New 10-18-94, Amended

6A-20.031 Florida Public Student Assistance Grant.

(1) General Eligibility Requirements. To receive aid, a student shall meet the provisions of Sections 240.1201, 240.404, ~~240.4045~~, and 240.409, Florida Statutes, and Rules 6A-20.001, 6A-20.003, ~~6A-20.004~~, ~~6A-20.005~~, and ~~6A-20.0371~~, ~~6A-20.006~~, FAC., and:

~~(a) Submit each academic year, if a university student, the Florida need analysis document specified by the Department in time for it to be received by the respective need analysis agency no later than April 15. Submit each academic year, if a community college student, the Florida need analysis document specified by the Department in time for it to be received by the respective need analysis agency no later than September 15.~~

~~(a)(b) Be enrolled in an associate or baccalaureate degree program and not have previously received a baccalaureate degree at a Florida public community college or university, pursuant to Section 240.409, Florida Statutes.~~

~~(b)(e) Be enrolled for a minimum of twelve (12) credits for a full-time award, or nine (9) credit hours for a three-quarter time award, or six (6) credit hours for a half-time award at the end of the drop-add period for each academic term in which the award is received.~~

~~(d) Not have previously received a baccalaureate degree.~~

~~(c)(e) Be a United States citizen, or permanent resident, or eligible noncitizen pursuant to regulations established by the U.S. Congress or the U.S. Department of Education for the receipt of federal student financial assistance.~~

~~(f) Be a bona fide resident of Florida, pursuant to Section 240.1201, Florida Statutes, and Rule 6A-20.003, FAC., for reasons other than education for a minimum of twelve (12) months prior to the beginning day of classes of the fall term of the academic year for which the grant is awarded.~~

~~(g) Meet the College Level Academic Skills Test (CLAST) requirements for the receipt of state student assistance, pursuant to Rule 6A-20.005, FAC.~~

~~(h) Meet the registration requirements of the Selective Service System, pursuant to Rule 6A-20.006, FAC.~~

~~(i) Have a minimum of two hundred (200) dollars in student financial need, pursuant to Subsection (6) of this rule.~~

~~(d)(j) Meet the measurable progress standards of the institution.~~

~~(e)(k) Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state grant or scholarship program, unless satisfactory arrangements to repay the grant have been made.~~

~~(f)(l) Not be in default on any state loan program or any federal Title IV loan program, unless satisfactory arrangements to repay the loan have been made.~~

~~(2) Academic criteria for renewal awards. Academic eligibility is determined at the end of the second semester or third quarter of each academic year. To be eligible for a renewal award a student shall, pursuant to Section 240.404(1)(b), Florida Statutes:~~

~~(a) Have earned at the last institution attended a minimum cumulative grade point average for college work of 2.0 on a 4.0 scale; and~~

~~(b) Have earned during the previous summer and two (2) semesters or three (3) quarters, twelve (12) credit hours per term or the equivalent for the number of terms for which the award was received. A student who fails to earn the required credits is ineligible to receive a renewal award; or~~

~~(c) Be granted probationary status. A student who earns the minimum number of credit hours, but who fails to earn the minimum cumulative 2.0 grade point average, may be granted a probationary award for two (2) semesters or three (3) quarters. To be eligible for renewal the following year, each such student shall have earned the required credits and a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period.~~

~~(2)(3) Reinstatement awards. A student who met the requirements for renewal provided in Section 240.404, Florida Statutes, but did not receive an award for a full academic year fails to meet the provisions of Paragraph (2)(b) or (2)(c) of this rule shall be eligible to apply for reinstatement during a subsequent application period. Each such student may be eligible for reinstatement if the student has earned a cumulative grade point average of 2.0 on a 4.0 scale at the last institution attended.~~

~~(3) Restoration awards. A student who fails to meet the renewal provisions of Section 240.404, Florida Statutes, shall be eligible to apply for restoration during a subsequent application period. Each such student may be eligible for restoration if the student has earned an institutional cumulative grade point average of 2.0 on a 4.0 scale.~~

~~(4) Appeals. An applicant may appeal the denial of an award pursuant to Sections 240.404 and 240.4042, Florida Statutes, and Rule 6A-20.0371, FAC.~~

(5) Period of the award. An award is made for the two (2) semesters or three (3) quarters or the equivalent of an academic year.

(6) Amount of the award. The award may range from two hundred (200) dollars to fifteen hundred (1,500) dollars, or the amount established by the General Appropriations Act, not to exceed a student's demonstrated financial need or the cost of tuition and fees whichever is less. A student's demonstrated financial need will be the difference between the student's cost of education and the resources available to the student to meet such cost. For this purpose, a student's cost of education will be based on standard education budgets established by the Department. These standard budgets will be developed separately for commuter students and all other students; will provide for the average institutional cost of tuition and fees for thirty (30) semester hours or thirty-six (36) quarter hours; and will include a standard cost for room and board, transportation, books and supplies, and personal expenses. The resources available to a student will include the student's expected family contribution and Pell Grant. An institution may adjust the amount of an award established by the Department when the institution determines that the standard budget, expected family contribution, or Pell Grant amount used by the Department in calculating a student's grant award is in error, and when the use of corrected values yields a different grant award result. An institution will reduce the amount of an award established by the Department when such award in combination with all other resources available to the student exceeds a student's financial need. In making a determination that a student's resources exceed a student's financial need, the institution will use institutional budgets in lieu of Department standard budgets and will consider expected family contribution, Pell Grant, Florida Public Student Assistance Grant, and all other sources of student financial assistance.

(7) Maximum terms of eligibility. A student shall be eligible to receive grant funds for nine (9) semesters or fourteen (14) quarters over a maximum period of six (6) consecutive years from the time of the first disbursement. However, pursuant to Section 240.404, Florida Statutes, a student who is required to participate in preparatory or remedial courses, who needs additional time to meet the minimum standards of the CLAST, or who is enrolled in a five-year undergraduate degree program may receive an award for a maximum of ten (10) semesters or fifteen (15) quarters during the six (6) year period. Five (5) year eligibility does not apply to a program of study which leads to the simultaneous award of a graduate and an undergraduate degree. Additional terms of eligibility for five-year programs will be allowed based on the number of credit hours required by the institution for completion of the program of study as follows:

Semester Hours Required	Terms of Eligibility
132 or more	10
Quarter Hours Required	Terms of Eligibility
192 or more	15

~~(6)(8)~~ Award procedures. The institution shall make preliminary determinations of applicant eligibility based on information it receives from the need analysis processor, cumulative grade point average, and earned credit information. The institution shall rank applicants who meet preliminary eligibility criteria by the expected family contribution cut-off established by the Department and estimate individual award amounts, taking into consideration a standard cost of education budget, expected family contribution, and estimated Pell Grant award amounts. The Department will make preliminary determinations of applicant eligibility based on information it receives from the need analysis processors and cumulative grade point average and earned credit information it receives from the institutions. The Department will rank applicants who meet preliminary eligibility criteria by expected family contribution and will estimate individual award amounts, taking into consideration a standard cost of education budget, expected family contribution, and estimated Pell Grant award amounts. In the event that available appropriations are not sufficient to award all eligible applicants, the Department shall reduce the amount of each recipient's grant pursuant to Section 240.409(3), Florida Statutes. The Department will notify each participating institution of the eligibility statuses of its students to receive awards. Each institution shall verify the eligibility of such students and provide individual award notices to the students.

(9) Transmittal of funds. The Department may transmit a preliminary disbursement of funds to participating institutions prior to registration each academic term. Upon timely receipt of verification from each institution of the continued eligibility of each student, additional funds, if necessary, may be transmitted to the institution.

~~(7)(10)~~ Institutional responsibilities. Participating institutions shall verify the continued eligibility of students, provide award notices to students, provide for the disbursement of funds to students, and comply with the Department's reporting requirements. Within the number of days specified by Section 240.409, Florida Statutes, Each institution shall report to notify the Department each term within thirty (30) days of the end of the institution's regular drop/add period the social security number and award amount of each awarded student of the eligibility statuses of awarded students. Each institution shall report to the Department each term within thirty (30) days of the end of the institution's regular drop/add period the social security number of each eligible but not awarded student. Institutions will remit refunds and will submit accompanying documentation to the Department within sixty (60) days of the end of the institution's regular registration period or within sixty (60) days of the date of the transmittal of supplemental warrants.

Specific Authority 229.053(1), ~~240.404~~, 240.409(1), ~~(6)(7)~~ FS. Law Implemented 240.1201, 240.404, 240.402, 240.409 FS. History—New 12-18-90, Amended 3-24-92, 10-18-94, _____.

6A-20.032 Florida Private Student Assistance Grant.

(1) General eligibility requirements. To receive aid, a student shall meet the provisions of Sections 240.1201, 240.404, ~~240.4045~~, and 240.4095, Florida Statutes, and Rules 6A-20.001, 6A-20.003, ~~6A-20.004~~, ~~6A-20.005~~, and ~~6A-20.0371~~, 6A-20.006, FAC., and:

~~(a) Submit each academic year the Florida need analysis document specified by the Department in time for it to be received by the respective need analysis agency no later than April 15.~~

~~(b) Be enrolled in an associate or baccalaureate degree program and not have previously received a baccalaureate degree at a Florida independent nonprofit college or university, pursuant to Section 240.4095, Florida Statutes.~~

~~(c) Be enrolled for a minimum of twelve (12) credits for a full-time award, or nine (9) credit hours for a three-quarter award, or six (6) credit hours for a half-time award at the end of the drop-add period for each academic term in which the award is received.~~

(d) Not have previously received a baccalaureate degree.

(e) Be a United States citizen or permanent resident, pursuant to regulations established by the U. S. Congress or the U.S. Department of Education for the receipt of federal student financial assistance.

(f) Be a bona fide resident of Florida, pursuant to Section 240.1201, Florida Statutes, and Rule 6A-20.003, FAC., for reasons other than education for a minimum of twelve (12) months prior to the beginning day of classes of the fall term of the academic year for which the grant is awarded.

(g) Have met the College-Level Academic Skills Test (CLAST) requirements for the receipt of state student assistance, pursuant to Rule 6A-20.005, FAC.

(h) Have met the registration requirements of the Selective Service System, pursuant to Rule 6A-20.006, FAC.

(i) Have a minimum of two hundred (200) dollars in student financial need, pursuant to subsection (6) of this rule.

(j) Have met the measurable progress standards of the institution.

(k) Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state grant or scholarship program, unless satisfactory arrangements to repay the loan have been made.

(l) Not be in default on any state loan program or any federal Title IV loan program, unless satisfactory arrangements to repay the loan have been made.

(2) Academic criteria for renewal awards. Academic eligibility is determined at the end of the second semester or third quarter or each academic year. To be eligible for a renewal award a student shall, pursuant to Section 240.404(1)(b), Florida Statutes:

(a) Have earned at the last institution attended, a minimum cumulative grade point average for college work of 2.0 on a 4.0 scale; and

(b) Have earned during the previous summer and two (2) semesters or three (3) quarters, twelve (12) credit hours per term or the equivalent for the number of terms for which the award was received. A student who fails to earn the required credits is ineligible to receive a renewal award; or

(c) Be granted probationary status. A student who earns the minimum number of credit hours, but who fails to earn the minimum cumulative 2.0 grade point average, may be granted a probationary award for two (2) semesters or three (3) quarters. To be eligible for renewal the following year, each such student shall have earned the required credits and a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period.

(3) Reinstatement awards. A student who fails to meet the provisions of paragraph (2)(b) or (2)(c) of this rule shall be eligible to apply for reinstatement during a subsequent application period. Each such student may be eligible for reinstatement if the student has earned a cumulative grade point average of 2.0 on a 4.0 scale at the last institution attended.

(4) Appeals. An applicant may appeal the denial of an award pursuant to Sections 240.404 and 240.4042, Florida Statutes, and Rule 6A-20.0371, FAC.

(5) Period of the award. An award is made for the two (2) semesters or three (3) quarters of an academic year.

(6) Amount of the award. The award may range from two hundred (200) dollars to fifteen hundred (1500) dollars, or the amount established by the General Appropriations Act, not to exceed a student's demonstrated financial need or the cost of tuition and fees whichever is less. A student's demonstrated financial need will be the difference between the student's cost of education and the resources available to the student to meet such cost. For this purpose, a student's cost of education will be based on standard education budgets established by the Department. These standard budgets will be developed separately for commuter students and all other students; will provide for the average institutional cost of tuition and fees for thirty (30) semester hours or thirty-six (36) quarter hours; and will include a standard cost for room and board, transportation, books and supplies, and personal expenses. The resources available to a student will include the student's expected family contribution and Pell Grant. An institution may adjust the amount of an award established by the Department when the institution determines that the standard budget, expected family contribution, or Pell Grant amount used by the Department in calculating a student's grant award is in error, and when the use of corrected values yields a different grant award result. An institution will reduce the amount of an award established by the Department when such award in combination with all other resources available to the student

exceeds the student's financial need. In making a determination that a student's resources exceed a student's financial need, the institution will use institutional budgets in lieu of Department standard budgets and will consider expected family contribution, Pell Grant, Florida Private Student Assistance Grant, and all other sources of student financial assistance.

(7) Maximum terms of eligibility. A student shall be eligible to receive grant funds for nine (9) semesters or fourteen (14) quarters over a maximum period of six (6) consecutive years from the time of the first disbursement. However, pursuant to Section 240.404, Florida Statutes, a student who is required to participate in preparatory or remedial courses, who needs additional time to meet the minimum standards of the CLAST, or who is enrolled in a five (5) year undergraduate degree program may receive an award for a maximum of ten (10) semesters or fifteen (15) quarters during the six (6) year period. Five (5) year eligibility does not apply to a program of study which leads to the simultaneous award of a graduate and an undergraduate degree. Additional terms of eligibility for five (5) year programs will be allowed based on the number of credit hours required by the institution for completion of the program of study as follows:

Semester Hours Required	Terms of Eligibility
132 or more	10
Quarter Hours Required	Terms of Eligibility
192 or more	15

(8) Award procedures. The Department will make preliminary determinations of applicant eligibility based on information it receives from the need analysis processors and cumulative grade point average and earned credit information it receives from the institutions. The Department will rank applicants who meet preliminary eligibility criteria by expected family contribution and will estimate individual award amounts, taking into consideration a standard cost-of-education budget, expected family contribution, and estimated Pell Grant award amounts. In the event that available appropriations are not sufficient to award all eligible applicants, the Department shall reduce the amount of each recipient's grant pursuant to Section 240.4095(3), Florida Statutes. The Department will notify each participating institution of the eligibility statuses of its students to receive awards. Each institution shall verify the eligibility of such students and provide individual award notices to the students.

(9) Transmittal of funds. The Department may transmit a preliminary disbursement of funds to participating institutions prior to registration each academic term. Upon timely receipt of verification from each institution of the continued eligibility of each student, additional funds, if necessary, may be transmitted to the institution.

(10) Institutional responsibilities. Participating institutions shall verify the continued eligibility of students, provide award notices to students, provide for the disbursement of funds to

students, and comply with the Department's reporting requirements. Within the number of days specified by Section 240.4095, Florida Statutes, each institution shall notify the Department of the eligibility statuses of awarded students. Institutions will remit refunds and will submit accompanying documentation to the Department within sixty (60) days of the end of the institution's regular registration period or within sixty (60) days of the date of the transmittal of supplemental warrants.

Specific Authority 229.053(1), 240.4041, 240.4095(1),(7) FS. Law Implemented 240.1201, 240.404, 240.4042, 240.4095 FS. History--New 12-18-90, Amended 3-24-92, 10-18-94, _____.

6A-20.033 Florida Postsecondary Student Assistance Grant.

(1) General eligibility requirements. To receive aid, a student shall meet the provisions of Sections 240.1201, 240.404, ~~240.4045~~, and 240.4097, Florida Statutes, and Rules 6A-20.001, 6A-20.003, ~~6A-20.004~~, ~~6A-20.005~~, and ~~6A-20.0371~~, ~~6A-20.006~~, FAC., and:

~~(a) Submit each academic year the Florida need analysis document specified by the Department in time for it to be received by the respective need analysis agency no later than April 15.~~

~~(a)(b) Be enrolled in an associate or baccalaureate degree program and not have previously received a baccalaureate degree at a Florida independent college or university, pursuant to Section 240.4097, Florida Statutes.~~

~~(b)(e) Be enrolled for a minimum of twelve (12) credits for a full-time award, or nine (9) credit hours for a three-quarter time award, or six (6) credit hours for a half-time award at the end of the drop-add period for each academic term in which the award is received.~~

~~(d) Not have previously received a baccalaureate degree.~~

~~(c)(e) Be a United States citizen, or permanent resident, or eligible noncitizen pursuant to regulations established by the U.S. Congress or the U.S. Department of Education for the receipt of federal student financial assistance.~~

~~(f) Be a bona fide resident of Florida, pursuant to Section 240.1201, Florida Statutes, and Rule 6A-20.003, FAC., for reasons other than education for a minimum of twelve (12) months prior to the beginning day of classes of the fall term of the academic year for which the grant is awarded.~~

~~(g) Have met the College Level Academic Skills Test (CLAST) requirements for the receipt of state student assistance, pursuant to Rule 6A-20.005, FAC.~~

~~(h) Have met the registration requirements of the Selective Service System, pursuant to Rule 6A-20.006, FAC.~~

~~(i) Have a minimum of two hundred (200) dollars in student financial need, pursuant to Subsection (6) of this rule.~~

~~(d)(j) Have met the measurable progress standards of the institution.~~

~~(e)(k)~~ Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state grant or scholarship program, unless satisfactory arrangements to repay the loan have been made.

~~(f)(4)~~ Not be in default on any state loan program or any federal Title IV loan program, unless satisfactory arrangements to repay the loan have been made.

~~(2)~~ Academic criteria for renewal awards. Academic eligibility is determined at the end of the second semester or third quarter of each academic year. To be eligible for a renewal award a student shall, pursuant to Section 240.404(1)(b), Florida Statutes:

~~(a)~~ Have earned at the last institution attended a minimum cumulative grade point average for college work of 2.0 on a 4.0 scale; and

~~(b)~~ Have earned during the previous summer and two (2) semesters or three (3) quarters, twelve (12) credit hours per term or the equivalent for the number of terms for which the award was received. A student who fails to earn the required credits is ineligible to receive a renewal award; or

~~(c)~~ Be granted probationary status. A student who earns the minimum number of credit hours, but who fails to earn the minimum cumulative 2.0 grade point average, may be granted a probationary award for two (2) semesters or three (3) quarters. To be eligible for renewal the following year, each such student shall have earned the required credits and a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period.

~~(2)(3)~~ Reinstatement awards. A student who met the requirements for renewal provided in Section 240.404, Florida Statutes, but did not receive an award for a full academic year fails to meet the provisions of paragraphs (2)(b) or (2)(c) of this rule shall be eligible to apply for reinstatement during a subsequent application period. Each such student may be eligible for reinstatement if the student has earned a cumulative grade point average of 2.0 on a 4.0 scale at the last institution attended.

~~(3)~~ Restoration awards. A student who fails to meet the renewal provisions of Section 240.404, Florida Statutes, shall be eligible to apply for restoration during a subsequent application period. Each student may be eligible for restoration if the student has earned an institutional cumulative grade point average of 2.0 on a 4.0 scale.

~~(4)~~ Appeals. An applicant may appeal the denial of an award pursuant to Sections 240.404 and 240.4042, Florida Statutes, and Rule 6A-20.0371, FAC.

~~(5)~~ Period of the award. An award is made for the two (2) semesters or three (3) quarters or the equivalent of an academic year.

~~(6)~~ Amount of the award. The award may range from two hundred (200) dollars to fifteen hundred (1500) dollars, or the amount established by the General Appropriations Act, not to exceed a student's demonstrated financial need or the cost of

tuition and fees whichever is less. A student's demonstrated financial need will be the difference between the student's cost of education and the resources available to the student to meet such cost. For this purpose, a student's cost of education will be based on standard education budgets established by the Department. These standard budgets will be developed separately for commuter students and all other students; will provide for the average institutional cost of tuition and fees for thirty (30) semester hours or thirty-six (36) quarter hours; and will include a standard cost for room and board, transportation, books and supplies, and personal expenses. The resources available to a student will include the student's expected family contribution and Pell Grant. An institution may adjust the amount of an award established by the Department when the institution determines that the standard budget, expected family contribution, or Pell Grant amount used by the Department in calculating a student's grant award is in error, and when the use of corrected values yields a different grant award result. An institution will reduce the amount of an award established by the Department when such award in combination with all other resources available to the student exceeds the student's financial need. In making a determination that a student's resources exceed a student's financial need, the institution will use institutional budgets in lieu of Department standard budgets and will consider expected family contribution, Pell Grant, Florida Postsecondary Student Assistance Grant, and all other sources of student financial assistance.

~~(7)~~ Maximum terms of eligibility. A student shall be eligible to receive grant funds for nine (9) semesters or fourteen (14) quarters over a maximum period of six (6) consecutive years from the time of the first disbursement. However, pursuant to Section 240.404, Florida Statutes, a student who is required to participate in preparatory or remedial courses, who needs additional time to meet the minimum standards of the CLAST, or who is enrolled in a five (5) year undergraduate degree program may receive an award for a maximum of ten (10) semesters or fifteen (15) quarters during the six (6) year period. Five (5) year eligibility does not apply to a program of study which leads to the simultaneous award of a graduate and an undergraduate degree. Additional terms of eligibility for five (5) year programs will be allowed based on the number of credit hours required by the institution for completion of the program of study as follows:

Semester Hours Required	Terms of Eligibility
132 or more	10
Quarter Hours Required	Terms of Eligibility
192 or more	15

~~(6)(8)~~ Award procedures. The institution shall make preliminary determinations of applicant eligibility based on information it receives from the need analysis processor, cumulative grade point average, and earned credit information. The institution shall rank applicants who meet preliminary

~~eligibility criteria by expected family contribution cut-off established by the Department and estimate individual award amounts, taking into consideration a standard cost of education budget, expected family contribution, and estimated Pell Grant award amounts. The Department will make preliminary determinations of applicant eligibility based on information it receives from the need analysis processors and cumulative grade point average and earned credit information it receives from the institutions. The Department will rank applicants who meet preliminary eligibility criteria by expected family contribution and will estimate individual award amounts, taking into consideration a standard cost of education budget, expected family contribution, and estimated Pell Grant award amounts. In the event that available appropriations are not sufficient to award all eligible applicants, the Department shall reduce the amount of each recipient's grant pursuant to Section 240.4095(3), Florida Statutes. The Department will notify each participating institution of the eligibility statuses of its students to receive awards. Each institution shall verify the eligibility of such students and provide individual award notices to the students.~~

~~(9) Transmittal of funds. The Department may transmit a preliminary disbursement of funds to participating institutions prior to registration each academic term. Upon timely receipt of verification from each institution of the continued eligibility of each student, additional funds, if necessary, may be transmitted to the institution.~~

~~(7)(10) Institutional responsibilities. Participating institutions shall verify the continued eligibility of students, provide award notices to students, provide for the disbursement of funds to students, and comply with the Department's reporting requirements. Within the number of days specified by Section 240.4097, Florida Statutes, eEach institution shall report to notify the Department within thirty (30) days of the end of the institution's regular drop add period the social security number and award amount of each awarded student of the eligibility statuses of awarded students. Each institution will report to the Department within thirty (30) days of the end of the institution's regular drop/add period the social security number of each eligible, but not awarded students. Institutions will remit refunds and will submit accompanying documentation to the Department within sixty (60) days of the end of the institution's regular registration period or within sixty (60) days of the date of the transmittal of supplemental warrants.~~

Specific Authority 229.053(1), 240.4041, 240.4097(1),(8) FS. Law Implemented 240.1201, 240.404, 240.4042, 240.4097 FS. History--New 12-18-90, Amended 3-24-92, 10-18-94,_____.

