

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: Elections
 RULE CHAPTER NO.: 1S-2

RULE TITLE: Polling Place Accessibility Survey
 RULE NO.: 1S-2.035

PURPOSE AND EFFECT: The purpose of rule development is to provide a survey for county supervisors of elections to determine the accessibility of polling places.

SUBJECT AREA TO BE ADDRESSED: Poll place survey.

SPECIFIC AUTHORITY: 101.715 FS., Section 17, Chapter 2002-281, Laws of Florida.

LAW IMPLEMENTED: 101.715 FS., Section 17, Chapter 2002-281, Laws of Florida.

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

TIME AND DATE: 2:00 p.m., Friday, September 27, 2002

PLACE: Room 102, 107 West Gaines Street, The Collins Building, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy Tuck Whitman, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200 or atuckwhitman@mail.dos.state.fl.us

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

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLES: Merchandise Trust Funds – Status of Accounts
 RULE NOS.: 3F-7.007
 Trust Agreements and Trustees 3F-7.015

PURPOSE AND EFFECT: The Board proposes to amend Rule 3F-7.007 to remove obsolete language and Rule 3F-7.015 is being amended to add a new subsection (5) regarding the transfer of assets to another trust fund.

SUBJECT AREA TO BE ADDRESSED: Merchandise Trust Funds – Status of Accounts and Trust Agreements and Trustees.

SPECIFIC AUTHORITY: 20.05(5), 497.103 FS.

LAW IMPLEMENTED: 497.237, 497.337 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-7.007 Merchandise Trust Funds – Status of Accounts.
For purposes of merchandise trust funds, under the provisions of the Funeral and Cemetery Act prior to implementation of 93-399, Laws of Florida, a merchandise trust fund created in uniformity with the requirements of the Florida Cemetery Act is in the nature of a master account (“the Fund”) used for investment purposes and is made up of commingled individual accounts deposited into the Fund in connection with the individual contracts between the cemetery company and its customers. Each of these accounts ~~is~~ are to be established and retained in the Fund together with any income it might earn until certain events shall occur and it is determined to whom the principal of the account plus any earnings should be distributed. ~~The Under the Florida Cemetery Act, the principal of the account plus any earnings may be paid to the cemetery company upon the delivery of the merchandise or performance of the services or to the purchaser or his legal representative in the event that the cemetery company does not deliver the merchandise or perform the services when needed.~~
 The principal and any accrued earnings or losses in such separate account is to be held in suspense until the final determination is made to which party the account will be paid. At the time of withdrawal of the amount in the account, either the seller, cemetery company, or the purchaser or his representative is entitled to not only the principal amount deposited in the account, but also any accrued earnings on the account from the time of the deposit until the time of withdrawal.

Specific Authority 20.05(5), 497.103 FS. Law Implemented 497.337 FS. History–New 11-15-83, Formerly 3D-30.31, 3D-30.031, Amended.

3F-7.015 Trust Agreements and Trustees.

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

(5) Transfer of assets to another trust agreement is permissible provided the trust agreement was approved by the Board, if applicable, and the terms of both trust agreements are consistent and meet the requirements of Rule 3F-7.020, F.A.C.

~~(6)(5)~~ No change.

Specific Authority 497.103 FS. Law Implemented 497.237 FS. History–New 4-25-94, Amended.

DEPARTMENT OF INSURANCE

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| RULE TITLES: | RULE NOS.: |
| PART VII STANDARDS FOR SAFEGUARDING CUSTOMER INFORMATION | |
| Preamble | 4-128.030 |
| Definitions | 4-128.031 |
| Information Security Program | 4-128.032 |
| Objectives of Information Security Program | 4-128.033 |
| Examples of Methods of Development and Implementation | 4-128.034 |
| Effective Date | 4-128.035 |

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The proposed rules adopt, with minor modifications for clarity, the NAIC model "Standards for Safeguarding Customer Information" that will be contained in Part VII of Rule Chapter 4-128, F.A.C. This is a supplement to the Privacy Of Consumer Financial And Medical Information rules which the Department adopted in 2001. The Gramm Leach Bliley (GLB) Act requires the states to adopt standards to protect against unauthorized access to or use of protected records, which could result in substantial harm or inconvenience to any customer. *See* §501(a).

SPECIFIC AUTHORITY: 624.308(1), 626.9651 FS.

LAW IMPLEMENTED: 624.307(1), 626.9651 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 25, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: 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.