6A-20.0371 Right to Appeal Eligibility Determination.

(1) This ~~appeals~~ rule applies to all state student financial assistance programs administered by the Bureau of Student Financial Assistance, Florida Department of Education.

(3) Circumstances for appeal. If the applicant believes that either of the situations identified in subsection (2) of this rule was not resolved with the program section of the Bureau of Student Financial Assistance, the applicant may file a formal written appeal for review by the Director, Bureau of Student Financial Assistance, using the following procedure:

(a) Submit a written appeal to the Director, Bureau of Student Financial Assistance, Florida Department of Education, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759. The written appeal must fully describe the nature of the error the applicant believes has been made and must contain documentation which supports the applicant's claim of eligibility to receive a state student financial aid award or to have the award transferred to another eligible institution. A copy of the notice of the applicant's ineligibility shall be attached to the written appeal.

(4) Appeals committee. If an applicant continues to believe an error has been made after receiving the Director's response to an appeal submitted in accordance with subsection (3) of this rule, the applicant may request further review by an appeals committee. The request for committee review must be submitted to the Director of the Bureau of Student Financial Assistance in writing within twenty (20) days of the date of the Director's response to the applicant's formal written appeal. A final decision will be issued by the appeals committee within thirty (30) days of receiving the applicant's request for an appeals committee review. The applicant will be provided a written copy of the appeals committee's decision in the form of a final order. The decision issued by the appeals committee is final agency action.

Specific Authority 229.053(1), 240.4042(1) FS. Law Implemented 240.4042 FS. History--New 2-18-93, Amended_____.

6A-20.038 Florida Work Experience Program.

(1) General eligibility requirements. To receive aid, a student shall meet the provisions of Sections 240.404-~~240.4045~~ and 240.606, Florida Statutes, and Rules 6A-20.001, 6A-20.003, ~~6A-20.004, 6A-20.005~~ and 6A-20.0371, 6A-20.006, FAC., and:

(2) through (5) No change.

~~(6) Academic credit. Credit hours earned for experiences gained through FWEP employment shall be used to meet the requirements of Rule 6A-20.004, FAC., only if such course credits are accepted by the institution toward the receipt of a degree.~~

~~(6)(7) On-campus student employment. Institutions may use up to twenty-five (25) percent of their total FWEP allocations for student employment within the institution. The institution shall be reimbursed for seventy (70) percent of student wages. Funds from other student financial aid sources shall not be used to provide the institution's thirty (30) percent portion of students' wages.~~

~~(7)~~(8) Other reimbursable costs. Institutions may use up to ten (10) percent of their total FWEP allocations to meet the costs of program administration at the institution. Such costs may include, but are not limited to salaries, office supplies, printing and program advertising.

~~(8)~~(9) Allocations. The Department shall allocate funds annually to be used by institutions during the July 1 through June 30 state fiscal year. To be eligible for funds, institutions must complete and submit by the deadlines established by the Department FWEP-1, Florida Work Experience Program Institutional Request for Funds Due by June 30; FWEP-2, Florida Work Experience Program Fiscal Year Financial Report; and FWEP-3, Florida Work Experience Program Year-End Student Data Report; which are hereby incorporated by reference and made a part of this rule to become effective April 1993. Copies of forms FWEP-1, FWEP-2, and FWEP-3 may be obtained from the Office of Student Financial Assistance, Florida Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399. Allocations will be made by the Department as follows:

~~(a)~~ The Department will allocate FWEP funds to participating institutions in a manner to ensure that a minimum of twenty-five (25) percent of FWEP funds will be used to provide student work experience opportunities in Florida public schools.

~~(a)~~(b) Each institution will receive a base allocation equal to the lesser of its reported expenditures for the prior fiscal year or the amount of its request. When funds are insufficient to make such allocations, each institution will receive a proportional allocation of available funds based on the ratio of each institution's prior year expenditures to the total prior year expenditures of all institutions.

~~(b)~~(c) The Department may designate any unused portion of an institution's prior year allocation for use toward the institution's current year allocation, or may use such a balance to increase the institution's current year allocation.

~~(c)~~(d) From current year funds that remain available or that become available during the fiscal year, the Department will make allocations to newly participating institutions, and may increase allocations to institutions that participated during the previous year based on the institutions' original requests, written supplemental requests or as determined by the Department based on other institutional needs.

~~(d)~~(e) The Department shall disburse the institutional allocation in equal portions in September and December. The Department may make preliminary allocations and disbursements in July to institutions that participated in the FWEP during the previous fiscal year.

~~(e)~~(f) Any unused portion of an institution's previous year allocation shall be refunded to the Department within sixty (60) days of the end of the fiscal year except as described under paragraph (9)(c) of this rule.

~~(9)~~(10) Use of FWEP funds. Funds provided under this program shall not be used to replace institutional funds which would otherwise be used to support such student employment.

~~(11)~~ This rule shall become effective July 1, 1993.

Specific Authority 229.053(1), ~~240.404~~, 240.606(7) FS. Law Implemented 240.404, 240.4042, 240.606 FS. History--New 7-1-93, Amended

6A-20.039 Florida Teacher Scholarship and Forgivable Loan Program.

(1) General eligibility requirements. To receive a "Chappie" James Most Promising Teacher Scholarship (Scholarship) or a Florida Critical Teacher Shortage Forgivable Loan (Loan), students shall meet the provisions of Sections 240.404, ~~240.4045~~ and 240.4063, Florida Statutes, Rules ~~6A-20.001, 6A-20.004, 6A-20.005, and 6A-20.0371, 6A-20.006~~, FAC., and:

(a) Be enrolled for a minimum of twelve (12) credit hours for undergraduate study or a minimum of nine (9) credit hours for graduate study for each academic term in which aid is received.

~~(b)~~ Have met the College Level Academic Skills Test (CLAST) requirements for the receipt of state student aid, pursuant to Rule ~~6A-20.005~~, FAC. Graduate students are exempt from this requirement.

~~(c)~~ Have met the registration requirements of the Selective Service System, pursuant to Rule ~~6A-20.006~~, FAC.

~~(b)~~(d) Not owe a repayment of a federal grant or any state grant or scholarship program unless satisfactory repayment arrangements have been made.

~~(c)~~(e) Not be in default on a loan made under any federal Title IV program or any state loan program unless satisfactory repayment arrangements have been made.

~~(d)~~(f) Not have received a Paul Douglas Teacher Scholarship.

~~(e)~~(g) Not have previously received a Critical Teacher Shortage Scholarship Loan, a "Chappie" James Most Promising Teacher Scholarship Loan or a Masters Fellowship Loan for Teachers.

(2) Scholarship – initial eligibility. To be eligible for an initial scholarship, a student must:

(a) Submit Form FFAA-1, Florida Financial Aid Application for Students as incorporated by reference in Rule 6A-20.020, FAC., and Form CHS-1, High School Certification Form, as incorporated by reference in Rule 6A-20.023, FAC., by April 1 FTSL-1, "Chappie" James Most Promising Teacher Scholarship Application, to the high school principal by March 1 during the senior year of high school. ~~Form FTSL-1 "Chappie" James Most Promising Teacher Scholarship Application, is hereby incorporated by reference and made a part of this rule to become effective February, 1993. A copy of Forms FFAA-1 and CHS-1 FTSL-1~~ may be obtained from the

Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

(b) Attend an eligible public or private Florida high school. An eligible private Florida high school is one in compliance with Section 229.808, Florida Statutes.

(c) Have a minimum cumulative unweighted high school grade point average (GPA) of 3.0 on a 4.0 scale.

(d) Be ranked in the top quartile of the student's senior class by the high school.

(e) Have test scores on either the American College Testing Program (ACT) or Scholastic Aptitude Test (SAT).

(f) Have been an active member of a future teacher organization, if such an organization exists at the student's high school.

(g) Provide written acknowledgment of the intent to enter the public school teaching profession in Florida.

(h) Be nominated by the high school principal.

(i) Not have previously received a bachelor's degree.

(j) Enroll in a degree program at either a state university or community college, or an eligible independent institution pursuant to Section 240.605(3), Florida Statutes, as a freshman or sophomore.

(3) Scholarship – renewal eligibility.

(a) Eligibility for renewal of a scholarship will be evaluated at the end of the second semester or third quarter of the academic year.

(b) The Department will create a renewal application for each student who received an initial scholarship for one or more terms and who meets the requirements for renewal.

(c) For renewal of the scholarship, the student must:

1. Have earned a minimum institutional cumulative GPA of 2.5 on a 4.0 scale for all college work.

2. Have earned a minimum of twelve (12) credit hours per term or the equivalent for the number of terms for which the scholarship was received.

3. Be classified as a freshman or sophomore student.

(4) Loan – initial eligibility. To be eligible for an initial undergraduate or graduate loan, a student must:

(a) Submit Form FFAA-1, Florida Financial Aid Application for Students as incorporated by reference in Rule 6A-20.020, FAC., and Form CPSI-1, Postsecondary Certification, as incorporated by reference in Rule 6A-20.012, FAC., FTSL-2, Florida Critical Teacher Shortage Forgivable Loan Application, by April 1 prior to the academic year for which the aid is requested. Form FTSL-2, Critical Teacher Shortage (CTS) Forgivable Loan Application, is hereby incorporated by reference and made a part of this rule to become effective February, 1993. A copy of Forms FFAA-1 and CPSI-1 FTSL-2 may be obtained from the Office of

Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

(b) Be enrolled in a state-approved teacher preparation program which leads to certification in a critical teacher shortage (CTS) subject area.

(c) Provide a written declaration of an intent to teach in publicly-funded elementary or secondary schools in Florida for the number of years the loan is received.

(d) For an undergraduate loan, a student must:

1. Be an upper division student.

2. Have a passing score on the College Level Academic Skills Test scored at the fortieth (40th) percentile or better on the SAT or the ACT.

3. Have earned a minimum cumulative GPA of 2.5 on a 4.0 scale for all undergraduate work.

4. Not have previously received a bachelor's degree.

(e) For a graduate loan, a student must:

1. Have a bachelor's degree from a postsecondary institution accredited in accordance with Rule 6A-4.003, FAC.

2. Have either earned a minimum cumulative GPA of 3.0 on a 4.0 scale for all undergraduate work or scored at least one thousand (1000) on the Graduate Record Examination (GRE).

3. Not have a bachelor's degree in education in a CTS subject area.

4. Not hold a teaching certificate in a CTS subject area.

5. Not have received an undergraduate loan through this program.

(5) Loan – renewal eligibility.

(a) Eligibility for renewal of a loan will be evaluated at the end of the second semester or third quarter of the academic year.

(b) The Department will create a renewal application for each student who received a loan for one or more terms and who meets the requirements for renewal.

(c) The removal of a student's subject area from the list of CTS subject areas will not affect eligibility.

(d) For renewal of an undergraduate loan, the student must:

1. Have earned a minimum cumulative GPA of 2.5 on a 4.0 scale for all undergraduate work.

2. Have earned a minimum of twelve (12) credit hours per term or the equivalent for the number of terms for which the loan was received.

(e) For renewal of a graduate loan the student must:

1. Have earned a minimum cumulative GPA of 3.0 on a 4.0 scale for all graduate work.

2. Have earned a minimum of nine (9) credit hours per term or the equivalent for the number of terms for which the loan was received.

(6) Appeals. A student may appeal decisions of ineligibility made due to failure to meet academic progress requirements, ~~selective service registration requirements~~ or errors made by the Office of Student Financial Assistance under the terms of Rules ~~6A-20.004, 6A-20.006 and 6A-20.0371, FAC., respectively.~~

(7) Amount of award.

(a) The annual amount of a scholarship shall be one thousand five hundred (1,500) dollars.

(b) The annual amount of an undergraduate loan shall be the cost of education, less other student aid, for a maximum of four thousand (4,000) dollars.

(c) The annual amount of a graduate loan shall be the cost of education, less other student aid, for a maximum of eight thousand (8,000) dollars.

(8) Period of Award. Awards will be made annually for each academic year.

(9) Maximum terms of eligibility.

(a) A scholarship shall be available for a maximum of four (4) semesters or six (6) quarters.

(b) An undergraduate loan shall be available for a maximum of four (4) semesters or six (6) quarters, unless a student is enrolled in a teacher program requiring five (5) years of instruction for initial certification. An undergraduate loan for a student in a five (5) year teacher program shall be available for a maximum of six (6) semesters or nine (9) quarters.

(c) A graduate loan shall be available for a maximum of four (4) semesters or six (6) quarters.

(10) Scholarship nomination procedures. Each eligible secondary school shall review applications submitted by secondary school seniors. Each public secondary school principal shall submit the nomination of ~~nominate~~ three (3) eligible applicants and each nonpublic secondary school principal shall submit the nomination of ~~nominate~~ one (1) eligible applicant to be considered for an award. ~~A public school which submits fewer than three (3) nominations must certify that the school did not have three (3) eligible applicants. Nominees' Each nominees' Form CHS-1, High School Certification, completed applications must be submitted to the Department by April 1, with Form FTSL-3, Secondary School Nominations Transmittal Form, which is hereby incorporated by reference and made a part of this rule to become effective February, 1993. A copy of Form FTSL-3 may be obtained from the Office of Student Financial Assistance, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.~~

(11) Scholarship award procedures.

(a) From public secondary school nominees, one (1) scholarship will be awarded to an eligible nominee from each public high school. From nonpublic secondary school

nominees, an additional number of scholarships will be awarded in accordance with Section 240.4063(2), Florida Statutes.

(b) Nominees from each public secondary school shall first be ranked according to CTS area, then by GPA and then by nationally recognized standard test scores. One nominee from each public secondary school will be selected by the Department to receive a scholarship.

(c) All nonpublic secondary school nominees shall be ranked first according to CTS area, then by GPA and then by nationally recognized standard test scores. A committee comprised of representatives from nonpublic secondary schools and the Department will select a proportional number of nonpublic secondary school nominees to receive scholarships.

(d) At least fifteen (15) percent of the initial scholarships shall be awarded to minority students. If fifteen (15) percent or less of the total secondary school nominees are minority students, awards will be made to all eligible minority nominees.

(e) The Department may make additional initial awards to eligible nominees if funds are available.

(f) If funds are insufficient to make awards to all eligible renewals and all initial recipients selected, then all awards will be prorated for the second semester or second and third quarter.

(g) The Department shall notify students and institutions of the students' award eligibility.

(12) Loan award procedures.

(a) The Department shall give priority to eligible renewals.

(b) Initial loan applicants will be considered for awards from funds remaining after all renewals have received the maximum eligible award. If funds are insufficient to award all initial loan applicants, initial loan recipients will be selected first by GPA and second by whether the applicant was a recipient of a scholarship under this program.

(c) The Department shall notify students and institutions of the students' award eligibility. The award notice to an initial loan applicant will provide for the acceptance of the award in the form of a properly executed Form FTSL-4, Critical Teacher Shortage Forgivable Loan Promissory Note (Fixed Rate), which is hereby incorporated by reference and made a part of this rule to become effective April, 1996. A copy of Form FTSL-4 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399. The Department may deny an award if Form FTSL-4 is not returned within forty-five (45) days of the date of the award notice.

(13) Payment of awards.

(a) For scholarships, the Department shall provide for the delivery of funds to students by transmitting the funds each academic term to the institutions for distribution. Funds shall be disbursed to each student upon certification by the institution of the student's enrollment and continued eligibility.

(b) For loans, the Department shall provide for the delivery of funds to students by transmitting the funds each academic term, ~~in the form of individual warrants payable to each of the enrolled students,~~ to the institutions for distribution.

(14) Institutional responsibilities.

(a) Participating institutions shall verify the continued eligibility of awarded students, provide for the disbursement of funds to students, comply with the Department's reporting requirements, and refund to the Department any undisbursed funds.

(b) Institutions shall annually certify to the Department the cost of education and other student aid received.

(c) Within ~~thirty (30) fifteen (15)~~ days of the end of the regular registration period each academic term, inclusive of drop/add, the Department shall be notified of the eligibility status of awarded students.

(d) Institutions shall certify disbursements of funds to students, and submit any refunds and cancellations to the Department within sixty (60) days of the end of the institution's regular registration period, inclusive of drop/add.

(15) Promissory notes. Upon receipt of the institutions' certification of disbursements to students each academic term, the Department shall enter the disbursed amount on each student's promissory note. A statement, with the amount of loan financed to date, will be mailed by the Department, or its designee, to the borrower at the end of each academic year.

(16) Student reporting requirements. Form DCOR-1 SR, Student Status Report, is hereby incorporated by reference and made a part of this rule to become effective October 2002 ~~February, 1993~~. A copy of Form DCOR-1 SR may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

(a) Scholarship loan recipients shall complete the appropriate section of Form DCOR-1 SR and return it to the Department upon termination of enrollment, change of name or permanent address or institution, or termination of full-time enrollment.

(b) Loan recipients shall complete the appropriate section of Form DCOR-1 SR and return it to the Department upon completion of the approved teacher education program, termination of enrollment in an approved teacher education program, change of name or permanent address or institution, termination of full-time enrollment, or if requesting a reduction in the loan amount.

(17) Borrower repayment requirements. The Florida Critical Teacher Shortage Forgivable Loan shall be repaid either through eligible teaching service or repayment in cash.

(18) Cash repayment. A loan recipient who fails to complete an approved teacher education program or who fails to render the required teaching service in grades pre-K through twelve (12) in a Florida publicly-funded school shall be responsible for repaying the total loan, plus interest and all applicable collection charges. The Department shall charge a borrower an amount equal to reasonable costs incurred in collecting a loan, whether or not provided for in the borrower's promissory note and subject to any limitation on the amount of those costs in that note. These costs may include, at a minimum, all attorney's fees, collection agency charges, and court costs.

(19) Procedures for applying cash repayments. The Department, or its designee, shall apply a cash repayment to any outstanding collection costs, and to any outstanding interest prior to applying any payment to principal.

(20) Interest rate and accrual. Interest, at an annual rate of eight (8) percent, shall begin to accrue on the first day of the thirteenth month after the date of completion of an approved teacher education program, or after the date of termination of full-time study toward the degree for which the loan was awarded. Interest will not accrue during periods of approved deferment or eligible teaching service.

(21) Repayment beginning date and minimum payment due. Repayment of principal and interest shall begin on the first day of the thirteenth month after the date of completion of an approved teacher education program or after the date of termination of full-time study. The Department shall use the expected date of completion reported to the Department by the borrower to establish the repayment schedule unless notified otherwise in writing. The Department, or its designee, upon receipt of notification that a student has completed an approved teacher education program or has terminated full-time study, shall provide the student with a repayment schedule based upon the actual date of completion or termination reported, and shall include the total of all loan advances. The minimum monthly payment shall be fifty (50) dollars or the unpaid balance of the aggregate amount of the loan plus accrued interest, whichever is less. However, in no instance shall the minimum monthly payment be less than the accruing monthly interest.

(22) Maximum repayment period. A loan, plus interest, shall be paid back within ten (10) years of the date of completion of an approved teacher education program or after the date of termination of full-time study. The ten (10) years shall include any approved periods of deferment pursuant to subsection (31) of this rule.

(23) Collection options. In the collection of principal and loan interest due, the Department shall have the authority to use any reasonable method to assist the borrower in repaying the loan. Such procedures include but are not limited to:

(a) Approving forbearance, and offering graduated repayment and income sensitive repayment schedules.

(b) Matching the names of defaulted borrowers with the names of employees of the state, political subdivisions, or local governments.

(c) Withholding of government wages, pursuant to Section 112.175, Florida Statutes, in the event borrowers fail to enter repayment or fail to make scheduled payments.

(d) Assignment of defaulted loans to the Department's designated collection agencies.

(e) Reporting of defaulted loans to all national credit bureaus and the National Student Loan Data System (NSLDS).

(f) Withholding of State of Florida lottery winnings pursuant to Section 24.115(4), Florida Statutes.

(24) Teaching service in lieu of cash repayment. In lieu of cash repayment, a recipient who is teaching full-time in a Florida public school shall, within forty-five (45) days of when the eligible teaching service begins, submit to the Department or its designee, Form DNES, Request for Deferment or Notice of Employment Service, which is hereby incorporated by reference and made a part of this rule to become effective July, 1993. A copy of Form DNES may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

(25) Definition of eligible teaching service. For teaching service to be counted toward cancellation of a loan, the recipient must be employed full-time in grades pre-K through twelve (12) in a Florida public school.

(26) Definition of a year of teaching. The school year shall comprise the period during which the schools are regularly in session for the minimum number of one hundred eighty (180) days of instruction or the equivalent as defined in Section 228.041(16), Florida Statutes. The loan recipient may be eligible to have allowable interest and principal cancelled upon completion of the following days of eligible teaching service during the regular school year: 45-89 days count for one-fourth a year of eligible teaching service; 90-134 days count for one-half a year of eligible teaching service; 135-179 days count for three-fourths a year of eligible teaching service; 180 days count for one full year of eligible teaching service.

(27) Verification of teaching service. A teacher shall apply for teaching credit for a loan by submitting annually to the Department, within forty-five (45) days of completion of eligible teaching service, Form CES, Certificate of Employment Service, which is hereby incorporated by reference and made a part of this rule to become effective July, 1993. A copy of Form CES may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

(28) Teacher cancellation provisions. The Department or its designee, upon receipt of Form CES, shall cancel a maximum of four thousand (4,000) dollars of loan principal,

and accrued interest, for each year of eligible teaching service in accordance with the provisions of subsection (26) of this rule.

(29) Returning promissory notes to borrowers. When a total loan indebtedness is satisfied either by rendering teaching service or by cash payment, the Department shall cancel and return the promissory note, Form FTSL-4, to the loan recipient.

(30) Promissory note cancellation due to death or permanent disability. Forgivable Loan Promissory Notes shall be cancelled by the Commissioner upon receipt of the certificate of death of the loan recipient or proof of permanent disability which renders the loan recipient unable to work or unable to teach.

(31) Deferment from repayment and interest accrual. Deferments from repayment and interest accrual may be granted to loan recipients for half-time full-time attendance at a postsecondary institution, for temporary disability which renders the recipient unable to work, for unemployment when the recipient is conscientiously seeking but unable to secure full-time employment as a teacher in a Florida publicly-funded school, and for economic hardships, which will cover a borrower who earns less than minimum wage or exceeds a federally defined debt-to-income ratio, or for other hardships determined by the Department to render the recipient unable to make repayment. A loan recipient may also be eligible for a graduate fellowship deferment, which covers study under an eligible graduate fellowship program, and a rehabilitation training program deferment, which covers a qualified individual's participation in a rehabilitation training program. Deferments may be granted upon request for a total of up to twenty-four (24) months. Any deferment period may not exceed a maximum of one (1) year. The Department may request documentation of the conditions supporting the request for deferment. To request a deferment, recipients shall file Form DNES. A recipient must notify the Department as soon as conditions for which the deferment was granted no longer exist. Periods of deferment do not extend the maximum repayment period of ten (10) years.

Specific Authority 229.053(1), 240.4041, 240.4063(1), 240.465 FS. Law Implemented 231.62, 240.404, 240.4042, 240.4063 FS. History--New 7-1-93, Amended 4-19-96, _____.

6A-20.040 Occupational Therapist or Physical Therapist Tuition Reimbursement Program.

(1) Therapist. As used in this rule, therapist means an occupational therapist (OT), physical therapist (PT), occupational therapy assistant (OTA) or physical therapist assistant (PTA).

(2) Eligibility requirements. To receive aid, therapists shall meet the provisions of Sections ~~240.4045~~, 240.6071 and 240.6075, Florida Statutes, and Rules 6A-20.001 and 6A-20.0371 ~~6A-20.006~~, FAC., and:

(a) ~~Submit by September 15, Form FFAA-3, Florida Financial Aid Application for Occupational/Physical Therapists, which is hereby incorporated by reference in this rule to become effective October 2002, Form CPSI-1, Postsecondary Certification, and Form CEMP-1, Employment Certification, as incorporated by reference in Rule 6A-20.012, FAC, each term by the date established by the Department, Form OPTR-1, Occupational Therapist or Physical Therapist Tuition Reimbursement Program Application, which is hereby incorporated by reference and made a part of this rule to become effective February, 1993. A copy of Forms FFAA-3, CPSI-1, and CEMP-1, OPTR-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.~~

(b) Have, at minimum, a valid temporary Florida permit as a therapist from the Department of ~~Health Professional Regulation.~~

(c) Be employed as a therapist full-time in a Florida publicly-funded school as defined in Section 228.041, Florida Statutes, and have been employed as such for a minimum of three (3) years.

(d) Have completed a course intended to improve professional skills or knowledge at a state university or community college, or any Florida college or university which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

(e) Not receive reimbursement from other sources sufficient to pay the full cost of ~~for~~ tuition and registration fees for a course(s) for which reimbursement is being sought ~~from other sources.~~

~~(f) Have met the registration requirements of the Selective Service System, pursuant to Rule 6A-20.006, FAC.~~

~~(f)(g)~~ Earn a minimum grade of 3.0 on a 4.0 scale, or its equivalent, in course for which tuition reimbursement is sought.

~~(g)(h)~~ Not owe a repayment of a federal grant or any state grant or scholarship program unless satisfactory repayment arrangements have been made.

~~(h)(i)~~ Not be in default on a National Defense Loan, Perkins National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan programs, loan made under any federal Title IV loan program or any state loan program unless satisfactory repayment arrangements have been made.

~~(i)(j)~~ Not have received a Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan or participated in the Critical Occupational Therapist or Physical Therapist Shortage Loan Forgiveness Program.

(3) Application distribution. By October 15 ~~August 15~~ of each year, the Department shall distribute ~~applications, and~~ a description of the program and the application process utilizing

the State Student Financial Aid Database to Florida publicly-funded school district superintendents. The publicly-funded schools shall be responsible for providing eligible employees with information regarding the program and the necessary forms.

(4) Award procedures. The Department shall make awards after the application deadline each academic term on a first come, first served basis. Awards may be prorated based on the number of eligible applicants. An applicant may receive aid for a maximum of nine (9) credit hours during a period beginning with the fall summer term and ending with the close of the summer term second semester or third quarter, for a maximum of seventy-eight (78) dollars per credit, for up to a total of thirty-six (36) credits. The Department shall notify applicants of their award eligibility and shall provide for the delivery of funds to eligible applicants on a funds available basis.

(5) Appeals. An applicant may appeal ~~decisions of ineligibility due to failure to meet academic progress requirements, Selective Service registration requirements or errors made by the Office of Student Financial Assistance~~ under the terms of Sections 240.404 and 240.4042, Florida Statutes, and Rules 6A-20.004, 6A-20.006, and 6A-20.0371, FAC., respectively.

Specific Authority 240.6072(3) FS. Law Implemented 240.4042, 240.6071, 240.6072, 240.6075 FS. History—New 2-18-93, Amended _____.

6A-20.041 Occupational Therapist or Physical Therapist Student Loan Forgiveness Program.

(1) Therapist. As used in this rule, therapist means an occupational therapist (OT), physical therapist (PT), occupational therapy assistant (OTA) or physical therapist assistant (PTA).

(2) Eligibility requirements. To receive aid, an applicant shall meet the provisions of Sections 240.6071 and 240.6073, Florida Statutes, and Rules 6A-20.001 and 6A-20.0371, FAC., and:

(a) If an initial applicant, submit Form FFAA-3, Florida Financial Aid Application for Occupational/Physical Therapists, as incorporated by reference in Rule 6A-20.040, FAC., OPLF-1, Occupational Therapist or Physical Therapist Loan Forgiveness Program Application, by July 15 after the end of the academic year in which the applicant worked for the first time as a full-time licensed occupational therapist or therapy assistant or as a licensed physical therapist or therapist assistant for at least ninety (90) days during the first year of full-time employment as a therapist in a Florida publicly-funded school as defined in Section 228.041, Florida Statutes. ~~If a renewal applicant, submit Form OPLF-1 by July 15 of each subsequent year of full-time employment as a therapist in a Florida public school. Form OPLF-1 is hereby incorporated by reference and made a part of this rule to become effective February, 1993. A copy of Form FFAA-3~~

~~this form~~ may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

~~(b)~~ Submit an academic transcript from each postsecondary educational institution which the applicant attended in order to complete their education by July 15.

~~(c)(b)~~ Submit by July 15, Form CEMP-1, Employment Certification, which is hereby incorporated by reference in this rule to become effective October 2002, OPLF-2, Occupational Therapist or Physical Therapist Loan Forgiveness Program Employment Verification, by July 15. Form OPLF-2 is hereby incorporated by reference and made a part of this rule to become effective February, 1993. A copy of Form CEMP-1 ~~this form~~ may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

~~(d)(e)~~ If an initial applicant, submit ~~Form OPLF-3, Occupational Therapist or Physical Therapist Loan Forgiveness Program Loan Record Form,~~ by July 15 of the first year of full-time employment as a therapist in a Florida public school, Form CLON-1, Loan Certification, as incorporated by reference in Rule 6A-20.013, FAC. ~~Form OPLF-3 is hereby incorporated by reference and made a part of this rule to become effective February, 1993.~~ A copy of Form CLON-1 ~~this form~~ may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

~~(e)(d)~~ Have, at minimum, a valid temporary Florida permit as a therapist from the Department of Health Professional Regulation.

~~(f)(e)~~ Declare an intent to be employed for a minimum of three (3) years as a licensed therapist in a Florida publicly-funded school.

~~(g)(f)~~ Have been employed as a therapist in a Florida publicly-funded school for a full school year. A school year shall be a minimum of one hundred eighty (180) days during the period in which schools are regularly in session, or the equivalent as defined in Section 228.041(16), Florida Statutes. If an otherwise eligible applicant completes eligible employment service for at least ninety (90) days during a school year but does not complete one (1) full year of employment, the Department may provide up to one-half of a full award.

~~(h)(g)~~ Not owe a repayment of a federal grant or any state grant or scholarship program unless satisfactory repayment arrangements have been made.

~~(i)(h)~~ Not be in default on a loan made under any federal Title IV loan program or any state loan program unless satisfactory repayment arrangements have been made.

~~(j)(i)~~ Not have received a Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan or participated in the Critical Occupational Therapist or Physical Therapist Shortage Tuition Reimbursement Program.

(3) Appeals. An applicant may appeal decisions of ineligibility due to errors made by the Office of Student Financial Assistance under the terms of Rule 6A-20.0371, FAC.

(4) Amount of award. The annual amount of student loan repayment shall be a maximum of twenty-five hundred (2,500) dollars for undergraduate loans and a maximum of \$5,000 for graduate loans for up to a combined total of five thousand (5,000) dollars annually. The amount of the award is based on the principal balance outstanding on the applicant's loan as of June 30 prior to the beginning date of full-time employment as a therapist in a Florida publicly-funded school.

(5) Maximum terms of eligibility. Eligible OTs and PTs may receive student loan forgiveness for a maximum of four (4) academic years or a total of ten thousand (10,000) dollars, whichever comes first. Eligible OTAs and PTAs may receive student loan forgiveness for a maximum of two (2) academic years or a total of five thousand (\$5,000) dollars, whichever comes first.

(6) Award procedures. The Department shall determine eligibility and make awards ~~on a first come, first served basis.~~ Awards may be prorated based on the number of eligible applicants. Renewal applicants will be given priority upon timely receipt of all required forms and documentation. The Department shall notify applicants of their award eligibility.

(7) Payment of award. The Department shall provide for the delivery of funds to a therapist by issuing a warrant made payable to the therapist and the lending institution. If the therapist has more than one lender, the largest loan will be paid first. The Department will forward the warrant to the therapist for submission to the lending institution. However, a therapist who submits documentation from all lenders that all principal balances which were due as of June 30 prior to the beginning date of full-time employment in a Florida publicly-funded school, pursuant to subsection (3) of this rule, have been paid by the therapist, may have the warrant made payable directly to the therapist.

Specific Authority 240.6072(3) FS. Law Implemented 240.4042, 240.6071, 240.6072, 240.6073 FS. History—New 2-18-93, Amended.

6A-20.042 Occupational Therapist or Physical Therapist Scholarship Loan Program.

(1) Therapist. As used in this rule, therapist means an occupational therapist (OT), physical therapist (PT), occupational therapy assistant (OTA) or physical therapist assistant (PTA).

(2) General eligibility requirements. To receive a Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan, students shall meet the provisions of

Sections 240.404, ~~240.4045~~, 240.6071 and 240.6074, Florida Statutes, Rules 6A-20.001, ~~6A-20.004~~, ~~6A-20.005~~ and ~~6A-20.0371~~, ~~6A-20.006~~, FAC., and:

(a) If an initial applicant, submit by April 15 prior to the academic year for which aid is requested Form FFAA-1, Florida Financial Aid Application for Students as incorporated by reference in Rule 6A-20.020, FAC. OPSL-1, Occupational Therapist or Physical Therapist Scholarship Loan Program Application, by April 15 prior to the academic year for which aid is requested. Form OPSL-1 is hereby incorporated by reference and made a part of this rule to become effective February, 1995. A copy of Form FFAA-1 this form may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

(b) Be enrolled in a therapist assistant program, or in the upper division or graduate level of a therapist program at a Florida postsecondary institution pursuant to Section 240.6074(2), Florida Statutes.

(c) Declare an intent to be employed for a minimum of three (3) years as a licensed therapist in a Florida publicly-funded school.

(d) Be enrolled for a minimum of twelve (12) credits for undergraduate study or nine (9) credits for graduate study for each academic term in which aid is received.

~~(e) Have met the College Level Academic Skills Test (CLAST) requirements for the receipt of state student aid, pursuant to Rule 6A-20.005, FAC. Graduate students are exempt from this requirement.~~

~~(f) Have met the registration requirements of the Selective Service System, pursuant to Rule 6A-20.006, FAC.~~

~~(g)~~ Not owe a repayment of a state or federal student grant or scholarship unless satisfactory repayment arrangements have been made.

~~(h)~~ Not be in default on a state or federal student loan unless satisfactory repayment arrangements have been made.

~~(i)~~ Not have participated in either the Critical Occupational Therapist or Physical Therapist Shortage Student Loan Forgiveness Program or the Critical Occupational Therapist or Physical Therapist Shortage Tuition Reimbursement Program.

(3) Renewal Requirements. Eligibility for renewal of an award will be evaluated at the end of the second semester or third quarter.

(a) For renewal of an undergraduate scholarship loan, a student must have earned:

1. A minimum institutional cumulative grade point average of 2.0 on a 4.0 scale for all undergraduate work.

2. Twelve (12) credits per term, or the equivalent, for the number of terms the award was received.

(b) For renewal of a graduate scholarship loan, a student must have earned:

1. A minimum cumulative grade point average of 3.0 on a 4.0 scale for all graduate work.

2. Nine (9) credit hours per term, or the equivalent, for the number of terms the award was received.

(4) Appeals. A student may appeal decisions of ineligibility due to failure to meet academic progress requirements, ~~Selective Service registration requirements~~ or errors made by the Office of Student Financial Assistance under the terms of Rules ~~6A-20.004~~, ~~6A-20.006~~ and ~~6A-20.0371~~, FAC., ~~respectively~~.

(5) Amount of award. The annual amount of the scholarship loan shall be for the cost of education, less other student aid, for a maximum of four thousand (4,000) dollars.

(6) Period of award. Awards will be made annually for the respective academic year.

(7) Maximum terms of eligibility. A student shall be eligible to receive a scholarship loan for a maximum of four (4) semesters or six (6) quarters.

(8) Award procedures.

(a) The Department shall give priority to eligible renewals. If funds are insufficient to provide full awards to all eligible renewals, then available funds will be prorated among eligible renewals.

(b) Initial applicants will be considered for awards from funds remaining after all renewals have received the maximum eligible award. If funds are insufficient to award all initial applicants, initial recipients will be ranked and selected on the basis of unweighted GPA.

(c) The Department shall notify students and institutions of the students' award eligibility. The notice of eligibility to an initial applicant will provide for the acceptance of the award in the form of a properly executed promissory note, Form OPSP-2, Occupational Therapist or Physical Therapist Scholarship Loan Program Promissory Note (Fixed Rate), which is hereby incorporated by reference and made a part of this rule to become effective April, 1996. A copy of this form may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

(9) Payment of Awards. The Department shall provide for the delivery of funds to students by transmitting the funds each academic term, ~~in the form of an individual warrant payable to each of the enrolled students~~, to the institutions for distribution.

(10) Institutional responsibilities.

(a) Participating institutions shall verify the continued eligibility of awarded students, provide for the disbursement of funds to students, comply with the Department's reporting requirements, and refund to the Department any undisbursed funds.

(b) Institutions shall annually certify to the Department the cost of education and other student aid received.

(c) Within thirty (30) fifteen (15) days of the end of the regular registration period each academic term, the Department shall be notified of the eligibility status of awarded students.

(d) Institutions shall certify disbursements of funds to students, and submit any refunds and cancellations to the Department within sixty (60) days of the end of the institution's regular registration period.

(11) Promissory notes. Upon receipt of the institutions' certification of disbursements to students each academic term, the Department shall enter the disbursed amount on each student's promissory note. A statement, with the amount of loan financed to date, will be mailed by the Department, or its designee, to the borrower at the end of each academic year.

(12) Borrower repayment requirements. The Occupational Therapist and Physical Therapist Scholarship Loan Program shall be repaid either through eligible employment service or repayment in cash.

(13) Cash repayment. A scholarship loan recipient who fails to complete an approved therapist program or who fails to render the required employment service in a Florida public school shall be responsible for repaying the total scholarship loan plus interest and all applicable collection charges. Whether or not provided for in the borrower's promissory note and subject to any limitation on the amount of those costs in that note, the Department shall charge a borrower an amount equal to reasonable costs incurred in collecting a loan. These costs may include, at a minimum, all attorney's fees, collection agency charges, and court costs.

(14) Procedures for applying cash repayments. The Department, or its designee, shall apply a cash repayment to any outstanding collection costs, and to any outstanding interest prior to applying any payment to principal.

(15) Interest rate and accrual. Interest at the annual rate of eight (8) percent shall begin to accrue on the first day of the thirteenth month after the date of completion of an approved therapist program, or after the date of termination of full-time study. Interest shall not accrue during periods of deferment or eligible employment service.

(16) Repayment beginning date and minimum payment due. Repayment of principal and interest shall begin on the first day of the thirteenth month after the date of completion of an approved therapist program or after the date of termination of full-time study, unless otherwise approved by the Department. The Department shall use the expected date of completion reported to the Department by the borrower to establish the repayment schedule unless notified otherwise in writing. The Department, or its designee, upon receipt of notification that a student has completed an approved therapist program or has terminated full-time study, shall provide the student with a repayment schedule based upon the actual date of completion or termination reported, and shall include the total of all loan advances. The minimum monthly payment shall be fifty (50) dollars or the unpaid balance of the aggregate

amount of the loan plus accrued interest, whichever is less. However, in no instance shall the minimum monthly payment be less than the accruing monthly interest.

(17) Maximum repayment period. A scholarship loan, plus interest, shall be paid back within ten (10) years of the date of completion of an approved therapist program or after the date of termination of full-time study. The ten (10) years shall include any approved periods of deferment pursuant to subsection (25) of this rule.

(18) Collection options. In the collection of payment of loan interest and principal due, the Department shall have the authority to use any reasonable method to assist the borrower in repaying the loan. Such procedures include but are not limited to:

(a) Approving forbearances, and offering graduated repayment and income sensitive repayment schedules.

(b) Matching the names of defaulted borrowers with the names of employees of the state, political subdivisions, or local governments.

(c) Withholding of government wages, pursuant to Section 112.175, Florida Statutes, in the event borrowers fail to enter repayment or fail to make scheduled payments.

(d) Assignment of defaulted loans to the Department's designated collection agencies.

(e) Withholding of State of Florida lottery winnings pursuant to Section 24.115(4), Florida Statutes.

(19) Employment service in lieu of cash repayment. In lieu of cash repayments, a recipient who is under full-time contract and employed in a Florida public school shall, within forty-five (45) days of when the eligible employment service begins, submit to the Department, or its designee, Form DNES, Request for Deferment or Notice of Employment Service, which is hereby incorporated by reference and made a part of this rule to become effective July, 1993. A copy of Form DNES may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

(20) Definition of a year of employment. A school year shall be a minimum of one hundred eighty (180) days during the period in which schools are regularly in session, or the equivalent as defined in Section 228.041(16), Florida Statutes. A therapist may be eligible to have allowable interest and principal cancelled upon completion of the following days of eligible employment service during the regular school year: 45-89 days counts for one-fourth a year of eligible employment service; 90-134 days counts for one-half a year of eligible employment service; 135-179 days counts for three-fourths a year of eligible employment service; 180 days counts for one full year of eligible employment service.

(21) Verification of employment service. A therapist shall apply for employment credit for a loan by submitting annually to the Department, within forty-five (45) days of completion of eligible employment service, Form CEMP-1, Employment

Certification, as incorporated by reference in Rule 6A-20.012, FAC. CES, Certification of Employment Service, which is hereby incorporated by reference and made a part of this rule to become effective July, 1993. A copy of Form CEMP-1 CES may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

(22) Employment cancellation provisions. The Department or its designee, upon receipt of Form CES, shall cancel a maximum of two thousand (2,000) dollars of loan principal and accrued interest for each year of eligible employment service that is verified in accordance with the provisions of Subsection (21) of this rule.

(23) Returning promissory notes to borrowers. When a total loan indebtedness is satisfied either by rendering employment service or by cash payment, the Department shall cancel and return the promissory note, Form OPSL-2, to the scholarship loan recipient.

(24) Promissory note cancellation due to death or permanent disability. Scholarship loan promissory notes shall be cancelled by the Commissioner upon receipt of the certificate of death of the scholarship loan recipient or proof of permanent disability which renders the scholarship loan recipient unable to work.

(25) Deferments from repayment and interest accrual. Deferments from repayment and interest accrual may be granted to scholarship loan recipients for full-time attendance at a postsecondary institution, ~~for temporary disability which renders the recipient unable to work,~~ for unemployment when the recipient is conscientiously seeking but unable to secure full-time employment as a therapist in a Florida publicly-funded school, and for economic hardships, which will cover a borrower who earns less than minimum wage or exceeds a federally defined debt-to-income ration, or for other hardship which the Department determines renders the recipient unable to make repayment. A loan recipient may also be eligible for a graduate fellowship deferment, which covers study under an eligible graduate fellowship program, and a rehabilitation training program deferment, which covers a qualified individual's participation in a rehabilitation training program. Deferments may be granted upon request for a total of up to twenty-four (24) months. Any deferment period may not exceed a maximum of one (1) year. To request a deferment, a recipient shall file Form DNES. The Department may request documentation of the conditions supporting the request for deferment. A recipient must notify the Department as soon as conditions for which the deferment was granted no longer exist. Periods of deferment do not extend the maximum repayment period of ten (10) years.

(26) Form DCOR-1 SR, Florida Teacher Programs Student Status Report as incorporated by reference in Rule 6A-20.039, FAC., may be used by scholarship loan recipients to report completion of the approved program of studies, termination of enrollment in an approved program of studies, name and permanent address changes, change of institution, termination of full-time undergraduate enrollment, or to request a reduction in the award amount. A copy of Form DCOR-1 SR, may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

Specific Authority 229.053(1), 240.4041, 240.6072(3), 240.6074(4)(b) FS. Law Implemented 240.404, 240.4042, 240.6071, 240.6072, 240.6074 FS. History—New 2-18-93, Amended 2-15-95, 4-19-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wayne V. Pierson, Chief Financial Officer, Florida Board of Education

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Access Grant for Community College Graduates
RULE NO.: 6A-20.043
PURPOSE AND EFFECT: This rule is recommended for repeal as the implementing authority, Section 240.6055, Florida Statutes, has been repealed. The effect is consistency of rule and statute.

SUMMARY: This rule is 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), 240.4041 FS.

LAW IMPLEMENTED: 240.1201, 240.404, 240.4042, 240.6055 FS.

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

TIME AND DATE: 9:00 a.m., September 10, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeanine Blomberg, Director, Division of Support Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-6023

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.043 Access Grant for Community College Graduates.

Specific Authority 229.053(1), 240.4041, 240.6055(2) FS. Law Implemented 240.1201, 240.404, 240.4042, 240.6055 FS. History—New 3-15-94, Amended 10-18-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne V. Pierson, Chief Financial Officer, Florida Board of Education

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: Base Funding for County Emergency Management Agencies, Emergency Management Competitive Grant Program and Municipal Competitive Grant Program Rule
RULE CHAPTER NO.: 9G-19

RULE TITLES: Definitions 9G-19.002
Competitive Awards Eligibility 9G-19.007
Procedures for Awarding Competitive Grants 9G-19.008
Selection Criteria for Competitive Grants 9G-19-009

PURPOSE, EFFECT AND SUMMARY: Redefinition of certain rules and requirements to allow clarification within the Competitive Grant process. Implementation of the proper revisions and changes that are needed to identify and clarify rule language in areas of concern from past Competitive Grant cycles. These changes will simplify existing language that will make the grant process easier for all parties involved.

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: 252.35, 252.373 FS.

LAW IMPLEMENTED: 252.35, 252.373, 252.38 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: 8:30 a.m. – 10:30 a.m., August 26, 2002

PLACE: Room 120L (Director’s Conference Room), Sadowski Building, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact the Administrative Secretary; Division of Emergency Management, Bureau of Compliance Planning; 2555 Shumard Oak Boulevard, Tallahassee, FL 32399 or call (850)413-9821, Suncom 293-9821, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Debbie Wonsch, Planning Manager, Finance and Logistic Section, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)413-9894 or Suncom 293-9894

THE FULL TEXT OF THE PROPOSED RULES IS:

9G-19.002 Definitions.

(1) through (14) No change.