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

DEPARTMENT OF INSURANCE

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| RULE TITLE: | RULE NO.: |
| Loss Ratio Standards and Refund or Credit of Premium | |
| | 4-156.011 |

PURPOSE AND EFFECT: The rule is being amended to delete obsolete references, incorporate forms by reference, provide filing addresses and make a technical change.

SUBJECT AREA TO BE ADDRESSED: Medicare Supplement Insurance.

SPECIFIC AUTHORITY: 624.308, 627.674(2) FS.

LAW IMPLEMENTED: 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS.

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

TIME AND DATE: 2:00 p.m., September 19, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Bureau of L & H Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-156.011 Loss Ratio Standards and Refund or Credit of Premium.

- (1) No change.
- (2) Refund or Credit Calculation.

(a)1. An issuer shall collect the data necessary, and file with the Department, each year by May 31, the refund or credit calculation information. This filing shall include:

a. Form DI4-1507, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter", with the Purpose section and Section II 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", as adopted in Rule 4-149.022, F.A.C.;

b. The following forms for each type in a standard Medicare supplement benefit plan, and each type of pre-standardized business.

(I) "Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Individual Policies" Form DI4-MSB-I (7/02), for individual business, completed in compliance with the instructions for the form; or

(II) "Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Group Policies" Form DI4-MSB-G (7/02), for group business, completed in compliance with the instructions for the form; and

(III) The “Medicare Supplement Refund Calculation Form”, Form DI4-MSR (rev. 7/02), completed in compliance with the instructions for the form. An issuer shall collect and file with the Department, in compliance with the instructions to the form, by May 31 of each year the data contained in the “Medicare Supplement Refund Calculation Form”, Form DI4-MSR (6/96), for each type in a standard Medicare supplement benefit plan, and each type of pre-standardized business.

2. Form DI4-MSB-I (7/02), Form DI4-MSB-G (7/02), and Form DI4-MSR (rev. 7/02) are hereby adopted and incorporated by reference, and may be obtained by writing to the Department of Insurance, Division of Insurer Services, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, FL 32399-0328.

3.a. Filings The forms shall be mailed to: Bureau of Life and Health Forms & Rates, Division of Insurer Services, Department of Insurance, 2800 South Adams Street, Post Office Box 8040, Tallahassee, FL 32301-8040 32314-5320, or submitted electronically to <https://iportal.fldoi.com>.

b. All filings sent to the Department by Federal Express or any other form of special delivery shall be delivered to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.

(b)1. No change.

2. In particular, for policies and certificates issued as pre-standardized business:

a.(F) In the preparation of the “Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Individual Policies” Form DI4-MSB-I (7/02), (rev. 6/96) and “Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Group Policies” Form DI4-MSB-G (7/02), the insurer shall consider January 1, 1992, to be the date of inception for all policies and certificates and first year premium shall be the 1992 earned premium.

~~(H) Form DI4-MSB is hereby adopted and incorporated by reference, and may be obtained by writing the Department of Insurance, Division of Insurer Services, Bureau of Life and Health Forms and Rate, 200 East Gaines Street, Tallahassee, FL 32399-0328.~~

b. The insurer shall prepare pages 1 through 3 of Form DI4-MSR (rev. 7/02) for the two types of pre-standardized business. Since all policies and certificates are considered to have been issued on January 1, 1992, only experience since that date shall be included in this exhibit.

c. All individual businesses, regardless of issue date, shall use the factors on the individual policy page of the “Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Individual Policies” (Form DI4-MSB (7/02)).

(c) No change.

(3) through (4) No change.

Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History—New 1-1-92, Amended 7-14-96, 12-17-96, 7-26-99, 3-4-01.

DEPARTMENT OF INSURANCE

RULE TITLE: RULE NO.:

Workers Compensation: Application 4-189.003
and Audit Procedures

PURPOSE AND EFFECT: This is a second Notice of Proposed Rule Development to update Rule 4-189.003 due to changes required by SB 108. SB 108 requires that the application that insurers use be changed by including a sworn statement by the agent attesting that the agent explained to the employer or officer the classification codes that are used for the premium calculations. SB 108 also requires that the audit procedures insurers use be changed by mandating at the completion of an audit, the employer or officer of the corporation and the auditor must print and sign their names on the audit document and attach proof of identification to the audit document.

SUBJECT AREA TO BE ADDRESSED: Workers’ Compensation applications and procedures.

SPECIFIC AUTHORITY: 440.381 FS.

LAW IMPLEMENTED: 440.381, 624.307, 624.308(1) FS.