(15) “Administrative Expenses” for purposes of the competitive grant programs only, means the direct costs of staff managing the project and other direct costs for managing the project, as well as the applicant's indirect rate, if any, applied to those direct costs of management. No more than 5% of the total Emergency Management Preparedness and Assistance program funds awarded for the project may be used for administrative costs as identified herein. The sum total of direct and indirect costs identified herein shall not exceed 5% of the total project costs.

(16) through (22) No change.

(23) “Application,” for purposes of the competitive grant programs only, means the original 15 page summary that will be submitted at or before the published application deadline, and will consist of the transmittal letter, signed title page, table of contents, criteria narrative, and proposed budget only.

(24) “Proposal,” for purposes of the competitive grant programs only, means the full complete presentation inclusive of all attachments or appendix items as referenced or identified in the original application. Applicants who receive notice that they will be receiving an award must submit a complete proposal with all identified documents within presentation that will be completed by all awarded applicants in a specific time frame, to be sent to the Division of Emergency Management with complete documentation.

(25) “Project item(s)” for purposes of the competitive grant programs only, means the item(s) that are identified within the proposed application, which upon submission to the Division of Emergency Management will demonstrate that the project is complete. A complete listing of all applicable items must be submitted with the proposal as identified in subsection 9G-19.002(24), F.A.C.

(26) “Timeline,” for purposes of the competitive grant programs only, means a document outlining the schedule and tasks that the applicant will perform in order to complete the project as identified within the proposed application within the twelve month contract period.

(27) “Critical Facilities” for purposes of the competitive grant programs only, means public hurricane evacuation shelters, emergency operations centers, structures for fire stations, rescue operations, or law enforcement facilities, hospitals, public works facilities, and any similar disaster response facility.

(28) “ARC 4496”, for purposes of the competitive grant programs only, is a publication by the American Red Cross titled Standards for Hurricane Evacuation Shelter Selection (ARC 4496, Rev. January 2002).

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-11-98, 10-11-00,_____.

9G-19.007 Competitive Awards Eligibility.

(1) through (3) No change.

(4) Under the Municipal Competitive Grant Program, each Municipal Emergency Management Program may apply for one competitive grant not to exceed \$50,000. Joint applications by two or more municipalities shall be permitted, however the total award for any municipality application shall be limited to \$50,000.00. Under the Emergency Management Competitive Grant Program, eligible applicants may submit multiple applications, however, no single application shall seek or receive an award in excess of \$300,000. All eligible applicants, with the exception of counties and state agencies ~~Each Florida state or regional planning agency, each private non-profit organization, and each municipality.~~ shall be limited to no more than three (3) application submissions in an application cycle.

(5) through (7) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 10-14-98, 10-11-00,_____.

9G-19.008 Procedures for Awarding Competitive Grants.

(1) through (2) No change.

(3) The Department hereby adopts by reference the Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant Program Application Packet, Form No. 007, June 2002 ~~006, May 2000~~ version, which provides

forms, instructions, and other information necessary for submission of an application for Competitive Grant funds submitted pursuant to section Rule 9G-19.008, F.A.C.

(4) No change.

(5) All applications shall conform to the following requirements, and shall be reviewed for technical conformity in accordance with the following procedures:

(a) All applications shall adhere to the format specified in the Application Packet, Form No. 007, June 2002 ~~006, May 2000~~ Version.

(b) through (e) No change.

(6) No change.

(7) Applications submitted shall be executed by the chief elected official or the chairman of the governing board unless this authority has been delegated to the chief executive officer or other government official, who shall then endorse the application. Evidence of the delegation of authority shall be supplied with the application. If the governmental entity does not have a governing board or chief elected official, then the application shall be executed by the chief administrative officer and evidence of his or her authority to bind the governmental entity shall be supplied with the application. If the Applicant is not a governmental entity, then the application shall be executed by the governing board, or, if there is no governing board, then the application shall be executed by the chief executive officer. If the application is transmitted electronically on-line, it shall be transmitted not later than three (3) days before the published application deadline. ~~A then a~~ hard copy of the title page containing the original authorized signature must be submitted by mail, and must be received by the Division by the published application deadline date.

(8) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-14-98, 10-11-00,_____.

9G-19.009 Selection Criteria for Competitive Grants.

(1) No change.

(2) Applications shall be scored by the review committee independently and the scores shall be totaled and averaged. Thereafter, the committee shall evaluate the scores and ~~adjusting them to~~ arrive at preliminary scores and rankings. Preliminary scores and rankings shall be prepared within each category based upon the total number of points earned with the overall highest number of points determining priority for funding. The review committee shall, within 75 ~~60~~ days of the application deadline date, transmit preliminary scores and rankings to all Applicants, along with any administrative proceeding rights. Final scores and rankings shall be transmitted to all Applicants in writing. Funds shall be offered to the Applicant with the overall highest score, then to the Applicant with the next overall highest score, and so on, until all funds have been offered and accepted, or all eligible

applications have been funded, or insufficient funds remain to fund an eligible project. The Department may offer to fund all or part of the project or all or part of the amount requested in an application. Applicants shall be given 21 days to accept or reject a proposed award. Written notice of acceptance shall be delivered to the Division offices designated in the notice of award along with a complete proposal, revised budget, timeline and a list of project items. In the event that an Applicant fails to accept or reject a proposed award offered for the Emergency Management Competitive Grant Program within the specified time, then the funds offered shall revert to the Trust Fund. In the event that an Applicant fails to accept or reject a proposed award offered for the Municipal Competitive Grant Program within the specified time, then the funds shall be reallocated in accordance with the provisions of subsections Sections 9G-19.006(1)-(3), F.A.C.

(3) through (5) No change.

(6) Applications shall be awarded points and ranked using the following criteria:

(a) through (f) No change.

(g) Extent to which the proposed project addresses an emergency management priority, as identified in the Notice of Fund Availability. [Maximum score 100 points] These points are only available for applications submitted under paragraph 9G-19.009(5)(d), F.A.C.

(7) through (8) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History--New 1-12-94, Amended 6-21-95, 11-13-96, 10-11-98, 10-11-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Debbie Wonsch, Planning Manager, Finance and Logistics Section, Division of Emergency Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Suzanne Adams, Community Program Administrator, Finance and Logistics Section, Division of Emergency Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 5, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE:

RULE NO.:

Basic Training Program Operation

33-601.236

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for recommendation of modification of sentence for inmates who have satisfactorily completed the basic training program for youthful offenders.

SUMMARY: The proposed rule clarifies the process for recommendation of modification of sentence for inmates who have satisfactorily completed the basic training program for youthful offenders.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 958.045 FS.

LAW IMPLEMENTED: 20.315, 944.09, 958.045 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.236 Basic Training Program Operation.

(1) through (4) No change.

(5) Request for Sentence Modification.

(a) Inmates who have satisfactorily completed ~~60 days of~~ the basic training program will be recommended ~~reviewed for consideration for request of~~ sentence modification.

(b) The inmate management plan team ~~basic training program classification officer~~ will recommend a modification of sentence to the court that will include release to community supervision or placement in a community residential facility as a condition of community supervision.

(c) The inmate management plan team ~~basic training program classification officer~~ shall determine which inmates are suitable for community release based upon the inmate's employment, residence, family circumstances, and probation or post-release supervision obligations while under community supervision, and submit the packet to the Bureau of Classification and Central Records, Reception and Youthful Offender Services.

(~~d~~)^e The Bureau of Classification and Central Records Reception and Youthful Offender Services Office shall either approve the inmate management plan team's ~~basic training program classification officer's~~ recommendation, disapprove the recommendation, or refer the matter back to the inmate management plan team ~~basic training program classification officer~~ for additional information.

(~~e~~)^d If approved by the Bureau of Classification and Central Records, the sentence modification package will be sent to the sentencing authority ~~presented to the court~~ for approval or disapproval.

(~~f~~)^e Upon receipt of the court's written action, The Bureau of Classification and Central Records shall review the sentence modification order and clear the inmate for release to community supervision.

~~(6) The IMPT shall develop an alternative post release program or plan within 30 days prior to release for those inmates who will not be placed in a community residential facility. The post release plan shall include the following pursuant to Rule 33-601.504, F.A.C.:~~

- ~~(a) Employment;~~
- ~~(b) Residence;~~
- ~~(c) Family situation; and~~
- ~~(d) Probation or post release supervision.~~
- (6)(7) No change.

Specific Authority 20.315, 944.09, 958.045 FS. Law Implemented 20.315, 944.09, 958.045 FS. History—New 2-26-89, Amended 1-25-96, Formerly 33-27.006, Amended 3-13-01, Formerly 33-506.206, Amended 1-17-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Vaughan
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 5, 2002

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Definitions	40E-8.021
Minimum Flows and Levels Surface Waters for Upper East Coast Planning Area	40E-8.341
Prevention and Recovery Strategies	40E-8.421

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish minimum flows and levels for the St. Lucie River & Estuary, in accordance with Chapter 373, Florida Statutes.

SUMMARY: The proposed rule establishes minimum flows and levels (“MFLs”) for the St. Lucie River & Estuary identifying when further withdrawals would cause significant harm to the water resources and ecology of the area. The MFLs are established using best available information. The Technical Documentation to Support Development of Minimum Flows and Levels for the St. Lucie River and Estuary is available on the District’s website at www.sfwmd.gov/org/wsd/mfl/index.html.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 373.042, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.036, 373.0361, 373.042, 373.0421 FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE LISTED BELOW.

TIME AND DATE: 8:30 a.m., September 12, 2002

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

Although Governing Board meetings, hearings, and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For technical issues contact: Winnie Said (internet: wsaid@sfwmd.gov), South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294, or (561)682-6294.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-8.021 Definitions.

Part III: MFL Criteria for Lower West Coast Regional Planning Area and MFL Criteria for Upper East Coast Regional Planning Area

40E-8.421 Minimum Flows and Levels: Surface Waters

Part IV: Implementation

40E-8.421 Prevention and Recovery Strategies

40E-8.021 Definitions.

The terms set forth herein shall have the meanings ascribed to them, unless the context clearly indicates otherwise, and such meanings shall apply throughout the rules contained in this Chapter. The terms defined in Rule 40E-8.021, F.A.C., shall apply throughout the District’s consumptive use permit rules. In the event of a conflict or difference between the definitions contained in Rule 40E-8.021, F.A.C., and the definitions set forth in other District rules, the definitions in this Rule 40E-8.021, F.A.C., shall control for purposes of this chapter.

(1) through (22) No change.

(23) St. Lucie River North Fork – means the surface waters that extend from the Gordy Road Bridge structure (state plane coordinates, x851212.831, y1116105.7470), combined with tributary contributions below Gordy Road and collectively flow south to the confluence with the C-24 canal (state plane coordinates, x873.712.20, y1064.390.41).

(24) St. Lucie River South Fork – means the surface waters that extend from the culverts located at state plane coordinates x902,512.67, y1,001,799.91, north to the confluence of the river and the St. Lucie Canal (C-44).

(25) St. Lucie Estuary – means the surface water body south of the confluence of the St. Lucie River North Fork and C-24, north of the confluence of the St. Lucie River South Fork and C-44, and west of the western boundary of the Intracoastal Waterway, exclusive of canals.

(26)(23) Serious Harm – means the long-term loss of water resource functions, as addressed in Chapters 40E-21 and 40E-22, F.A.C., resulting from a change in surface or ground water hydrology.

(27)(24) Significant Harm – means the temporary loss of water resource functions, which result from a change in surface or ground water hydrology, that takes more than two years to recover, but which is considered less severe than serious harm. The specific water resource functions addressed by a MFL and the duration of the recovery period associated with significant harm are defined for each priority water body based on the MFL technical support document.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History–New 9-10-01, Amended

PART III: MFL CRITERIA FOR LOWER WEST COAST REGIONAL PLANNING AREA AND MFL CRITERIA FOR LOWER EAST COAST REGIONAL PLANNING AREA

40E-8.341 Minimum Flows and Levels Surface Waters for Upper East Coast Planning Area.

St. Lucie Estuary – mean monthly flows to the St. Lucie Estuary should not fall below 28cfs from the Gordy Road structure to the St. Lucie River North Fork for two consecutive months during a 365-day period, for two consecutive years.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History–New

PART IV: IMPLEMENTATION

40E-8.421 Prevention and Recovery Strategies.

(1) through (5) No change.

(6) St. Lucie River and Estuary. The following is the prevention strategy for the St. Lucie River and Estuary:

(a) Discharges from the North Fork will be managed within the operational protocols of the Ten Mile Creek Project scheduled to be completed by 2004. Flow targets will be consistent with the CERP performance requirements for Indian River Lagoon.

(b) A research and monitoring strategy for the North and South Forks of the St. Lucie River will be developed and implemented in coordination with the Upper East Coast Regional Water Supply Plan update.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History–New 9-10-01, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew Morrison, Director, Water Supply Planning and Development

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 24, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Abandonment of Applications

RULE NO.: 61G4-12.0065

PURPOSE AND EFFECT: The Board is creating text for a rule to address the subject of Abandonment of Applications to address situations where applications have been abandoned.

SUMMARY: This rule gives a time limit of ninety (90) days of the date of the original notice of deficiencies for an application to be completed or it will be considered abandoned. An abandoned application cannot be reinstated, a new application would have to be filed.

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: 489.111, 489.115, 489.119, 455.213 FS.

LAW IMPLEMENTED: 489.111, 489.115, 489.119, 489.1195, 455.213 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: Robert A. Crabill, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.0065 Abandonment of Applications.

(1) The Board shall consider a certification or registration application to be abandoned whenever an applicant fails to complete an application within ninety (90) days of the date of the original notice of deficiencies.

(2) An abandoned application shall not be reinstated; however, the applicant may file a new application accompanied by the required fee.

Specific Authority 489.111, 489.115, 489.119, 455.213 FS. Law Implemented 489.111, 489.115, 489.119, 489.1195, 455.213 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-23R

RULE CHAPTER TITLE: Stationary Sources – General Requirements
RULE CHAPTER NO.: 62-210

RULE TITLE: Forms and Instructions
RULE NO.: 62-210.900

PURPOSE AND EFFECT: The Department is proposing to expand the scope of the application for air permit (DEP Form 62-210.900(1)) to accommodate air operation permit renewal for Title V sources and initial air operation permitting for sources assuming federally enforceable restrictions to stay below federal regulation applicability thresholds, and to clarify form use for major-source air construction permitting. In addition, the Department is proposing to update the Application for Acid Rain Part (DEP Form 62-210.900(1)(a)) in accordance with the U.S. Environmental Protection Agency’s recent updates to the corresponding federal Acid Rain Program form.

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 Nursing Home Administrators

RULE TITLE: Examination Review Procedures
RULE NO.: 64B10-11.004

PURPOSE AND EFFECT: Pursuant to Rule 64B-1.013, F.A.C., this rule is outdated and duplicitous.

SUMMARY: Repeal of the Board’s examination review rule as the procedure is set forth in Department of Health Rule 64B-1.013, F.A.C.

SPECIFIC AUTHORITY: 456.017(2), 468.1685 FS.

LAW IMPLEMENTED: 456.017(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.004 Examination Review Procedures.

Specific Authority 456.004(5), 456.017(2), 468.1685 FS. Law Implemented 456.004(5), 456.017(2) FS. History–New 12-26-79, Amended 6-14-82, Formerly 21Z-11.04, Amended 3-15-90, Formerly 21Z-11.004, 61G12-11.004, Amended 9-13-95, Formerly 59T-11.004, Amended 8-11-99, 5-15-00, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

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

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Reexamination Fee
RULE NO.: 64B10-12.003

PURPOSE AND EFFECT: Pursuant to Rule 64B-1.016, this rule is outdated and duplicitous.

SUMMARY: This rule is no longer necessary as the Department of Health has determined to set forth the fees.

SPECIFIC AUTHORITY: 456.017(2), 468.1685 FS.

LAW IMPLEMENTED: 456.017(2), 465.1695 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.003 Reexamination Fee.

Specific Authority 456.004(5), 456.017(2), 468.1685 FS. Law Implemented 456.004(5), 456.017(2), 465.1695 FS. History–New 12-26-79, Amended 6-14-82, Formerly 21Z-12.03, Amended 1-22-90, Formerly 21Z-12.003, 61G12-12.003, Amended 2-13-95, Formerly 59T-12.003, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

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

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

DEPARTMENT OF HEALTH

School Psychology

RULE TITLE: RULE NO.:

Renewal of Inactive License 64B21-503.003

PURPOSE AND EFFECT: This rule is being repealed due to comments from staff at the Joint Administrative Procedures Committee.

SUMMARY: The repeal of this rule is necessary as there is no statutory authority.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 120.53(1) FS.

LAW IMPLEMENTED: 490.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-503.003 Renewal of Inactive License.

Specific Authority 120.53(1) FS. Law Implemented 490.008 FS. History--New 3-13-85, Formerly 21U-503.03, Amended 8-12-92, Formerly 21U-503.003, 61E9-503.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kaye Howerton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2002

DEPARTMENT OF HEALTH

Division of Disease Control

RULE TITLES: RULE NOS.:

Patient Treatment and Follow-up 64D-3.024

Execution of Certificate for Involuntary Hold 64D-3.026

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to delete sections which exceed authority or duplicate language in the Florida Statutes.

SUMMARY: The proposed rule amendments delete language in the areas of the evaluation, examination, and treatment to cure for tuberculosis patients, the counseling of tuberculosis patients and the execution of a Certificate of Involuntary Hold for patients who may pose a threat to the public health.

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

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

SPECIFIC AUTHORITY: 381.011(4), 381.011(13), 381.003(2), 392.64(1), 392.66 FS.

LAW IMPLEMENTED: 381.011, 381.003(1)(a), 392.55(2), 392.55(3), 392.56, 392.565, 392.59, 392.61, 392.62, 392.64 FS.

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

TIME AND DATE: 10:00 a.m., September 4, 2002

PLACE: Department of Health, Bureau of TB and Refugee Health, Room 240G, 2585 Merchant's Row Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jane Peck, Bureau of Tuberculosis and Refugee Health, 2585 Merchant's Row Blvd., Suite 240, Tallahassee, FL 32399-1717

THE FULL TEXT OF THE PROPOSED RULES IS:

64D-3.024 Patient Treatment and Follow-up.

~~(1) All persons who have reason to believe that they have tuberculosis, whether they are residents of Florida or not, are entitled to evaluation and examination at county health departments. All persons who have been verified by a physician licensed under Chapter 458 or 459, F.S., to have active tuberculosis disease, are entitled to treatment to cure, at a county health department facility. No person shall be denied treatment because of an inability or refusal to pay for treatment.~~

~~(2) Evaluation, examination, and treatment to cure for tuberculosis shall be in accordance with the guidelines of the department, "Treatment of Tuberculosis (TB) Disease, Technical Assistance: TB-6, March 1998" included in the County Health Department Guidebook, incorporated by reference in this rule, and in accordance with the guidelines of the American Thoracic Society (ATS) and the Centers for Disease Control and Prevention, "Treatment of Tuberculosis and Tuberculosis Infection in Adults and Children, 1994, incorporated by reference in this rule.~~

~~(1)(3) An individualized treatment plan shall be prescribed by the department, its authorized representatives, or physicians licensed under Chapters 458 or 459 for each person in their care who has suspected or confirmed active tuberculosis. The treatment plan must include all items required under s. 392.61(2)(e) and 392.64(1), F.S., and be consistent with the standard TB treatment form, "TB Medical Report and Treatment Plan", DH Form 1173, 02/98, which is incorporated by reference in this rule. The treatment plan form shall be~~

provided by the local county health department to any physician who is caring for a person with suspected or confirmed active tuberculosis.

(2)(4) Each treatment plan shall be implemented through a case management approach as defined in the guidelines, "Tuberculosis (TB) Case Management/Team Approach, Technical Assistance: TB 1, February 1998" included in the County Health Department Guidebook and incorporated by reference in this rule.

(3)(5) The county health department shall provide a complete explanation of tuberculosis, the medical risks associated with tuberculosis, the need to comply with the prescribed course of the treatment plan, and the consequences of non-compliance with the treatment plan to each patient suspected or proven to have tuberculosis, to the patient's legal guardian or to the patient's caregiver. The explanation shall be culturally, developmentally, educationally and linguistically appropriate and tailored to the understanding of the patient, the patient's legal guardian or the patient's caregiver.

~~(6) Following an explanation of the treatment plan, the patient, the patient's legal guardian or the patient's caregiver shall be asked by the county health department to sign an acknowledgment of Tuberculosis Counseling", DH Form 1179, 01/98, which is incorporated by reference in this rule and shall be provided by the county health department. The purpose of this form is to document that information on tuberculosis has been provided to the patient, that the patient understands the seriousness of the disease including its public health implications, the need to be examined and treated, the need to comply with the treatment plan and the consequences of non-compliance with the treatment plan. If the patient, the patient's legal guardian, or the patient's caregiver refuses to sign the form, this refusal shall be documented on the form.~~

Specific Authority 381.0011(13), 381.003(2), 392.64(1), 392.66 FS. Law Implemented 381.0011, 381.003(1)(a), 392.55(2), 392.55(3), 392.56(2)(b), 392.59, 392.61, 392.64(1) FS. History—New 9-18-98, Amended _____.

64D-3.026 Execution of the Certificate of Involuntary Hold.

(1) through (4) No change.

(5) Facsimile copies of the certificates for involuntary hold shall satisfy the filing requirement for petitions under s. 392.55 or s. 392.56, F.S. The Medical Executive Director of A.G. Holley State Hospital shall send the signed "Order for Involuntary Hold" by facsimile to the treating physician who requested issuance of the order.

~~(6) The treating physician requesting the issuance of the an Order for Involuntary Hold shall notify the sheriff in the county where the certificate was issued. The treating physician shall also notify the county health department in the county where the certificate was issued.~~

(7) The "Certificate of the Physician Pursuant to Section 392.565, F.S., Requesting an Order for Involuntary Hold and Petition for Emergency Hearing" together with the "Order for

~~Involuntary Hold" shall constitute a petition under s. 392.55, F.S., or s. 392.56, F.S. The Medical Executive Director of A.G. Holley must be notified of the date of the hearing.~~

Specific Authority 381.0011(4),(13), 381.003(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1)(a), 392.55, 392.56, 392.565, 392.59, 392.62, 392.64(2) FS. History—New 9-17-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jane Peck

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Landis K. Crockett, M.D., M.P.H.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-193.065
RULE TITLE: Forms Incorporated by Reference
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 41, October 13, 2000, of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF INSURANCE

RULE NOS.: 4-203.042, 4-203.045, 4-203.100
RULE TITLES: Filing, Approval of Subscriber Contract and Related Forms Rates Prescribed Forms
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, of the Florida Administrative Weekly on May 31, 2002. These changes are technical.

Paragraph (b) of subsection (2) of Rule 4-203.042 has been changed to cross-reference Rule 4-149.022, F.A.C., rather than to adopt the forms again in this rule.

It shall now read as follows:

(b) Form DI4-1507, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter, "completely filled out in accordance with Form DI4-1507A, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet," which have been adopted by Rule 4-149.022, F.A.C.

Paragraph (b) of subsection (8) of Rule 4-203.045 has been changed to cross-reference Rule 4-149.022, F.A.C., rather than to adopt the forms again in this rule. It shall now read as follows:

(b) Form DI4-1507, “The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter, “completely filled out in accordance with Form DI4-1507A, “The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet,” which have been adopted by Rule 4-149.022, F.A.C.

The proposed changes to Rule 4-203.100 that would have adopted Forms DI4-1507 and DI4-1507A by reference have been eliminated. There are no changes to Rule 4-203.100, F.A.C.

The remainder of the rules read as previously published.

DEPARTMENT OF INSURANCE

RULE NO.: RULE TITLE:
4-231.150 Criminal Proceedings

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 44, November 2, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

Subparagraph (1)(c)2. is changed to read:

2. If the conduct indirectly involves dishonesty or breach of trust such as mishandling or misappropriation of money, the penalty shall be a 12 month suspension.

Subparagraph (1)(d)2. is changed to read:

2. If the conduct indirectly involves dishonesty or breach of trust such as mishandling or misappropriation of money, the penalty shall be a 12 month suspension.

The remainder of the reads as previously published.

DEPARTMENT OF INSURANCE

Division of Insurer Fraud

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4K-1	Anti-Fraud Reward Program
RULE NOS.:	RULE TITLES:
4K-1.001	Purpose and Scope
4K-1.002	Application Process
4K-1.003	Review Process and Reward Criteria
4K-1.004	Reward Disbursement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 8, February 23, 2001, of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-24.006 Probation

NOTICE OF CORRECTION

The Florida Real Estate Commission announces a correction to the Notice of Proposed Rule Development regarding Rule 61J2-24.006, F.A.C., which appeared in the July 19, 2002 issue of the Florida Administrative Weekly.

Specifically, the portion of the notice regarding the hearing date should read:

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, August 21, 2002.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: RULE TITLE:
64B2-16.0075 Citations

NOTICE OF CHANGE

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

The rule shall now read as follows:

64B2-16.0075 Citations.

(1) through (2) No change.

(3) The Board designates the following as citation violations, which shall result in a penalty of five hundred dollars (\$500.00) if the citation is accepted by the licensee:

(a) through (b) No change.

(c) Failure to review and correct any factual inaccuracies in the practitioner profile within 30 days of when furnished based upon any information provided by the practitioner, s. 460.413(1)(i), 456.041(7), 456.042, F.S.

(d) through (g) No change.

(4) through (9) No change.

Specific Authority 456.077, 460.405 FS. Law Implemented 456.035, 456.072(3), 456.073 FS. History--New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00,_____.

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-12.001 Disciplinary Guidelines

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. 25, June 21, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on October 19, 2001.

The rule shall now read as follows:

64B3-12.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. For applicants, all violations are sufficient for refusal to certify an application for licensure. For registrants or licensees, the imposition of probation as a penalty shall ordinarily require compliance with conditions such as restitution, continuing education and/or training, indirect or direct supervision by a Board-approved monitor, restrictions on practice, submission of reports, appearances before the Board, and/or hours of community service. As appropriate, such conditions of probation also shall be required following any period of suspension. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In imposing discipline pursuant to Section 120.57(1) and (2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty as authorized by Section 456.072(2), Florida Statutes, within the range corresponding to the violations set forth below. Offense identifications are descriptive only; the full language of each statutory provision must be considered in order to determine the conduct included.

(a) 483.825(1)(a) or 456.072(1)(h): Attempting to obtain, obtaining, or renewing a license or registration under this part by bribery; – from a minimum fine of \$500 and/or up to two years of probation to a maximum of revocation. After the first offense, from a minimum fine of \$5,000 up to a maximum fine of \$10,000 and/or revocation.

Fraudulent misrepresentation – from six months probation and a fine of \$10,000 to a maximum of revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and revocation.

Error of the Department or the Board: – from a minimum letter of concern and/or a \$500 fine up to a maximum of suspension for one year followed by two years of probation and a fine of \$5,000. For a second offense, from a minimum fine of \$3,000 to revocation of license. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

(b) 483.825(1)(b): Engaging in or attempting to engage in, or representing oneself as entitled to perform, any clinical laboratory procedure or category of procedures not authorized pursuant to the license; – from a minimum fine of \$300 and/or one year of probation to a maximum fine of \$5,000 and/or two years of probation. After the first offense, from a minimum

fine of \$1,000 and/or two years of probation to a maximum fine of \$10,000 and/or revocation, however, regardless of whether it is an initial or repeat occurrence, if the violation is for fraud or knowingly making a false or fraudulent representation, the fine portion of the discipline imposed shall be \$10,000 per count or offense.

(c) through (w) No change.

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. If the Board finds aggravating factors, the Board shall impose a more severe action against the license and a higher administrative fine. If the Board finds mitigating factors, the Board shall impose a less severe action against the license and a lower administrative fine. The Board shall consider as aggravating or mitigating factors the following:

(a) The positive or negative intentions or motivations surrounding the Respondent’s actions or failure to act.

(b) through (g) No change.

(4) through (6) No change.

Specific Authority 456.079, 483.805(4) FS. Law Implemented 456.072, 456.079, 483.825, 483.827 FS. History—New 8-3-93, Formerly 61F3-12.001, Amended 2-7-95, 5-3-95, 12-4-95, Formerly 59O-12.001, Amended 3-19-98, 9-20-98.

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.:	RULE TITLE:
64B33-1.005	Exemption for Spouses of Members of the Armed Forces

CORRECTED 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. 26, No. 25, June 23, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 5, 2002.

The rule shall now read as follows:

64B33-1.005 Exemptions for Spouses of Members of the Armed Forces.

A licensee who is a spouse of a member of the Armed Forces of the United States is exempt from licensure renewal provisions for any period of time that the licensee is absent from the State of Florida due to the spouse’s duties with the Armed Forces. The licensee must document the absence and the spouse’s military status to the Board.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Tallahassee, Florida 32399

**Section IV
Emergency Rules**

NONE

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

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on July 23, 2002, from the City of Midway. The petitioner seeks a waiver of Rule Chapter 9B-43, Fla. Admin. Code, as it applies to the rejection of petitioner’s Community Development Block Grant application for failure to conform to the publication requirements of that Rule Chapter. This petition for waiver is being applied for under Chapter 120.542, Fla. Stat.; Chapter 28-104.004, Fla. Admin. Code.

A copy of the Petition, which has been assigned the number DCA02-WAI-217, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Florida Power Corporation’s petition for waiver of Rules 25-17.0832(4)(e)5. and 25-17.0832(4)(e)7., Florida Administrative Code, filed April 2, 2002, in Docket No. 020295-EQ, was approved by the Commission at its June 16, 2002 Agenda. Order No. PSC-02-0909-PAA-EQ, issued July 8, 2002, memorialized the decision. Rule 25-17.0832(4)(e)5., Florida Administrative Code, requires a standard offer contract’s open period to terminate prior to its issuance of a notice of Request for Proposals based on the standard offer contract’s avoided unit. Rule 25-17.0832(4)(e)7., Florida Administrative Code, requires standard offer contracts to have a minimum term of ten years. The petition was approved on the basis that the purpose of the underlying statutes would be achieved by other means and the application of the rules would create a substantial hardship. Notice of the petition was published in the Florida Administrative Weekly on April 19, 2002.

A copy of the Order can be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or the Commission’s Homepage at <http://www.floridapsc.com>.

For additional information, please contact Lorena A. Holley, Senior Attorney, Office of General Counsel, at the above address or telephone (850)413-6199.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on July 22, 2002, South Florida Water Management District (District) received a petition for waiver from Coconut Key Homeowner’s Association, for utilization of Works or Lands of the District known as the C-14 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 40 feet of the top of canal bank within Works or Lands of the District, to allow existing landscaping to remain.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: 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 2002-97 DAO-ROW), on June 13, 2002, to the Seminole Tribe of Florida. The petition for waiver was received by the SFWMD on April 9, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 18, on May 3, 2002. No public comment was received. This Order provides a waiver for proposed installation of 103± linear feet of guardrail within the east 5 feet of the west right of way of L-28I, at the end of Henry Osceola Drive, Section 12, Township 48 South, Range 33 East, Hendry 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 Seminole Tribe of Florida from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-104 DAO-ROW), on July 11, 2002, to the Florida Department of Transportation. The petition for waiver was received by the SFWMD on April 30, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 21, on May 24, 2002. No public comment was received. This Order provides a waiver to allow construction of traffic barrier walls, sidewalk sections and curb and gutter along portions of State Road 80 in conjunction with the Florida Department of Transportation State Road 80 Turnpike to Haverhill Road Improvement Project all within the north right of way of C-51, Sections 32, 33, 34 and 35, Township 43 South, Range 42 East, Palm Beach County. Specifically, the Order grants a waiver from subsection 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 significantly 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 Florida Department of Transportation from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-105 DAO-ROW), on July 11, 2002, to

Wolfgang and Stacey Dilzer. The petition for waiver was received by the SFWMD on April 8, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 16, on April 19, 2002. No public comment was received. This Order provides a waiver to allow existing trees and a fence enclosure to remain within the north right of way of C-8 Extension at the rear of 16403 Lochness Lane, Miami Lakes, Section 14, Township 52 South, Range 40 East, 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 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 significantly 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 Wolfgang and Stacey Dilzer from a violation of the principles of fairness.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-106 DAO-ROW), on July 11, 2002, to Frank A. Miceli. The petition for waiver was received by the SFWMD on April 26, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 19, on May 10, 2002. No public comment was received. This Order provides a waiver for the placement of a proposed dock with 2 boat lifts and water and electrical service within the south right of way of C-16, located immediately northeast of 630 North Road, Section 22, Township 45 South, Range 43 East, Palm Beach County. Specifically, the Order grants a waiver from 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 docking facilities within an area 250' downstream of the discharge end of a District Water Control Structure 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 significantly 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 Frank A. Miceli from a violation of the principles of fairness.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-107 DAO-ROW), on July 11, 2002, to Carlos and Dianne Llerandi. The petition for waiver was received by the SFWMD on April 24, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 19, on May 10, 2002. No public comment was received. This Order provides a waiver for relocation of an existing cross fence within the west right of way of C-100C, located at the rear of 7925 S.W. 141st Terrace, Section 22, Township 55 South, Range 40 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 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 significantly 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 Carlos and Dianne Llerandi from a violation of the principles of fairness.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-108 DAO-ROW), on July 11, 2002, to Felipe & Carmen D. Martinez. The petition for waiver was received by the SFWMD on April 25, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 19, on May 10, 2002. No public comment was received. This Order provides a waiver to

allow an existing fence enclosure to remain within the District's C-4 staging area located immediately west of and adjacent to 13452 S.W. 6th Street, C-4 Canal, Section 2, Township 54 South, Range 39 East, Miami-Dade County. Specifically, the Order grants a waiver from 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/or semi-permanent above-ground facilities within the District's equipment staging areas 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 significantly 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 Felipe & Carmen D. Martinez from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-109 DAO-ROW), on July 11, 2002, to Elliott and Janet Fox. The petition for waiver was received by the SFWMD on March 27, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 16, on April 19, 2002. No public comment was received. This Order provides a waiver to allow an existing cross fence with vehicular gate and pedestrian walkthrough within the north right of way of C-2, at the rear of 5800 S.W. 87th Street, Section 36, Township 54 South, Range 40 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 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 significantly 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 Eliot and Janet Fox from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-110 DAO-ROW), on July 11, 2002, to the Florida Department of Transportation. The petition for waiver was received by the SFWMD on March 3, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 21, on May 24, 2002. No public comment was received. This Order provides a waiver for replacement of existing dual LeJeune Road Bridges, construction of four fly-over bridges and installation of a 42" outfall structure within the northerly right of way of C-4, in conjunction with the Miami Intermodal Center Program, Section 29, Township 53 South, Range 41 East, Miami-Dade County. Specifically, the Order grants a waiver from 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 minimum low member elevation of pile-supported facilities located 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 significantly 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 Florida Department of Transportation from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or e-mail: jsluth@sfwmd.gov.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT the Department of the Lottery has received a Petition for Waiver of Rule 53ER02-12(5), F.A.C., *Procedures for Awarding Prizes*, from the following petitioner:

Petitioner	Date Filed
------------	------------

Barbara J. Greene, Port St. Lucie, Florida	July 25, 2002
--	---------------

Emergency Rule 53ER02-12, F.A.C, sets forth the provisions for payment of prizes to players.

A copy of the Petition can be obtained from: Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP received on June 21, 2002, a petition from CSX Transportation, (Lakeland Facility, FDEP #538624364) for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S.

The 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."

DEP received on June 21, 2002, a petition from CSX Transportation, (Lakeland Facility, FDEP #538624364) for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S.

The 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."

DEP received on June 4, 2002, a petition from ATOFINA Petrochemicals, Inc., (Facility ID# 378510372, Fina Store No.6624) for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. On July 11, 2002, the Department partially granted this petition.

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

NOTICE IS HEREBY GIVEN that the Board of Massage Therapy issued a Final Order on July 25, 2002 in response to a petition for a variance filed by Dorothy Froemming. Petitioner sought a variance of Rule 64B7-29.003 with respect to the apprenticeship training program requirements.

The Board found the Petitioner met the requirements of Section 120.542(2), F.S. and thereby voted to GRANT Petitioner's request for a variance.

For a copy of the petition, contact Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

The Board of Optometry hereby gives notice that it has issued an order denying the petition filed on behalf of Kelly Dee Anderson, seeking an emergency temporary waiver from Rule 64B13-4.004(2), F.A.C. The Board's order, filed on July 17, 2002, denies the Petition finding that the purpose of the underlying statute would not be met if the Board were to have to approve applications without allowing sufficient time to

thoroughly review every applicant's credentials. The Board also found that the application of the rule did not affect the Petitioner significantly differently than it affected other similarly situated persons, nor did the application of the rule violate the principles of fairness.

A copy of the Board's order may be obtained by contacting: Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

The Board of Psychology hereby gives notice that it has received a petition from Denise Crammer seeking a waiver or variance of Rule 64B19-11.001(4)(b) and (c) on July 26, 2002 with regard to the time limit for keeping an application open. Comments on this petition should be filed with Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For additional information, contact: Kaye Howerton, Executive Director, Board of Psychology, at above address or telephone (850)245-4374.

The Board of Psychology hereby gives notice that it has received a petition from Jessica A. Caruso seeking a waiver or variance of Rule 64B19-11.005(1)(c) on July 24, 2002 with regard to the definition of supervisor. Comments on this petition should be filed with Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For additional information, contact: Kaye Howerton, Executive Director, Board of Psychology, at above address or telephone (850)245-4374.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on July 30, 2002, Florida Housing Finance Corporation received a Petition for Waiver of 67-21.006(18), F.A.C., from Sheridan Place of Bradenton ("Petitioner"). The Petitioner seeks relief from R. 67-21.006(18), Florida Admin. Code, which requires that the Borrower's financial statements be audited, for the project's initial year.

A copy of the Petition can be obtained from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: August 27, 2002, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Office of International Affairs** announces a public meeting to which all persons are invited.

COMMITTEE: Sister Cities Special Project Grant Program Review Panel

DATE AND TIME: Wednesday, August 28, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: The Florida Department of State, Office of International Affairs, The Capitol, Suite 1902, 400 S. Monroe Street, Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and make recommendations regarding the applications received for the Sister Cities Special Project Grant Program.

A copy of the agenda may be obtained by writing: Office of International Affairs, The Capitol, Room 1902, Tallahassee, Florida 32399-0250 or by calling Melissa Moon, (850)414-1727.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meetings, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Office of International Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the agency at least 48 hours before the meeting by contacting Melissa Moon, (850)414-1727.

The **Department of State, Office of International Affairs** announces a public meeting to which all persons are invited.

COMMITTEE: International Educational Linkage Institute Program Grant Review Panel

DATE AND TIME: Wednesday, September 4, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Florida Department of State, Office of International Affairs, The Capitol, Suite 1902, 400 S. Monroe Street, Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and make recommendations regarding the applications received for the International Educational Linkage Institute Grant Program.

A copy of the agenda may be obtained by writing: Office of International Affairs, The Capitol, Room 1902, Tallahassee, Florida 32399-0250 or by calling Melissa Moon, (850)414-1727.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meetings, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Office of International Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the agency at least 48 hours before the meeting by contacting Melissa Moon, (850)414-1727.

The **Department of State, Division of Historical Resources** announces a public Historic Marker teleconference meeting to which all persons are invited.

DATE AND TIME: Thursday, August 29, 2002, 10:00 a.m.

PLACE: R. A. Gray Building, Room 409, 500 S. Bronough Street, Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review Historic Marker applications.

A copy of the agenda may be obtained by writing: Florida State Historic Marker Program, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, FL 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

“Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.”

The **Friends of the Knott House**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 10, 2002, 10:00 a.m.

PLACE: The Knott House, 301 E. Park Avenue, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: First general meeting of the Board of Directors to conduct business, including ratification of the Corporate Resolution, Adoption of the Bylaws, and Selection of the Officers.

A copy of the agenda may be obtained by writing: Patsy B. McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6413.

Should any person wish to appeal any decision made with respect to the above-mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Rule 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Friends of the Mission San Luis**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 10, 2002, 2:00 p.m.

PLACE: R. A. Gray Building, Director’s Conference Room, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: First general meeting of the Board of Directors to conduct business, including ratification of the Corporate Resolution, Adoption of the Bylaws, and Selection of the Officers.

A copy of the agenda may be obtained by writing: Patsy B. McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6413.

Should any person wish to appeal any decision made with respect to the above-mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Rule 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Friends of the Old Florida Capitol**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 11, 2002, 10:00 a.m.

PLACE: R. A. Gray Building, Director’s Conference Room, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: First general meeting of the Board of Directors to conduct business, including ratification of the Corporate Resolution, Adoption of the Bylaws, and Selection of the Officers.

A copy of the agenda may be obtained by writing: Patsy B. McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6413.

Should any person wish to appeal any decision made with respect to the above-mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Rule 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Friends of Historic Properties and Museums, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 11, 2002, 2:00 p.m.

PLACE: R. A. Gray Building, Director's Conference Room, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: First general meeting of the Board of Directors to conduct business, including ratification of the Corporate Resolution, Adoption of the Bylaws, and Selection of the Officers.

A copy of the agenda may be obtained by writing: Patsy B. McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6413.

Should any person wish to appeal any decision made with respect to the above-mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Rule 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Friends of the Museum of Florida History, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 11, 2002, 6:30 p.m.

PLACE: R. A. Gray Building, Director's Conference Room, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: First general meeting of the Board of Directors to conduct business, including ratification of the Corporate Resolution, Adoption of the Bylaws, and Selection of the Officers.

A copy of the agenda may be obtained by writing: Patsy B. McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6413.

Should any person wish to appeal any decision made with respect to the above-mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Rule 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Florida Historical Commission** announces four public meetings to which all persons are invited.

DATES AND TIME: Monday, September 16, 2002; Tuesday, September 17, 2002; Wednesday, September 18, 2002; Thursday, September 19, 2002, 9:00 a.m.

PLACE: R. A. Gray Building, Auditorium, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Florida Historical Commission and to review applications submitted to the Bureau of Historic Preservation by May 31, 2002, for Special Category grant assistance for historic preservation projects, and to recommend priority ranking and funding levels for grant awards.

A copy of the agenda may be obtained by writing: Mr. Robert C. Taylor, Historic Preservationist Supervisor, Bureau of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation by telephone at (850)245-6333 or by Fax (850)245-6437.

The **Department of State, Division of Library and Information Services** announces a meeting of the Florida Library Literacy Advisory Council.

DATE AND TIME: Tuesday, August 27, 2002, 10:00 a.m. (Eastern Time)

PLACE: The State Library of Florida, R. A. Gray Building, First Floor, Boardroom, 500 South Bronough Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review Florida Library Literacy Grant applications and make funding recommendations.

A copy of the agenda may be obtained by contacting: Amy Johnson, (850)245-6622 or Suncom 205-6600.

Any person deciding to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings, and that for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations due to a disability should contact the agency at least five days prior to the meeting in order to request any special assistance by calling Amy Johnson, (850)245-6622, Suncom 205-6600, or TDD (850)922-4085.

The **Department of State, Division of Cultural Affairs** announces a public meeting, via conference call, to which all persons are invited.

DATE AND TIME: August 20, 2002, 1:30 p.m. – Conclusion
PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cultural Support Grants Evaluation Task Force.

For more information, please contact: Todd Warlik, Grants Specialist, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32303, (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review.

To request special aids or services, contact the Division staff, 72 hours prior to the above stated schedule at (850)487-2980 or TT (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Ad Hoc Committee to Review State Commissions on the Status of Women of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Tuesday, August 20, 2002, 10:00 a.m.
PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Bylaws Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Tuesday, August 20, 2002, 3:00 p.m.
PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, August 21, 2002, 10:00 a.m.
PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Women’s Hall of Fame Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, August 21, 2002, 3:00 p.m.
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

PLACE: Please call (850)414-3300 for instructions on participation

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF BANKING AND FINANCE

The Florida **Board of Funeral and Cemetery Services** announces a telephone conference Board Meeting and all persons are invited to attend.

DATE AND TIME: September 12, 2002, 9:00 a.m. – 10:30 a.m.

PLACE: Telephone conference
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the 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.

To obtain further information on how to participate contact: Frances Restifo, Administrative Assistant II, Division of Securities and Finance, 101 East Gaines St., Fletcher Bldg., Room 649B, Tallahassee, FL 32399-0350, (850)410-9853. An agenda will be available seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The Florida **Board of Funeral and Cemetery Services** announces a public Rules Committee Meeting and all persons are invited to attend.

DATE AND TIME: September 12, 2002, 10:30 a.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of Board Rules 3F-9.003, 3F-11.001, 3F-11.002, 3F-11.003, 3F-12.001, 3F-13.001, 3F-13.002, 3F-13.003, 3F-13.004, F.A.C., and other business as necessary.

PLACE: Fletcher Building, Room 547, 101 E. Gaines Street, Tallahassee, FL

To obtain further information and to obtain a copy of the agenda contact: Frances Restifo, Administrative Assistant II, Division of Finance, 101 East Gaines St., Fletcher Bldg., Room 649B, Tallahassee, FL 32399-0350, (850)410-9853, seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: August 30, 2002, 9:00 a.m.

PLACE: Florida State Fire College, 11655 N. W. Gainesville Road, Ocala, FL 34482

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Firefighters Employment, Standards and Training Council Special Exemption Sub-Committee to review the results of site-visits and communications with Fire Service Organizations requesting exemptions.

A copy of the agenda may be obtained by writing: Department of Insurance, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486.

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: August 30, 2002, 10:00 a.m.

PLACE: Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational and regular meeting of the Florida Firefighters Employment, Standards and Training Council.

A copy of the agenda may be obtained by writing: Department of Insurance, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486.

The **Department of Insurance** announces a public forum to which all persons are invited.

DATE AND TIME: August 14, 2002, 4:00 p.m. – 8:00 p.m.

PLACE: The State Regional Complex, Hurston Building, South Tower, Room S-113, 400 West Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Insurance intends to receive comments from interested parties relative to mold and the impact it is having on Florida's consumers and insurance industry.

A copy of the agenda may be obtained by contacting: J. Steve Roddenberry, Deputy Director, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-5104.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a conference call meeting of the Florida Aquaculture Review Council. Guests and other parties interested in participating should meet at the Division of Aquaculture at the appointed time.

DATE AND TIME: August 28, 2002, 9:00 a.m.

PLACE: Division of Aquaculture, Fifth Floor, Conference Room, 1203 Governor's Square Blvd., Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf, 1203 Governor's Square Boulevard, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf as soon as possible.