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

TIME AND DATE: 2:00 p.m., September 24, 2002

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Theresa Eaton, (850)413-3821.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Theresa Eaton, Property & Casualty Forms and Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-3821

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Preservation of Native Flora of Florida 5B-40

RULE TITLE: RULE NO.:

Regulated Plant Index 5B-40.0055

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate changes to the Regulated Plant Index Rule as a result of the public meetings conducted by the Endangered Plant Advisory Council.

SUBJECT AREA TO BE ADDRESSED: This amendment revises the Regulated Plant Index. Eight plants will be listed as endangered, three species will be de-listed from the endangered list. Three plants will have name changes.

SPECIFIC AUTHORITY: 570.07(23), 581.185(4),(9),(11) FS.

LAW IMPLEMENTED: 570.07(13), 581.185(4),(9),(11) FS.

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

TIME AND DATE: 10:00 a.m., September 16, 2002

PLACE: Doyle Conner Building, 1911 S.W. 34th Street, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Richard Gaskalla, Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-40.0055 Regulated Plant Index.

(1) No change.

(a) Endangered Plant List. The following plants shall be included in the Endangered Plant List:

1. *Acacia choriophylla* (tamarindillo).
2. *Acacia tortuosa* (poponax) Presumed Extirpated.
3. *Actaea pachypoda* (baneberry).
4. *Adiantum melanoleucum* (fragrant maidenhair fern).
5. *Adiantum tenerum* (brittle maidenhair fern).
6. *Aeschynomene pratensis* (meadow jointvetch).
7. *Ageratum littorale* (Cape Sable whiteweed).
8. *Agrimonia incisa* (harvest-lice).
9. *Aletris bracteata* (bracted colicroot).
10. *Alvaradoa amorphoides* (alvaradoa).
11. *Amorpha crenulata* (Miami lead plant).
12. *Anemia wrightii* (parsley fern).
13. *Aquilegia canadensis* (columbine).
14. *Arabis canadensis* (sicklepod).
15. *Argusia gnaphalodes* (sea-lavender).
16. *Argythamnia blodgettii* (Blodgett's wild-mercury).
- ~~17. *Aristida simpliciflora* (southern three-awn).~~
- ~~17.18. *Aristolochia pentandra* (Marsh's dutchman's pipe).~~
- ~~18.19. *Aristolochia tomentosa* (pipevine).~~
19. *Arnica acaulis* (leopard's-bane).
20. *Arnoglossum album* (white-flowered plantain).
- ~~21.20. *Asclepias curtissii* (Curtiss's milkweed).~~
22. *Asclepias viridiflora* (green-flower milkweed).
- ~~23.21. *Asimina tetramera* (four-petal pawpaw).~~
- ~~24.22. *Asplenium auritum* (auricled spleenwort) (fern).~~