The **Caribbean Fruit Fly Technical Committee** announces a meeting to which all persons are invited:

DATE AND TIME: Wednesday, August 28, 2002, 9:30 a.m.

PLACE: Indian River Citrus League Office, 7925 20th Street, Vero Beach, Florida 32961-0519

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues relating to Caribbean Fruit Fly control and certification.

If you need a special accommodation in order to attend this meeting because of a disability, please let us know by August 21, 2002.

A copy of the agenda may be obtained by writing: Ms. Connie Riherd, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100, (352)372-3505.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Florida Amusement Device and Attraction Advisory Committee to which all persons are invited.

DATE AND TIME: Tuesday, September 10, 2002, 10:00 a.m.

PLACE: Hilton Gardens Inn, The Boardroom, 7300 Augusta National Drive, Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Florida Amusement Device and Attraction Advisory Committee.

A copy of the agenda may be obtained by writing: Michael Rinehart, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650 or by calling Michael Rinehart, (850)488-9790.

Pursuant to the Americans with Disabilities act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Michael Rinehart, (850)488-9790. If you are hearing or speech impaired please contact the agency by calling the State of Florida TDD line at 1(800)955-8771.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Emergency Food Assistance Program Advisory Board.

DATE AND TIME: August 16, 2002, 9:30 a.m. – 4:30 p.m.

PLACE: Florida Fruit and Vegetable Association, Conference Room, 4401 E. Colonial Drive, Orlando, Florida 32814-0155, (407)894-1351

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the future of the Emergency Food Assistance Program.

A copy of the agenda can be obtained by contacting: Kelly Boutwell, 407 S. Calhoun Street, 2nd Floor, Tallahassee, Florida 32399-0800.

If special accommodations are needed to attend this meeting because of a disability, please contact Kelly Boutwell, (850)487-6694, by August 12, 2002.

The **Florida State Fair Authority** announces a schedule of meetings of the Amphitheater Negotiation Committee:

DATES AND TIMES: Tuesday, August 27, 2002, 12:30 p.m.; Wednesday, August 28, 2002, 9:30 a.m.; Thursday, August 29, 2002, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss contract negotiations with clear channel entertainment regarding the possible construction of an Amphitheater on the Florida State Fairgrounds.

PLACE: Florida State Fairgrounds, Administration Office, Tampa, Florida 33610

AGENDA: A copy of the agendas may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, Post Office Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

NOTICE OF CANCELLATION – The **Florida State Fair Authority** announces a cancellation of the following meetings of the Amphitheater Negotiation Committee:

DATES: Tuesday, August 13, 2002; Wednesday, August 14, 2002; Thursday, August 15, 2002

Questions regarding the cancellations should be directed to: Ms. Ann Menchen, (813)621-7821, as soon as possible.

DEPARTMENT OF EDUCATION

The Florida **Board of Education** announces a public meeting of the Governor's Blue Ribbon Task Force on Accommodations and Access for Students with Disabilities to which all interested persons are invited.

DATES AND TIMES: Wednesday, August 14, 2002, 10:00 a.m. – 5:00 p.m.; Thursday, August 15, 2002, 8:30 a.m. – 5:00 p.m.; Friday, August 16, 2002, 8:30 a.m. – 3:00 p.m.; Public Input, Wednesday, August 14, 2002, 11:00 a.m. – 12:30 p.m. The entire meeting is open to observation. Meeting ending times may vary from published times.

PLACE: Harbor Beach Marriott Resort, 3030 Holiday Drive, Ft. Lauderdale, Florida 33316, 1(800)222-6543

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Task Force will gather information through expert presentations and public testimony relevant to Executive Order No. 02-108, Office of the Governor, State of Florida. Such information will include reasonable assessment accommodations, high school credentials and diploma options, and access to postsecondary education for students with disabilities.

A copy of the agenda may be obtained by writing: Florida Department of Education, 432 Turlington Building, Tallahassee, Florida 32399-0400, by calling the Bureau of School Improvement, (850)487-8780 or Suncom 278-8780 or from the web page at www.firn.edu/doe/blueribbon/.

Any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours in advance by calling the number indicated above.

The Florida **Community College System** announces a conference call to which all persons are invited.

DATE AND TIME: August 22, 2002, 3:00 p.m. – 4:00 p.m.

PLACE: Dial-In Numbers: (850)487-8540 or Suncom 277-8540

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Foundation for Florida's Community Colleges, Inc., Investment Committee.

NOTE: If you need special services to attend the meeting or need additional information, write: Division of Community Colleges, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400.

The public is invited to a meeting of the Florida **Board of Education**.

DATE AND TIME: August 19, 2002, 9:30 a.m. – 6:00 p.m. or completion of business, whichever occurs earlier

PLACE: Hyatt Regency Orlando International Airport, Prestwick Room, 9300 Airport Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finalist Interviews for the position of Chancellor, Division of Community Colleges, Florida Board of Education, conducted by the Candidate Review Team and recommendation of candidate to the Secretary of Education.

A copy of the agenda may be obtained from the Secretary of Education's website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to a meeting of the Florida **Board of Education**.

DATE AND TIME: August 20, 2002, 8:30 a.m. – 6:00 p.m. or completion of business, whichever occurs earlier

PLACE: Hyatt Regency Orlando International Airport, Prestwick Room, 9300 Airport Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finalist Interviews for the position of Chancellor, Division of Colleges and Universities, Florida Board of Education, conducted by the Candidate Review Team and recommendation of candidate to the Secretary of Education.

A copy of the agenda may be obtained from the Secretary of Education's website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF CORRECTION – The **Department of Community Affairs** announces a correction to the notice that was published in the Vol. 28, No. 31 of the August 2, 2002, Florida Administrative Weekly, for the public hearing to be held on August 21, 2002, to seek a Low-Income Home Energy Assistance Program (LIHEAP) provider for Sarasota County. This modification extends the application due date from August 29, 2002 to September 11, 2002. The correction is as follows:

ACTIONS TO BE TAKEN: The DCA will review all comments received at the public hearing, evaluate the submitted applications, and make a decision regarding each entity's eligibility to provide LIHEAP services in Sarasota County. Applications will be accepted until 4:30 p.m. (EDT), September 11, 2002. Recommendations will then be prepared by Department staff for consideration by the Department's Secretary.

The **Community Assistance Advisory Council** is responsible for advising department staff and management on issues relating to the Florida Small Cities Community Development Block Grant Program, the Community Services Block Grant, and the Weatherization Assistance Programs. All programs are administered by the **Division of Housing and Community Development** within the **Department of Community Affairs**.

DATE AND TIME: August 23, 2002, 9:00 a.m. – 3:00 p.m.

PLACE: The Betty Easley Conference Center, Room 182, 4075 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the first meeting of the Advisory Council for the Fiscal Year beginning July 1, 2002. At the meeting, the Council will elect a chairperson, adopt by-laws, review proposed changes to the Community Services Block Grant administrative rule, and hear brief reports from each of the program units served by the Advisory Council.

A copy of the agenda may be obtained by calling (850)487-3644. You may email your request to judy.peacock@dca.state.fl.us or susan.lawrence@dca.state.fl.us or, you may also request a copy by writing: Florida Department of Community Affairs, Bureau of Community Assistance, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Any person requiring a special accommodation at this public hearing because of a disability or physical impairment should contact the Bureau of Community Assistance, (850)488-7956, at least five calendar days prior to the meeting. If you are

hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be accessed by calling 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: Wednesday, August 28, 2002, 1:00 p.m. – 4:00 p.m.

PLACE: School Board Room, 241 Trumbo Road, Key West, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking public or nonprofit entities to administer the Community Services Block Grant (CSBG), Weatherization Assistance Program (WAP), Weatherization Assistance Program/Low-Income Home Energy Assistance Program (WAP/LIHEAP), and Low-Income Emergency Home Repair Program (LEHRP) in Monroe County. Entities interested in contracting with DCA to provide these services should be present at this public hearing in order to be informed of the qualifications and application requirements. In designating a local administrative agency to carry out this program, the DCA will give special consideration to any local public or private nonprofit agency with experience and performance in related federal programs. If there is no such agency that is determined to meet program and fiscal requirements, selection of an entity will be based on the applicant's experience and performance in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective program. The following qualities will be reviewed: 1) the extent to which the past or current program achieved or is achieving program goals in a timely fashion; 2) the number, qualifications, and experience of the staff members of the entity; and 3) the fiscal soundness and accountability of the entity. Since no more than one entity will be funded in the county, for each program, the entity must be capable and willing to provide services to all eligible low-income citizens in the geographic area. It is the desire of the DCA to contract with an entity to begin providing services in Monroe County on or around October 1, 2002. The selected entity will be eligible to administer the programs annually.

ACTIONS TO BE TAKEN: The DCA will review all comments received at the public hearing, evaluate the submitted applications, and make a decision regarding each entity's eligibility to provide services in Monroe County. Applications will be accepted until 4:30 p.m. (EDT), September 18, 2002. Recommendations will then be prepared by Department staff for consideration by the Department's Secretary.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to: For CSBG, Lena A. Price, Manager, or for WAP, Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski

Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. The telephone number is (850)488-7541, or Fax (850)488-2488.

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 formal record of the proceeding, and for such purposes he or she 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 made.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Ms. Lena A. Price, Community and Social Services Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or Fax (850)488-2488.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public workshop to which all persons are invited.

DATE AND TIME: Friday, August 23, 2002, 9:00 a.m.

PLACE: Capital Complex Center, Building C-1, Room D/E, 5050 W. Tennessee St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Real Property Standard Assessment Procedures and Standard Measures of Value for Mass Appraisal, draft dated August 6, 2002.

PURPOSE: Continue the development of the Florida Real Property Appraisal Guidelines, titled General Real Property Standard Assessment Procedures and Standard Measures of Value for Mass Appraisal, for adoption by the agency. Following their development and adoption, these guidelines will be part of the Manual of Instructions published under Section 195.062, F.S. That statute provides that the standard measures of value shall be adopted in general conformity with the procedures set forth in Section 120.54, F.S., consistent with Section 195.032, F.S., but shall not have the force or effect of a rule and shall be used only to assist tax officers in the assessment of property as provided by Section 195.002, F.S. This notice is part of the agency's effort to comply with the requirement to adopt the guidelines in general conformity with the procedures set forth in Section 120.54, F.S. This public workshop will be held to receive public comment on the current draft of the Florida Real Property Appraisal Guidelines,

dated August 6, 2002, and titled General Real Property Standard Assessment Procedures and Standard Measures of Value for Mass Appraisal.

The August 6, 2002 draft of these real property appraisal guidelines may be found on the Internet at <http://www.myflorida.com/dor/property/RP/pcomment.html>.

Also, copies of the current draft of these real property appraisal guidelines, and the agenda for this workshop, may be obtained from: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 21, 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, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Black Business Investment Board**, Inc. announces a meeting of its board of directors to which all interested persons are invited.

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

PLACE: Tampa Marriott Waterside Hotel, 700 South Florida Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To further discuss the Board's business plan to identify areas for future Board priorities, loan, audit and development committees discussion/review/approval of related issues, and approve actions taken by the Chairman and/or Executive Director under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meeting, please notify the FBBIB Office, (850)487-4850, at least seven (7) days prior to the meetings. If you are hearing or speech impaired, please contact the Office of the Governor by using the Citizen Service Office at (850)488-4441.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: July 25, 2002, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Finance Committee

DATE AND TIME: August 22, 2002, 6:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider proposed amendments to the FY 2001-2002 Budget.

MEETING: Clearinghouse Committee

DATE AND TIME: August 22, 2002, 6:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: August 22, 2002, 8:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn Restaurant, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meeting, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by emailing ncfrpc@ncfrpc.org or writing: NCFRPC, 2009 N. W. 67th Place, Suite A, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Withlacoochee Regional Planning Council** announces an Executive Committee meeting to which all persons are invited.

DATE AND TIME: Thursday, August 15, 2002, 6:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Director's contract.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, August 15, 2002, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **South Florida Regional Planning Council**, Institute for Community Collaboration announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 19, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Miami-Dade County Government Center, Room 18-4, 111 N. W. First Street, Miami, Florida 33128

GENERAL SUBJECT MATTER TO BE CONSIDERED: First meeting of the South Miami-Dade Watershed Study Consultant Selection Committee.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021 or by visiting our website at www.sfrpc.com by clicking on "The Institute" "Projects" "South Miami-Dade Watershed Study" and "RFP".

Anyone deciding to appeal any decision made by the South Miami-Dade Watershed Study Consultant Selection Committee with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **South Florida Regional Planning Council**, Institute for Community Collaboration announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 22, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: South Florida Regional Planning Council Offices, Suite 140, 3440 Hollywood Boulevard, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Second meeting of the South Miami-Dade Watershed Study Consultant Selection Committee.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021 or by visiting our website at www.sfrpc.com by clicking on "The Institute" "Projects" "South Miami-Dade Watershed Study" and "RFP".

Anyone deciding to appeal any decision made by the South Miami-dade Watershed Study Consultant Selection Committee with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **South Florida Regional Planning Council**, Revolving Loan Fund Loan Administration Board announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 26, 2002, 3:00 p.m.

PLACE: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Revolving Loan Fund Policy and Procedures and review loan applications.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021 or by calling (954)985-4416 in Broward, Suncom 473-4416 or 1(800)985-4416 for area codes 305, 561 and 407.

The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 21, 2002, 10:00 a.m.

PLACE: Fire Fighters Memorial Hall, Fire Tower Building, 8000 N. W. 21st Street, Miami, Florida 33122-1605

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 2001/02.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Blvd., Hollywood, FL 33021 or by calling (954)985-4416 in Broward, Suncom 473-4416 or 1(800)985-4416 toll-free statewide.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 20, 2002, 9:30 a.m.

PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited.

DATE AND TIME: August 22, 2002, 11:30 a.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee meeting – to discuss District issues.

DATE AND TIME: August 22, 2002, 12:00 Noon (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Drought Workshop – to discuss drought issues.

DATE AND TIME: August 22, 2002, 1:00 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

DATE AND TIME: August 22, 2002, 1:15 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Regulatory Matters – to consider regulatory matters.

PLACE: District Headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999, also available through the Internet at www.state.fl.us/nwfwmd.

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

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 **Suwannee River Water Management District** announces the following public hearing to which all interested persons are invited.

DATE AND TIME: August 13, 2002, 9:00 a.m.

PLACE: District Headquarters, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing is being held to offer interested persons the opportunity to provide comments concerning the annual revision and changes to the District's Florida Forever Work Plan.

A copy of the Florida Forever Work Plan may be obtained by writing: Gwendolyn Lord, Administrative Assistant, SRWMD, 9225 CR 49, Live Oak, FL 32060.

The **Suwannee River Water Management District** announces a rule development workshop to which all persons are invited.

DATE AND TIME: Thursday, August 29, 2002, 10:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public workshop to discuss proposed changes to Chapter 40B-4, F.A.C., which sets forth requirements for environmental and works of the District permits. A Notice of Rule Development announcing the proposed changes was published in the November 30, 2001, issue of the Florida Administrative Weekly.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFMWD) announces the following public meeting to which all interested persons are invited:

GOVERNING BOARD WORKSHOP

DATE AND TIME: Monday, August 19, 2002, 9:00 a.m.
 PLACE: SWFMWD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regional Reclaimed Water Issues.

A copy of the agenda for the above workshop may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** announces the following public information meeting to which all persons are invited:

DATE AND TIME: August 19, 2002, 9:00 a.m. – 12:00 Noon
 PLACE: Southwest Florida Water Management District, Sarasota Office, Board Room, 6750 Fruitville Road, Sarasota, FL 34232, (941)377-3722

DATE AND TIME: August 30, 2002, 9:00 a.m. – 12:00 Noon
 PLACE: Southwest Florida Water Management District, Bartow Office, Board Room, 170 Century Blvd., Bartow, FL 33830-7700, (863)534-1448

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Southwest Florida Water Management District will hold public information sessions regarding the 1994 SWUCA rules incorporated into Chapter 40D-2, Consumptive Use Permitting, F.A.C. and the Water Use Permitting Basis of Review effective January 1, 2003. These sessions will explain the reporting and other actions due from water use permittees on January 1, 2003.

A copy of the agenda may be obtained by contacting: Lori Manuel or Carol Lynch, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Ext. 4341, Fax (352)544-2328 or e-mail: lmanuel@swfwmd.state.fl.us or clynch@swfwmd.state.fl.us.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disability Act should contact Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

MANASOTA BASIN BOARD MEETING
 DATE AND TIME: Wednesday, August 21, 2002, 9:00 a.m.
 PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including adoption of Fiscal Year 2003 final millage rate and budget.

TOUR OF TAMPA BAY WATER FACILITIES
 DATE AND TIME: Thursday, August 22, 2002, 8:30 a.m.
 PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of projects under construction that the District co-funded.
GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS

DATE AND TIME: Tuesday, August 27, 2002, 8:30 a.m.
 PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting, public hearing and committee meetings.
 (NOTE: This is a change of time from the published year-long calendar.)

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, August 28, 2002, 9:00 a.m.
 PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

These are public meetings and agendas are available by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: August 19, 2002, 3:00 p.m.

PLACE: The Broward County Governmental Center, Room 301, 115 South Andrews Avenue, Ft. Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Briefing on Integrated Water Resources Management.

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, 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 meeting to which all interested parties are invited:

IDENTICAL, SEPARATE MEETINGS WITH INDIVIDUAL COMMISSIONERS

DATE AND TIMES: August 20, 2002, 10:00 a.m., Commissioner Javier Souto; 1:00 p.m., Commissioner Jimmy Morales; 2:00 p.m., Commissioner Jose "Pepe" Cancio, Sr.; 3:30 p.m., Commissioner Rebeca Sosa

PLACE: The Miami Dade Government Center, 2nd Floor, Conference Room, 111 N. W. 1st Street, Miami, FL 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: Briefing on Integrated Water Resources Management.

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, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4110, West Palm Beach, FL 33406, (561)682-6597.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: August 22, 2002, 12:30 p.m. – 1:30 p.m.

PLACE: Tampa Marriott Waterside, 700 South Florida Avenue, Tampa, FL 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to discuss and receive comments on the department's proposed draft master Plan on Aging.

The draft Master Plan on Aging is available on the Department's Web site on myflorida.com. You may also obtain a copy by requesting one directly by calling: Laurie Koburger, (850)414-2095, sending an email to koburgerl@elderaffairs.org or by mail at 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

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 department at least 48 hours before the meeting by contacting Ms. Laurie Koburger, (850)414-2095. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

DATE AND TIME: August 22, 2002, 1:00 p.m. – 5:00 p.m.

PLACE: Tampa Marriott Waterside, 700 South Florida Avenue, Tampa, FL 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the DOEA Advisory Council.

A copy of the agenda may be attained by contacting: Sammie Reimers, (850)414-2177.

Any person requiring special accommodation at the meeting because of disability or physical impairment should contact Sammie Reimers, (850)414-2177 (Voice) or (850)414-2001 (TTY), at least five business days prior to the meeting.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: August 19-20, 2002, 8:30 a.m.

PLACE: Orlando Marriot Airport Hotel, 7499 Augusta National Drive, Orlando, FL

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, 4050 Esplanade Way, Suite 260, 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Auctioneers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: Saturday, August 17, 2002, 10:00 a.m. (EST)

PLACE: Telephone Conference Call: (850)488-5778, Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Board to conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762 or by calling Krista Woodard, (850)922-6096.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Krista Woodard, (850)922-6096. If you are hearing or speech impaired, please contact the agency by calling 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, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The **Department of Business and Professional Regulation** announces a public meeting of the Florida Barber's Board to which are persons are invited to participate.

DATE AND TIME: Monday, August 26, 2002, 9:00 a.m.

PLACE: Embassy Suites Hotel, 555 North Westshore Boulevard, Tampa, Florida 33609

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Barbers' Board, 1940 North Monroe Street, Suite 60, 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, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern at (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official committee and general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 21, 2002, 8:30 a.m. or shortly thereafter

PLACE: Sheraton Suites Tampa, 4400 W. Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and General Business Meetings of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling the Board Office, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Board Office, (850)921-6347. If you are hearing or speech impaired, please contact the agency by calling 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, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Board of Accountancy** announces the following meeting.

DATE AND TIME: Friday, August 30, 2002, directly after Board Meeting Probable Cause

PLACE: Hilton Airport Westshore, 2225 North Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered.

A copy of any probable cause materials which are open to the public and a copy of the Board agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

NOTE: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Martha Willis, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, August 22, 2002, 7:00 p.m. (EDT)

PLACE: Tringali Recreation Complex, 3460 South McCall Road, Englewood, Florida 34224

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plan for Stump Pass Beach State Park to the public.

The full text of this notice is published on the Internet at the Department of Environmental Protection's homepage at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces an Advisory Group meeting.

DATE AND TIME: Friday, August 23, 2002, 9:00 a.m. (EDT)

PLACE: Tringali Recreation Complex, 3460 South McCall Road, Englewood, Florida 34224

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the proposed land management plan for Stump Pass Beach State Park with the Advisory Group.

The full text of this notice is published on the Internet at the Department of Environmental Protection's homepage at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

The **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Tuesday, August 20, 2002, 9:00 a.m. or soon thereafter

PLACE: Board of Speech-Language Pathology and Audiology, (850)245-4161 for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

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)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board Office using the Florid 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 #C-06, 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 a 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public workshop concerning Florida pompano. The Commission encourages all interested persons to participate at the workshop, which takes place as follows:

DATE AND TIME: Thursday, August 22, 2002, 6:00 p.m. – 8:00 p.m.

PLACE: Destin Community Center, 101 Stahlman Avenue, Destin, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a workshop to gather public testimony regarding management options for reducing the recreational and commercial harvest of Florida pompano.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Roy Crabtree, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The **Hiloochee Wildlife Management Area** Conceptual Management Plan 2002-2007 announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 15, 2002, 7:00 p.m.

PLACE: Lake County Commission Chambers, 315 West Main Street, Taveres, Florida 32778

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment regarding considerations for the FWC's five-year Conceptual Management Plan for the Hiloochee Wildlife Management Area (Lake and Polk Counties, Florida).

FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION

The **Florida Medical Malpractice Joint Underwriting Association** announces a Claims and Underwriting Committee meeting to which all persons are invited.

DATE AND TIME: Thursday, August 8, 2002, 4:00 p.m.

PLACE: Ritz-Carlton Hotel, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a Board of Governors meeting to which all persons are invited.

DATE AND TIME: Friday, August 9, 2002, 9:00 a.m.

PLACE: Ritz-Carlton Hotel, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, General Manager, and such other business properly brought before the Board.

A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces the Annual Meeting of its membership to which all persons are invited.

DATE AND TIME: Friday, August 9, 2002, immediately following the Board of Governors meeting, which begins at 9:00 a.m.

PLACE: Ritz-Carlton Hotel, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will receive and consider yearly reports from the Association's Chairman, Servicing Carrier, General Manager, and such other business properly brought before the Board.

A copy of the agenda may be obtained by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

SOUTHWEST FLORIDA CRIMINAL JUSTICE ACADEMY

The **Criminal Justice Standards and Training Region X Council** announces a meeting to which all interested persons are invited.

DATE AND TIME: August 13, 2002, 9:30 a.m.

PLACE: Charlotte County Sheriffs Office, 7474 Utilities Rd., Punta Gorda, FL 33982

GENERAL SUBJECT MATTER TO BE CONSIDERED/AGENDA:

1. Review the minutes from the last meeting.
2. Election of new Recording Secretary.
3. Review budget expenditures and classes offered.
4. Review the Region's needs for future planning.
5. Additional submissions for Training Council discussion.
6. Other items of interest.

TAMPA BAY ESTUARY PROGRAM

The **Tampa Bay Estuary Program** announces scheduling of a Management Board Meeting to which all persons are invited.

DATE AND TIME: Friday, August 16, 2002, 9:00 a.m.

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Boulevard, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on items related to the annual TBEP program-wide budget, the HillCWM Resolution, and CAC Membership.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Management Board to any matter considered at the above cited meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Estuary Program** announces scheduling of a Policy Board Meeting to which all persons are invited.

DATE AND TIME: Friday, August 16, 2002, 1:30 p.m.

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Boulevard, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on items related to the annual TBEP program-wide budget, the HillCWM Resolution, and CAC Membership.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Policy Board to any matter considered at the above cited meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

INDIAN RIVER COMMUNITY COLLEGE

The **Indian River Community College**, Criminal Justice Training Institute announces a public meeting for the Region XI Training Council to which the public is invited.

DATE AND TIME: August 28, 2002, 10:00 a.m.

PLACE: Indian River Community College, Indian River Academy Site, 5900 Tedder Road, Fort Pierce, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review information gathered at the August State Commission meeting, provide update on training classes, and any other issues involving the region.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by the Miami-Dade County Fire Department, Alfredo Suarez, Fire Marshal, received on January 8, 2002. The following is a summary of the agency's disposition of the petition:

A firesafety inspector is not required to perform plans review on, nor inspect, one-family and two-family detached residential dwelling units unless they have been expressly made subject to plans reviews or inspections by firesafety inspectors by local ordinance.

A copy of the order may be obtained from: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or you may Fax your request to fax number (850)922-1235.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Clu D. Wright, Clay County Public Safety Department, on May 22, 2002. The following is a summary of the agency's disposition of the petition:

A decision regarding protection by an NFPA 96 system must be rendered by the authority having jurisdiction following an evaluation of the type of equipment and how the equipment is being used. The occupancy class has no bearing on the requirement for protection except that some occupancies are permitted to be exempted from protection based on an

exception, while other occupancies are permitted to be exempted from protection based on the type of equipment installed. In all instances, the authority having jurisdiction may require protection when an examination of the cooking equipment and area indicates that a cooking hazard exist.

A copy of the order may be obtained from: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or you may Fax your request to fax number (850)922-1235.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed July 25, 2002, by the Miami-Dade County Fire Department, Fire Prevention Division, Alfredo Suarez, Fire Marshal. The Petition is seeking the Department's interpretation of NFPA 101, Sections 31.3.4.2 through 31.3.4.5, relating to apartment buildings with more than three stories or more than eleven dwelling units. The question is, is it the intent of the Florida Fire Prevention Code that existing, multiple unit (more than 11) apartment buildings that share a common, garden style, open balcony exit access and are three stories or less be required to install a fire alarm system?

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney for the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Petition for Declaratory Statement received from the Ray Burroughs, Director, Building Inspection, Leon County Community Development Department of Growth and Environmental Management on June 6, 2002 has been withdrawn. Notice of receipt of this petition, which was assigned the number DCA02-DEC-171, appeared in the June 21, 2002 edition of the Florida Administrative Weekly.

A copy of the withdrawal may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Petition for Declaratory Statement received from Mid-Florida Air Conditioning, Inc., on June 17, 2002 has been withdrawn. Notice of receipt of this petition, which was assigned the number DCA02-DEC-188, appeared in the June 28, 2002 edition of the Florida Administrative Weekly.

A copy of the withdrawal may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement in In Re: Petition for Declaratory Statement, Michael J. Skweir Petitioner; Docket Number DS 2002-011.

The declaratory statement provided, in summary, that Petitioner is not required to obtain a manufacturer's license under the Beverage law in order to operate a "Brew-on-Premises and Home Winemaker's Center." After reviewing Petitioner's proposed plan, the Division determined that Petitioner is not a "manufacturer" as defined by Florida Statutes §563.022(2)(h) (2002), or as defined in Rule 61A-1.006(5) of the Florida Administrative Code. Finally, analysis of Title 27, Sections 25.205 and 25.206, of the Code of Federal Regulations (CFR) did not yield any reason for prohibiting Petitioner's proposed business under the applicable federal law.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Wynmoor Community Council, Inc., Petitioner, on July 5, 2002.

The Petitioner requests an interpretation as to whether alternate directors, who are elected under the association's bylaws to fill unexpected vacancies, are members of the Board of Directors, as defined by Section 718.103(4), Florida Statutes, and, thus, whether Sections 718.111(1)(a) and (b), 718.112, and 718.1124, Florida Statutes, and Chapter 61B-23, Florida Administrative Code, apply to alternate directors.

A copy of the Petition for Declaratory Statement, Docket Number CD2002-041, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida,

received a petition for declaratory statement In Re: Petition for Declaratory Statement, Wilson and Karen Wallace, Unit Owner, River Run of Sebastian Condominium, Petitioner, on July 16, 2002.

The Petitioner requests an interpretation as to what is the total number of units in River Run of Sebastian Condominium for purpose of Sections 718.103(1) and 718.110(5), Florida Statutes, where the association pays statutory annual fees for 132 units, but calculates an equivalent of 136 units for determining the percentage share of assessments.

A copy of the Petition for Declaratory Statement, Docket Number CD2002-043, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Electrical Contractors' Licensing Board has issued a final order on a Petition filed on December 6, 2001, from Verizon Florida, Inc., seeking a declaratory statement from the Board on the applicability of Section 489.505(9), Florida Statutes, and the exception set forth in Section 489.503(4), Florida Statutes, to its plan to use in-house employees to inspect and maintain its own fire alarm systems. The Board reconsidered Section 489.505(9), Florida Statutes, on a motion and concluded that Verizon was not a public utility and not exempt of licensure as a public utility. The Board also concluded that Verizon was not exempt from licensure under Chapter 489, Florida Statutes, as regards routine maintenance and inspection of its fire alarm systems by its employees. Either Verizon must be a licensed business entity under Chapter 489, Florida Statutes, or it must hire a licensed entity to do this work.

A copy of the Board's Order may be obtained by writing: Anthony Spivey, Electrical Contractors' Licensing Board, Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Acupuncture has received a Petition for Declaratory Statement from Nancy Browne that was filed on July 19, 2002. Petitioner requests a declaratory statement from the Board on Rule 64B1-8.006, Florida Administrative Code, in regards to laboratory test and imaging results education.

A copy of the Petition for Declaratory Statement may be obtained by writing: Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

NOTICE IS HEREBY GIVEN THAT the Board of Acupuncture has received a Petition for Declaratory Statement from Richard Browne that was filed on July 19, 2002. Petitioner requests a declaratory statement from the Board on Rule 64B1-4.012, Florida Administrative Code, in regards to acupoint injection therapy.

A copy of the Petition for Declaratory Statement may be obtained by writing: Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

NOTICE IS HEREBY GIVEN THAT the Board of Nursing has received a Petition for Declaratory Statement filed by David B. Boren. Petitioner requests the Board's reconsideration of the stipulation revoking his license in Case No.: 98-10277. Petitioner pleads inadequate counsel at the time the stipulation was signed. Petitioner requests the stipulation be rescinded and his license unencumbered in order to permit him to seek licensure in North Carolina. This matter will be addressed by the Board at its meeting currently scheduled for October.

A copy of the Petition for Declaratory Statement may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, Florida 32399-3252.

NOTICE IS HEREBY GIVEN THAT the Board of Physical Therapy Practice has GRANTED a petition for declaratory statement received from Nick J. Galvez. The final order was filed on July 23, 2002 and was given the number DOH-02-1109-FO-MQA. No comments were received.

Petitioner requested the declaratory statement regarding the scope of practice of physical therapy as provided in Section 486.021, Florida Statutes. The Board's Final Order advised Petitioner that the casting, fitting, and modifying of fabricated braces falls within the scope of practice and Petitioner has the appropriate background to engage in this activity.

A copy of the Petition for Declaratory Statement and Final Order may be obtained by writing: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255.

The Board of Psychology hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Phyllis K. Jensen. The petition seeks the Board's interpretation of Section 490.005, Florida Statutes and Rule 64B19-11.005, Florida Administrative Code. The petition specifically seeks

approval of a supervisor who is not a Florida psychologist in good standing but is licensed in the Netherlands, Antilles, where the supervision would be provided.

The Board will consider this petition at its meeting on August 16, 2002, in Orlando, Florida. Copies of the petition may be obtained from: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3253.

The Board of Psychology hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Terry Schwartz, Psy.D. The petition seeks clarification from the Board of Psychology as to whether or not the Petitioner, Terry Schwartz, Psy.D., would be license-eligible if he goes forward to apply for licensure as a Psychologist under Section 490.006(a), Florida Statutes, Licensure by Endorsement.

The Board will consider this petition at its meeting on August 16, 2002, in Orlando, Florida. Copies of the petition may be obtained from: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3253.

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

Sealed bids shall be received by the Florida State University Purchasing Department until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to: Purchasing Department, Suite A1400, University Center, Florida State University, Tallahassee, FL 32306-2370 prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid contact the Purchasing Agent identified in the bid.

K 4529-5 WFSU-TV TOWER CONSTRUCTION, PUBLIC BID OPENING: 3:00 P.M., FRIDAY, AUGUST 23, 2002, SUITE A1400, UNIVERSITY CENTER, BID DOCUMENTS: PURCHASING DEPARTMENT, FLORIDA STATE UNIVERSITY.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that Proposal Based Design/Build Services (PB/DB), for the design, construction and furnishing of a student housing facility, will be required for the project listed below:

Project Number: 584

Project and Location: USF Residence Hall Expansion Phase 2B, 602 Beds Expansion, University of South Florida, Tampa Campus, Tampa, Florida.

The project consists of the design, construction and furnishing of new apartments and suites totaling an approximately of 189,000 GSF and 602 beds. This project will feature three-story and four-story buildings with four bedroom apartment-style units and suite-style units organized around a centrally focused community lounge. The apartments units' mix is proposed to be 74-four bedroom units and one resident director in a two (2)-bedroom apartment, for a total of 298 beds. The suites-style units mix is proposed to be 304 beds arranged in pairs of double bedroom suites sharing a bath. The suite style units shall accommodate one resident director in a two (2)-bedroom apartment. Building organization and site configuration should conform to quads in keeping with the campus block patterns, creating landscaped quadrangles, which allows students to develop a sense of smaller communities within the larger campus community. The new 602 beds community will include a shared multi-purpose space, living/learning center, computer room and meeting space. The increase in student population will require additional parking and reconfiguration of existing parking to accommodate the new community.

The Design/Build team shall be responsible for management of the process and project to meet project scope, budget, and schedule requirements. The management of the process and project by the Design Build Team shall facilitate program needs, and accomplishing those needs within the mandatory project schedule in order to meet occupancy, debt service and arbitrage requirements for a bond financed project.

The Design/Build contract shall be in compliance with the Proposal Based Design/Build selection provision in subsection 6C-14.0055(8), F.A.C.

The University will contract with the selected team for all services including, but not necessarily limited to, budgeting, labor, materials, and equipment required to design, construct, furnish, and equip the project. The selection process will consist of two distinct parts, 1.) the Request for Qualifications (RFQ) submission and evaluation, and 2.) the Request for Proposals (RFP) response and evaluation for the short listed teams only. The selected team will be required to provide computer-generated drawings in accordance with the standards of the University of South Florida.

Blanket professional design liability insurance will be required for this project in the amount of \$1,500,000 and will be provided as a part of Basic Services.

The proposed contractual value of this project is \$22,730,000.00. The respondent must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a A.M. Best rating of A, Class IX

INSTRUCTIONS

Teams desiring to apply for consideration shall submit a completed "Design and Construction Services Qualifications Supplement (DCSQS)", and other information requested in the RFQ which shall be obtained by contacting: Jayne E. MacPherson, Office Manager, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue FPC 110, Tampa, Florida 33620-7550, (813)974-1410, (813)974-2625, Fax (813)974-3542 or via email: jpherson@admin.usf.edu.

Teams interested in being considered for this project must submit their qualifications in strict accordance with the "Design and Construction Services Qualification Supplement". A Certification and Selection Committee will review the qualifications of all teams and identify a shortlist of a minimum of three teams. Finalists will be provided with a copy of the Request for Proposal, which is a description of the final submission and interview requirements. The criteria for this final selection will insure that the University is guaranteed the greatest level of quality and scope within the established budget and schedule. All teams must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Interested teams are invited and encouraged to attend a pre-submittal meeting at the University of South Florida, Tampa Campus, to be held at 9:00 a.m. (Eastern Standard Time), Tuesday, August 27, 2002, at the Marshall Center, Room MC 270, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted.

MINORITY PROGRAM: Teams are required to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office, State of Florida Department of Labor and Employment Security. A goal of 21% participation has been established.

The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Six (6) copies of the required information shall be submitted to the attention of the Project Manager: C. Lyn Beverly, R.A., Project Manager, Division of Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550 by or no later than 2:00 p.m. (Eastern Standard Time), Monday, September 9, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of qualifications or Design/Build proposals without obligation to the respondent. The award of this contract is subject to availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida, announces that Qualifications Based Design/Build Services (QB/DB), for the design, construction, and furnishing of the renovation of a student housing facility, will be required for the project listed below:

PROJECT NUMBER: 582

PROJECT AND LOCATION: Residence Hall Expansion Phase 2B – Beta Renovation, University of South Florida, Tampa Campus, Tampa, Florida.

The project consists of the design and construction of the renovation of Beta Residence Hall Phase 2B of this initiative, and will result in a comprehensive renovation to the existing five-story, reinforced poured in place concrete frame, brick veneered dormitory structure built in 1962. The renovated

structure shall retain 296 beds arranged in traditional double occupancy rooms, including nine (9) resident advisors and one (1) resident director. Existing bathrooms will be renovated and enlarged to accommodate new requirements. New common spaces such as kitchen/lounges, laundry and study areas will be created on each floor. Accessible dormitory rooms and bathrooms will be provided on all levels and distributed to provide an equitable selection based on proximity and location. Options for Co-Ed living are desirable for this student community.

Work will include abatement of Asbestos containing material within the structure, rejuvenation of all interior and exterior finishes, replacement of all interior and exterior doors and frames. All buildings deficiencies shall be corrected as listed in the Existing Conditions Analysis Report for Beta Hall. All furnishings will be replaced. The building will be refitted with new telecommunication infrastructure as well as a new security card access system.

A new open breezeway portal will be created through the center of the building that will continue a pedestrian Greenway at either side of the building to other residence structures in the north and academic center of campus, student services and entertainment to the south. A main lobby/lounge and central services area, including a kitchen/lounge and laundry, will be created directly off of the breezeway on the first level. Other exterior amenity improvements include new sidewalks, low seating walls, as well as new landscape elements to assist exterior space definition and to match other planned USF landscaping.

The Design/Build team shall be responsible for management of the process and project to meet project scope, budget and schedule requirements. The management of the process and project by the Design Build Team shall facilitate programs needs, and accomplishing those needs within the mandatory project schedule in order to meet occupancy, debt service, and arbitrage requirements for a Bond Financed Project.

The Design/Build Services contract shall be in compliance with the qualifications based Design/Build selection provisions in subsection 6C-14.0055(8), F.A.C., including pre-construction fees, construction related services costs and a guaranteed maximum price.

The University will contract with the selected team for all services including, but not necessarily limited to, budgeting, labor, materials, and equipment required to design, construct, furnish, and equip the project. The selection process will consist of two parts, 1) the Request for Qualifications (RFQ) submission and evaluations, and 2) interviews of the short-listed teams. The selected team will be required to provide computer-generated drawings in accordance with the standards of the University of South Florida.

Blanket professional design liability insurance will be required for this project in the amount of \$500,000.00 and will be provided as a part of Basic Services.

The proposed contractual value of this project is approximately \$7,800,000.00. The respondent must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a A. M. Best rating of A, Class VIII.

INSTRUCTIONS

Teams desiring to apply for consideration shall submit a complete "Design and Construction Services Qualifications Supplement" (DCSQS), and other information requested in the RFQ, which may be obtained by contacting: Ms. Jayne E. MacPherson, Office Manager, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, (813)974-1410, Fax (813)974-3542 or via email at jpherson@admin.usf.edu.

Teams interested in being considered for this project must submit their qualifications in strict accordance with the "Design and Construction Services Qualification Supplement". A Certification and Selection Committee will review the qualifications of all teams and identify a shortlist of a minimum of three teams who will present their qualifications in and interview for selection of the most qualified team. The criteria for this final selection will insure that the University's need for the greatest level of quality and scope within the established budget and schedule is met.

All teams must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Interested teams are requested to attend a presubmittal meeting at the University of South Florida Tampa Campus to be held at 10:30 a.m. (Eastern Standard Time), Tuesday, August 27, 2002, in the Marshall Center, Room Number MC 270, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual teams will not be granted.

MINORITY PROGRAM: Teams are required to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office, State of Florida Department of Labor and Employment Security. A minimum goal of 21% participation has been established.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Six (6) copies of the required information shall be submitted to the attention of the Project Manager: Mr. C. Lyn Beverly, R.A., Project Manager, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue FPC 110, Tampa, Florida 33620 by or no later than 2:00 p.m. (Eastern Standard Time), Tuesday, September 10, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of qualifications or Design/Build proposals without obligation to the respondent. The award of this contract is subject to availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract.

WATER MANAGEMENT DISTRICTS

The Suwannee River Water Management District (SRWMD) announces its interest in obtaining professional surveying services to survey the Southern Timber Ventures Tracts, consisting of 1,505 acres located in Hamilton and Columbia Counties. This survey project should follow the schedule below:

August 9, 2002	Request for Qualifications Advertised
August 19, 2002	Proposals Due, 4:00 p.m.
September 10, 2002	Governing Board Approval of Ranking and Negotiations
September 23, 2002	Negotiations Complete and Notice to Proceed
November 25, 2002	Submission of Draft Survey

Request for Qualifications Documents (RFQ 01/02-076 LA) are available on the District's website at <http://www.mysuwanneeriver.com/services/bids+and+contracts/default1.htm>.

Persons interested in submitting qualifications for this project should return those completed documents to: Gwen Lord, Administrative Assistant, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060.

For more information or assistance contact Gwen Lord, (386)362-1001 or 1(800)226-1066 (Florida only).

REQUEST FOR QUALIFICATIONS No. 01/02-077WR VERTICAL CONTROL SURVEYING

The Suwannee River Water Management District (DISTRICT) invites interested parties to submit sealed qualifications for vertical control surveying of monitoring wells and surfacewater gages in Columbia, Gilchrist, Union, Bradford, Suwannee, Hamilton, Madison, Levy and Dixie Counties.

Responses to this request are due at the DISTRICT office by 3:00 p.m., August 30, 2002.

A copy of the RFQ will be available on August 9, 2002, at: www.srwmd.state.fl.us or, requests for the RFQ document (RFQ #01/02-077WR) should be directed to:

Suzanne Richardson, Administrative Assistant
 Suwannee River Water Management District
 9225 CR 49
 Live Oak, FL 32060

(386)362-1001 or 1(800)226-1066 (Florida only)

If you have questions regarding the project, please direct them to: David Hornsby, (386)362-1001 or toll free (Florida only) 1(800)226-1066, Fax (386)362-1056.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE REGARDING ELECTRONIC POSTING

Pursuant to Section 287.042(3)(b)2., of the Florida Statutes, the Department of Management Services hereby provides notice of the following URL for the centralized website that will be used for electronically posting solicitations, decisions or intended decisions, and other matters relating to procurement: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR CONTINUING AREA CONTRACTS AREA 4

The State of Florida, Department of Management Services requests qualifications from firms to provide Construction Management Services in Area 4 counties of Baker, Clay, Duval, Flagler, Nassau, Putnam, St. Johns; and other counties as may be determined necessary by the owner. The Department of Management Services will enter into a contract with up to two construction management firms with responsibility for performance of construction contracts that will vary in size up to \$500,000. This will be a multiple award contract for an initial period of two years with an option to renew for two additional one-year periods.

Selection of finalists for interview will be made on the basis of construction manager qualifications including experience and ability, bondability, record-keeping/administrative ability, scheduling expertise, cost estimating and cost control ability, quality control capability, qualifications of involved management staff and ability to involve Minority Business Enterprises.

Applicant must be licensed in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application. The selection will be made in accordance with Section 255.29(3), F.S., and the procedures and criteria of Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm’s qualifications to meet the above referenced selection criteria.

2. A current Experience Questionnaire and Contractor’s Financial Statement, Form DBC5085 dated 3/00.
3. Copies of the firm’s current Florida Professional Registration License Renewals.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm’s current Florida Corporate Charter.
5. Resumes of proposed staff and staff organizations.
6. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
7. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
8. References from prior clients received within the last five years.

RESPONSE DUE DATE: Monday, September 16, 2002, by 4:00 p.m. (Local Time)

Applications are to be sent to Carole Nichols, Department of Management Services, Division of Facilities Management and Building Construction, 4050 Esplanade Way, Building 4030, Suite 360B, Tallahassee, Florida 32399-0950, (850)487-2824, e-mail: nicholc@dms.state.fl.us. Facsimile (FAX) submittals are not acceptable and will not be considered. Applicants that do not comply with these instructions or those that do not include the requested data will not be considered.

DATE AND LOCATION OF SHORTLIST: Wednesday, September 18, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4050 Esplanade Way, Building 4030, Suite 360L, Tallahassee, Florida 32399-0950.

DATE AND LOCATION OF INTERVIEWS: Tuesday, October 1, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4050 Esplanade Way, Building 4030, Suite 360L, Tallahassee, Florida 32399-0950.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/opportun/index.html>.

The selected firms will be given official notice of selection results by Fax and/or mail. Please include one stamped, self-addressed envelope. Failure to file a protest within 72 hours (not including Saturday, Sunday or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

**NOTICE TO PROFESSIONAL CONSULTANTS
MECHANICAL, ELECTRICAL AND
PLUMBING CONSULTING SERVICES**

The Department of Management Services, Division of Facilities Management and Building Construction, announces that professional services are required for the project(s) listed below.

PROJECT NUMBER: N/A

PROJECT NAME: CONTINUING AREA CONTRACTS, MECHANICAL, ELECTRICAL AND PLUMBING CONSULTING SERVICES, AREA 1

PROJECT LOCATION: Area 1 Counties of Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington: and other are counties as may be determined necessary by the owner.

SERVICES TO BE PROVIDED: Engineering design, estimating, bidding, inspections and construction administration.

The Department of Management Services may enter into a contract with up to two firms responsible for assigned projects having estimated construction costs not exceeding \$500,000 and study fees not exceeding \$25,000. This contract is for an initial period of two years with an option to renew for two additional, one-year periods.

RESPONSE DUE DATE: Monday, September 9, 2002, 4:00 p.m. (Local Time)

Applications are to be sent to: Mrs. Carole Nichols, Department of Management Services, Division of Facilities Management and Building Construction, 4050 Esplanade Way, Building 4030, Suite 360B, Tallahassee, Florida 32399-0950, (850)487-2824, e-mail: nicholc@dms.state.fl.us.

DATE AND LOCATION OF SHORTLIST: Tuesday, September 17, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4050 Esplanade Way, Building 4030, Suite 360L, Tallahassee, Florida 32399-0950.

DATE AND LOCATION FOR INTERVIEWS: Tuesday, September 24, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4050 Esplanade Way, Building 4030, Suite 360L, Tallahassee, Florida 32399-0950.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/opportun/index.html>.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112 revised 2/99.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Please include one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Applicants are advised that plans and specifications for A/E projects may be reused.

Selections will be made in accordance with Chapter 287.055, Florida Statutes. The selected firms will be given official notice of selection results by Fax and/or mail. Any protests of the selection must be made within 72 hours of the date of receipt. The selection results will also be published in the Florida Administrative Weekly and on our web site.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BID NO. BDRS 04-02/03

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for site infrastructure for 50 cabins at Lake Louisa State Park in Clermont, Florida. Construction will include, but not limited to, road paving, a sewer collection system, water distribution system, stormwater management facilities and all associated site and utility work as indicated in the plans and specifications. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all bids.

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."

BID NO. BDRS 05-02/03

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for pier construction at Navarre Beach State Park in Destin, Florida. Construction will include, but not limited to, a 779 foot long concrete pier into the Gulf of Mexico. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all bids.

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."

Section XII Miscellaneous

DEPARTMENT OF STATE

GUIDELINES AND APPLICATIONS AVAILABLE FOR STATE AID TO LIBRARIES GRANTS

Grant applications and guidelines are available for the following program administered by the Florida Department of State, Division of Library and Information Services:

State Aid to Libraries – Applications must be postmarked by October 1, 2002.

Grant guidelines and application packets for State Aid to Libraries grants are available on the Division's web page at <http://www.dos.state.fl.us/dlis/bld/grants/StateAid/StateAid.html>. The guidelines and application packet may also be requested by mail from the State and Federal Grants Office, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, by phone at (850)245-6621 or Suncom 205-6600 or Fax (850)488-2746.

The completed application must be mailed to the address indicated above, postmarked on or before the October 1, 2002 application date.

DEPARTMENT OF LEGAL AFFAIRS

NOTICE OF AVAILABILITY OF GRANT FUNDS

Attorney General Bob Butterworth and Crime Stoppers are pleased to announce the availability of grant funds for the purpose of advancing Crime Stoppers in the State of Florida. Funding is available only to counties served by an official member of the Florida Association of Crime Stoppers, and may only be used to support Crime Stoppers and their crime fighting programs. Any county or unit of local government may apply for the funds collected in the judicial circuit in which the county is located pursuant to Sections 16.555 and 938.06, Florida Statutes.

A grant application may be obtained by writing to the Office of the Attorney General, Crime Stoppers, The Capitol, Room PL-01, Tallahassee, Florida 32399-1050 or by calling (850)414-3360. A request for an application may be faxed to (850)413-0633. TDD users, please call through the Florida Relay Service at 1(800)955-8771.

Applications for grant funds under this notice must be received by the Office of the Attorney General by close of business on August 23, 2002. The funding cycle under this notice is for the period of October 1, 2002, through September 30, 2003. For more information regarding this notice, contact Crime Stoppers, (850)414-3300.

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 Section 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., August 30, 2002):

APPLICATION TO MERGE

Constituent Institutions: Central Florida Postal Credit Union, Orlando, Florida and UCF Federal Credit Union, Orlando, Florida

Resulting Institution: Central Florida Postal Credit Union
Received: July 25, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

ANNUAL PERFORMANCE REPORT ON HUD FUNDED PROGRAMS FOR FEDERAL FISCAL YEAR 2001

The Department of Community Affairs (DCA) is in the process of preparing the Annual Performance Report (or Performance and Evaluation Report) for Federal Fiscal Year 2001 as required by the U.S. Department of Housing and Urban Development (HUD). All programs funded by HUD and administered by state agencies must be included in this Performance Report. The programs include the Florida Small Cities Community Development Block Grant Program administered by the Department of Community Affairs, the Emergency Shelter Grants Program administered by the Department of Children and Family Services, the Housing for

Persons With Aids Program administered by the Department of Health, and the Home Investment Partnership Program administered by the Florida Housing Finance Corporation.

This annual report, prepared according to HUD guidelines, will be made available to the public for inspection and comment upon request. The report consists of detailed information (line items and dollar amounts) on grants made to eligible local governments. A draft of the report will be available by September 3, 2002, and the final report will be completed and submitted to HUD by September 25, 2002. The report will be posted to the Department's web site at: <http://www.dca.state.fl.us/fhcd/programs/cdbgp/MtIsFrmsRpts.htm>.

To obtain a copy, please call Judy Peacock, (850)922-1887 or (850)487-3644, email: judy.peacock@dca.state.fl.us. Comments on the report should be submitted in writing to:

Libby Lane, Program Administrator
 Florida Small Cities CDBG Program
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

To be included in the report submitted to HUD, written comments must be received by the Department no later than September 24, 2002.

**SUPPLEMENTAL NOTICE OF SCHEDULE
 FOR SUBMISSION OF
 SCHOOL INTERLOCAL AGREEMENTS**

A supplemental notice is hereby given that the Department of Community Affairs is supplementing the School Interlocal Agreement Schedule for submittal of executed School Interlocal Agreements pursuant to Sections 163.31777 and 235.193, Florida Statutes (2002), which was published in the Florida Administrative Weekly on July 19, 2002 [Vol. 28, No. 29, page 3127], to include the following municipalities.

COUNTY/MUNICIPALITY	DUE DATE
BROWARD COUNTY	
SOUTHWEST RANCHES	5/1/2003
FLAGLER COUNTY	
PALM COAST	5/1/2004
LEE COUNTY	
BONITA SPRINGS	4/1/2003
MIAMI-DADE COUNTY	
MIAMI LAKES	3/1/2003
PALMETTO BAY	3/1/2003
MONROE COUNTY	
MARATHON	9/1/2003

Sections 163.31777(1) and 235.193(2)(a), F.S., require the County, district school board and municipalities located within the geographic area of a school district to enter into an

interlocal agreement according this supplemental published schedule. The Department has set the same date for submittal for the county, the district school board and all municipalities located within a school district.

Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement to which all join as parties.

Some municipalities included in the published supplemental schedule may qualify for exemption from the school interlocal agreement requirements pursuant to Section 163.31777(6), Florida Statutes. Municipalities should obtain a letter from the district school board verifying that the municipality meets the criteria for exemption and submit the letter at least three months prior to the scheduled due date for submission of the interlocal agreement. Some counties, district school boards and municipalities may qualify for a waiver of one or more of the content requirements of the interlocal agreement pursuant to Section 163.31777(1)(c), Florida Statutes. A petition for such a waiver should be submitted to the Department of Community Affairs at least six months prior to the scheduled due date for submission of the interlocal agreement.

For more information regarding the interlocal agreement requirements contact: Mike McDaniel, Growth Management Administrator, Department of Community Affairs, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. The schedule and additional information on school planning and coordination is available electronically on the Department of Community Affairs web site at http://www.dca.state.fl.us/fdcp/DCP/programs/school_plannig.htm.

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.: BLID-803-004
 DATE RECEIVED: June 29, 2002
 DEVELOPMENT NAME: OLD HYDE PARK VILLAGE
 DEVELOPER/AGENT: Kieth W. Bricklemyer
 DEVELOPMENT TYPE: 28-24.023, 28-24.031, 28-24.020, F.A.C.
 LOCAL GOVERNMENT: Hillsborough County

DCA Final Order No.: DCA02-OR-221

In re: POLK COUNTY LAND DEVELOPMENT
 REGULATIONS ADOPTED BY
 POLK COUNTY ORDINANCE NOS. 02-17,
 02-18, 02-20, and 02-22

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2001), approving Polk County Ordinance Nos. 02-17, 02-18, 02-20, and 02-22.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.
2. On June 11, 2002, the Department received for review Polk County Ordinance Nos. 02-17, 02-18, 02-20, and 02-22 which were adopted by the Polk County Board of County Commissioners ("Ordinances"). Ordinance No. 02-17 corrects a technical error of the Polk County Land Development Code ("Code"). Ordinance No. 02-18 modifies the vegetative buffers for developments within the North U.S. 27 Selected Area Plan, removes the requirement that prohibits platting lots in floodplains and wetlands, modifies the requirement regarding access to subdivided lots, and deletes the prohibition of the creation of landlocked parcels. Ordinance 02-20 defines the activities that can occur within the Regional Activity Center land use in the County Road 54 Selected Area land Use District. Ordinance 02-22 expands the placement of bars, lounges and nightclubs in commercial enclaves and in the North Ridge Selected Area Plan.
3. The Ordinances are consistent with the County's Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat. (2001).
5. Polk County is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Fla. Stat. (2001) and Rule Chapter 28-26, Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by the Ordinances are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Fla. Stat.; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code. ("Principles").
8. The Ordinances are consistent with the Principles in Rule 28-26.003, Fla. Admin. Code.

WHEREFORE, IT IS ORDERED that Ordinance Nos. 02-17, 02-18, 02-20, and 02-22 are found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and are hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

 SONNY TIMMERMAN, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED

REPRESENTATIVE, AND YOU 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 RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ___ day of July, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:
Mark Carpanini, Esq.
Polk County Attorney
Drawer AT01
P. O. Box 9005
Bartow, FL 33831

Jim Bell, Director
Community Services Division
Drawer CS06
P. O. Box 9005
Bartow, FL 33831
Bruce Parker, Chairman
Board of County Commissioners
P. O. 9005, Drawer BC01
Bartow, FL 33831
By Hand Delivery or Interagency Mail:
Jim Quinn, Bureau Chief, DCA Tallahassee
Richard A. Lotspeich, Assistant General Counsel, DCA Tallahassee

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

DECISIONS ON BATCHED APPLICATIONS

The Agency For Health Care Administration made the following decisions on two of the 17 accepted Certificate of Need applications for Other Beds and Programs batching cycle with an application due date of May 29, 2002:

County: Dade Service District: 11
CON #: 9590 Decision Date: 7/31/2002 Decision: A
Facility/Project: Sunrise Community, Inc.

Applicant: Sunrise Community, Inc.
Project Description: Establish a new six-bed ICF/DD through the transfer/delicensure of six ICF/DD beds at Sunrise Group Home #1

Approved Cost: \$315,189
County: Dade Service District: 11
CON #: 9591 Decision Date: 7/31/2002 Decision: A
Facility/Project: Sunrise Community, Inc.

Applicant: Sunrise Community, Inc.
Project Description: Establish a new six-bed ICF/DD through the transfer/delicensure of six ICF/DD beds at Sunrise Group Home #1

Approved Cost: \$315,189
A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

CERTIFICATE OF NEED

EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Pasco District: 5
ID #: 0200007 Decision: A Issue Date: 7/25/2002

Facility/Project: Community Hospital
 Applicant: New Port Richey Hospital, Inc.
 Project Description: Delicense two acute beds.
 Proposed Project Cost: \$325,000
 County: Dade District: 11
 ID #: 0200008 Decision: A Issue Date: 7/26/2002
 Facility/Project: Cedars Medical Center
 Applicant: Cedars Healthcare Group, Ltd.
 Project Description: Convert 25 hospital-based skilled nursing unit beds to 25 acute care beds
 Proposed Project Cost: \$0
 County: Indian River County District: 9
 ID #: 0200009 Decision: A Issue Date: 7/30/2002
 Facility/Project: Indian River Memorial Hospital
 Applicant: Indian River Memorial Hospital, Inc.
 Project Description: Convert eight hospital-based skilled nursing unit beds to eight acute care beds
 Proposed Project Cost: \$0

- 9533 Denial, construct a 10 bed Level II NICU, Duval County, St. Vincent's Medical Center, Inc., (PRH) same as applicant
- 9534 Denial, construct a 92 bed acute hospital through the relocation of 92 acute care beds at Baptist Medical Center, Duval, Southern Baptist Hospital of Florida, Inc., (PRH) same as applicant
- 9535 Denial, construct a replacement hospital of 214 acute beds and existing cardiac and transplant services, Duval County, St. Luke's Hospital Association d/b/a St. Luke's Hospital, (PRH) same as applicant
- 9536 Denial, construct a 170 bed acute care hospital, Duval County, St. Vincent's Medical Center, Inc., (PRH) same as applicant
- 9537 Denial, addition of 20 CMR beds, Pinellas County, Healthsouth of Largo Limited Partnership d/b/a Healthsouth Rehabilitation Hospital, (PRH) same as applicant
- 9538 Approval, establish a 122 bed replacement hospital consisting of 102 acute and 20 CMR beds, Pasco County, Morton Plant Hospital Association, Inc. d/b/a North Bay Hospital, (RPH) New Port Richey Hospital, Inc. d/b/a Community Hospital of New Port Richey
- 9538 Approval, establish a 122 bed replacement hospital consisting of 102 acute and 20 CMR beds, Pasco County, Morton Plant Hospital Association, Inc. d/b/a North Bay Hospital, (PRH) Trustees of Mease Hospital, Inc.
- 9538 Approval, establish a 122 bed replacement hospital consisting of 102 acute and 20 CMR beds, Pasco County, Morton Plant Hospital Association, Inc. d/b/a North Bay Hospital, (PRH) Tarpon Springs Hospital Foundation, Inc. d/b/a Helen Ellis Memorial Hospital
- 9539 Approval, establish a 401 bed replacement hospital, Pasco County, New Port Richey, Inc. d/b/a Community Hospital, (PRH) Morton Plant Hospital Association, Inc. d/b/a North Bay Hospital
- 9539 Approval, establish a 401 bed replacement hospital, Pasco County, New Port Richey, Inc. d/b/a Community Hospital, (PRH) Tarpon Springs Hospital Foundation, Inc. d/b/a Helen Ellis Memorial Hospital
- 9539 Approval, establish a 401 bed replacement hospital, Pasco County, New Port Richey, Inc. d/b/a Community Hospital, (PRH) Trustees of Mease Hospital, Inc.
- 9540 Denial, construct a 40 bed freestanding CMR hospital, Hillsborough County, Continental Medical of Palm Beach, Inc., (PRH) same as applicant
- 9544 Denial, construct a 35 bed long term care hospital, Orange County, Sempercare Hospital of Orlando, Inc., (PRH) same as applicant
- 9550 Denial, construct a 75 bed hospital, Charlotte County, Punta Gorda H.M.A., Inc., (PRH) same as applicant

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on July 28, 2002, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 28-5.111 and 28-5.207, F.A.C. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
- LOI N0204024 Denial, convert 4 hospice residential beds to 4 inpatient beds, Lake County, Hospice of Lake & Sumter, Inc., (PRH) same as applicant
 - 9529 Denial, construct a 30 bed long term acute care hospital, Bay County, Sempercare Hospital of Panama City, Inc., (PRH) same as applicant
 - 9530 Denial, construct a 40 bed freestanding long term care hospital, Bay County, Healthsouth LTAC of Bay County, Inc., (PRH) same as applicant
 - 9530 Supports denial, construct a 40 bed long term acute care hospital, Bay County, Healthsouth LTAC of Bay County, Florida, (PRH) Sempercare Hospital of Panama City, Inc.

- 9551 Approval, construct a 100 bed acute care hospital, Collier County, Collier H.M.A., Inc., (PRH) Cleveland Clinic Florida Hospital Naples Non Profit Corporation
- 9551 Approval, construct a 100 bed acute care hospital, Collier County, Collier H.M.A., Inc., (PRH) Naples Community Hospital, Inc.
- 9552 Denial, addition of 40 acute care beds, Collier County, Cleveland Clinic Florida Hospital Naples Non Profit Corporation, (PRH) same as applicant
- 9552 Supports denial, addition of 40 acute care beds, Collier County, Cleveland Clinic Florida Hospital Naples Non Profit Corporation, (PRH) Collier H.M.A., Inc.
- 9553 Denial, construct a 18 bed LTCH, Indian River, Healthsouth of Stuart, Inc., (PRH) same as applicant
- 9554 Approval, addition of 13 CMR beds, Indian River County, Healthsouth of Treasure Coast, Inc. d/b/a Healthsouth Treasure Coast Rehabilitation Hospital, (PRH) Lawnwood Medical Center, Inc. d/b/a Lawnwood Regional Medical Center
- 9556 Denial, addition of 18 acute care beds, St. Lucie County, HCA Health Services of Florida, Inc. d/b/a St. Lucie Medical Center, (PRH) same as applicant
- 9557 Denial, construct an 80 bed acute care hospital, St. Lucie County, Martin Memorial Medical Center, Inc., (PRH) same as applicant
- 9558 Approval, addition of 35 acute care beds, Palm Beach County, Columbia Palms West Hospital, L. P. d/b/a Palms West Hospital, (PRH) Tenet St. Mary's, Inc. d/b/a St. Mary's Medical Center
- 9558 Approval, addition of 35 acute care beds, Palm Beach County, Columbia Palms West Hospital, L.P. d/b/a Palms West Hospital, (PRH) Wellington Regional Medical Center, Inc. d/b/a Wellington Regional Medical Center
- 9559 Denial, addition of 7 new acute care beds, Palm Beach County, Wellington Regional Medical Center, Inc. d/b/a Wellington Regional Medical Center, (PRH) same as applicant
- 9560 Denial, addition of 11 CMR beds, Broward County, Healthsouth of Fort Lauderdale Limited Partnership d/b/a Healthsouth Sunrise Rehabilitation Hospital, (PRH) same as applicant
- 9561 Supports denial, addition of 11 CMR beds, Broward County, St. John's Rehabilitation Hospital and Nursing Center, Inc., (PRH) Healthsouth of Fort Lauderdale, Limited Partnership d/b/a Healthsouth Sunrise Rehabilitation Hospital
- 9561P Denial, addition of 5 CMR beds, Broward County, St. John's Rehabilitation Hospital and Nursing Center, Inc., (PRH) same as applicant
- 9561P Supports denial, addition of 5 CMR beds, Broward County, St. John's Rehabilitation Hospital and Nursing Center, Inc., (PRH) Healthsouth of Fort Lauderdale, Limited Partnership d/b/a Healthsouth Sunrise Rehabilitation Hospital
- 9562 Supports denial, addition of 11 CMR beds, Broward County, Tenet Healthsystems Hospital, Inc. d/b/a Hollywood Medical Center, (PRH) Healthsouth of Fort Lauderdale, Limited Partnership d/b/a Healthsouth Sunrise Rehabilitation Hospital
- 9562P Approval, addition of 5 CMR beds, Broward County, Tenet Healthsystems Hospital, Inc. d/b/a Hollywood Medical Center, (PRH) Healthsouth of Fort Lauderdale, Limited Partnership d/b/a Healthsouth Sunrise Rehabilitation Hospital
- 9563 Approval, addition of 6 CMR beds to Joe DiMaggio Children's Hospital, Broward County, Tenet Healthsystems Hospital, Inc. d/b/a Hollywood Medical Center, (PRH) Healthsouth of Fort Lauderdale, Limited Partnership d/b/a Healthsouth Sunrise Rehabilitation Hospital
- 9564 Denial, construct a 100 bed acute care hospital, Broward County, South Broward Hospital District, (PRH) same as applicant
- 9566 Denial, construct a 10 bed Level II NICU, Dade County, Kendall Healthcare Group, Ltd. d/b/a Kendall Medical Center, (PRH) same as applicant
- 9567 Approval, construct a 20 bed adult inpatient psychiatric program through the conversion of 20 acute care beds, Dade County, Kendall Healthcare Group, Ltd. d/b/a Kendall Medical Center, (PRH) Lifemark Hospitals of Florida, Inc. d/b/a Palmetto General Hospital

DEPARTMENT OF ENVIRONMENTAL PROTECTION
**NOTICE OF PUBLIC OPPORTUNITY TO COMMENT
ON A PLAN OF EXPLORATION PROPOSED
IN THE EASTERN GULF OF MEXICO**

On July 26, 2002, the DEP Office of Intergovernmental Programs received a proposed Initial Plan of Exploration by Anadarko Petroleum Corporation, pursuant to the state consistency requirements of 15 CFR 930.

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".

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN July 22, 2002
 and July 26, 2002

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

3F-5.0025	7/23/02	8/12/02	28/22	28/26
-----------	---------	---------	-------	-------

DEPARTMENT OF INSURANCE

4-137.002	7/25/02	8/14/02	28/18	
4-191.035	7/26/02	8/15/02	28/24	
4-191.051	7/26/02	8/15/02	28/24	
4-191.054	7/26/02	8/15/02	28/24	
4-191.055	7/26/02	8/15/02	28/24	
4-191.107	7/26/02	8/15/02	28/24	

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

5F-2.001	7/26/02	8/15/02	28/20	28/22
5F-2.014	7/26/02	8/15/02	28/20	28/22

DEPARTMENT OF EDUCATION

University of Central Florida

6C7-6.007	7/25/02	8/14/02	Newspaper	
6C7-6.0072	7/25/02	8/14/02	Newspaper	

STATE BOARD OF ADMINISTRATION

19-10.001	7/22/02	8/11/02	28/16	28/26
-----------	---------	---------	-------	-------

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

40E-1.659	7/25/02	8/14/02	28/5	
40E-20.010	7/25/02	8/14/02	28/5	
40E-20.011	7/25/02	8/14/02	28/5	
40E-20.031	7/25/02	8/14/02	28/5	
40E-20.042	7/25/02	8/14/02	28/5	
40E-20.061	7/25/02	8/14/02	28/5	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
40E-20.091	7/25/02	8/14/02	28/5	
40E-20.101	7/25/02	8/14/02	28/5	
40E-20.112	7/25/02	8/14/02	28/5	
40E-20.141	7/25/02	8/14/02	28/5	
40E-20.301	7/25/02	8/14/02	28/5	
40E-20.302	7/25/02	8/14/02	28/5	
40E-20.321	7/25/02	8/14/02	28/5	
40E-20.331	7/25/02	8/14/02	28/5	
40E-20.341	7/25/02	8/14/02	28/5	
40E-20.351	7/25/02	8/14/02	28/5	
40E-20.381	7/25/02	8/14/02	28/5	
40E-20.391	7/25/02	8/14/02	28/5	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

61G1-11.0061	7/24/02	8/13/02	28/21	
--------------	---------	---------	-------	--

DEPARTMENT OF HEALTH

Board of Dentistry

64B5-17.0045	7/23/02	8/12/02	28/24	
--------------	---------	---------	-------	--

Board of Medicine

64B8-1.007	7/24/02	8/13/02	28/3	28/16
64B8-40.008	7/24/02	8/13/02	27/52	28/26
64B8-42.004	7/24/02	8/13/02	27/52	28/26
64B8-50.008	7/24/02	8/13/02	28/5	28/26
64B8-52.003	7/24/02	8/13/02	27/52	28/26

Board of Osteopathic Medicine

64B15-13.004	7/23/02	8/12/02	28/25	
64B15-13.0045	7/23/02	8/12/02	28/25	

Board of Podiatric Medicine

64B18-14.002	7/24/02	8/13/02	27/45	28/7
64B18-14.010	7/24/02	8/13/02	27/45	28/19

Board of Respiratory Care

64B32-4.001	7/24/02	8/13/02	28/15	28/26
-------------	---------	---------	-------	-------