~~25.23. *Asplenium dentatum* (slender spleenwort).~~

~~26.24. *Asplenium monanthes* (San Felasco spleenwort).~~

~~27.25. *Asplenium pumilum* (dwarf spleenwort).~~

~~28.26. *Asplenium serratum* (bird's-nest spleenwort).~~

~~29.27. *Asplenium verecundum* (delicate spleenwort).~~

~~30.28. *Aster hemisphericus* (aster).~~

~~31.29. *Aster spinulosus* (pinewoods aster).~~

~~32.30. *Baccharis dioica* (broom-bush) Presumed Extirpated.~~

~~33.31. *Balduina atropurpurea* (purple balduina).~~

~~34.32. *Baptisia megacarpa* (Apalachicola wild-indigo).~~

~~35.33. *Basiphyllaea corallicola* (Carter's orchid).~~

~~36.34. *Bigelowia nuttallii* (Nuttall's rayless goldenrod).~~

~~37.35. *Blechnum occidentale* (sinkhole fern).~~

~~38.36. *Bonamia grandiflora* (Florida bonamia).~~

~~39.37. *Bourreria cassinifolia* (little strongback).~~

~~40.38. *Bourreria radula* (rough strongbark).~~

~~41.39. *Bourreria succulenta* (bodywood).~~

~~42.40. *Brassia caudata* (spider orchid).~~

~~43.41. *Brickellia cordifolia* (Flyr's nemesis).~~

~~44.42. *Brickellia mosieri* (Brickell-bush).~~

~~45.43. *Bulbophyllum pachyrrachis* (rat-tail orchid).~~

~~44. *Bumelia anomala* (Clark's buckthorn).~~

~~45. *Bumelia lycioides* (gopherwood buckthorn).~~

~~46. *Bumelia thornei* (Thorne's buckthorn).~~

~~46.47. *Burmannia flava* (Fakahatchee burmannia).~~

~~47.48. *Caesalpinia major* (yellow nicker).~~

~~48.49. *Caesalpinia pauciflora* (fewflower holdback).~~

~~49.50. *Calamintha georgiana* (Georgia calamint).~~

~~50.51. *Callirhoe papaver* (poppy mallow).~~

~~51.52. *Calopogon multiflorus* (many-flowered grass-pink).~~

~~52.53. *Calycanthus floridus* (sweet shrub).~~

~~53.54. *Calyptanthes zuzygium* (myrtle of the river).~~

~~54.55. *Calystegia catesbaeiana* (Catesby's bindweed).~~

~~55.56. *Campanula robinsiae* (Chinsegut bellflower).~~

~~56.57. *Campylocentrum pachyrrhizum* (leafless orchid).~~

~~57.58. *Campyloneurum angustifolium* (narrow swamp fern).~~

~~58.59. *Campyloneurum costatum* (tailed strap fern).~~

~~59.60. *Campyloneurum latum* (wide strap fern).~~

~~60.61. *Canella winterana* (wild cinnamon).~~

~~61.62. *Carex chapmanii* (Chapman's sedge).~~

~~62.63. *Carex microdonta* (little-tooth sedge).~~

~~63.64. *Cassia keyensis* (= *Chamaecrista lineata* var. *keyensis*) (Key cassia).~~

~~64.65. *Catesbaea parviflora* (dune lily-thorn).~~

~~65.66. *Catopsis beteroniana* (airplant).~~

~~66.67. *Catopsis floribunda* (many-flowered airplant).~~

~~67.68. *Catopsis nutans* (nodding catopsis).~~

- 68.69: *Celosia nitida* (West Indian cock's-comb).
 69.70: *Celtis iguanaea* (Iguana hackberry).
 70.71: *Celtis pallida* (spiny hackberry).
 71.72: *Centrosema arenicola* (sand butterfly pea).
 72.73: *Cereus robinii* (tree cactus).
 73.74: *Chamaesyce cumulicola* (sand dune spurge).
 74.75: *Chamaesyce deltoidea* (= ~~*Euphorbia deltoidea*~~) (rockland spurge).
 75.76: *Chamaesyce garberi* (Garber's spurge).
 76.77: *Chamaesyce porteriana* (Porter's spurge).
 77.78: *Cheilanthes microphylla* (southern lip fern).
 78.79: *Chionanthus pygmaeus* (pygmy fringe-tree).
 79.80: *Chrysopsis cruiseana* (Cruise's golden-aster).
 80.81: *Chrysopsis floridana* (Florida's golden-aster).
 81.82: *Chrysopsis godfreyi* (Godfrey's golden-aster).
 82.83: *Cienfuegosia yucatonensis* (= ~~*Cienfuegosia heterophylla*~~) (yellow-hibiscus).
 83.84: *Cissampelos pareira* (pareira brava) Presumed Extirpated.
 84.85: *Cladonia perforata* (Florida perforate cladonia).
 85.86: *Clitoria fragrans* (pigeon wings).
 86.87: *Colubrina arborescens* (greenheart).
 87.88: *Colubrina cubensis* (colubrina).
 88.89: *Colubrina elliptica* (soldierwood).
 89.90: *Conradina brevifolia* (short-leaved rosemary).
 90.91: *Conradina etonia* (etonia rosemary).
 91.92: *Conradina glabra* (Apalachicola rosemary).
 92.93: *Corallorhiza odorhiza* (autumn coralroot).
 93.94: *Cordia globosa* (Curacao bush).
 94.95: *Coreopsis integrifolia* (dye-flower).
 95.96: *Cornus alternifolia* (pagoda dogwood).
 96.97: *Cranichis muscosa* (moss orchid).
 97.98: *Crataegus phaenopyrum* (Washington thorn).
 98.99: *Croomia pauciflora* (croomia).
 99.100: *Crotalaria avonensis* (Avon Park harebells).
 100.101: *Croton humilis* (pepperbush).
 101.102: *Cryptotaenia canadensis* (honestwort).
 102.103: *Ctenitis sloanei* (Florida tree fern/red-hair comb fern).
 103.104: *Ctenitis submarginalis* (brown-hair comb fern).
 104.105: *Ctenium floridanum* (Florida toothache grass).
 105.106: *Cucurbita okeechobeensis* (Okeechobee gourd).
 106.107: *Cupania glabra* (cupania).
 107.108: *Cuphea aspera* (tropical waxweed).
 108.109: *Cynoglossum virginianum* (wild comfrey).
 109.110: *Cyperus floridanus* (Florida flatsedge).
 110.111: *Cyperus fuligineus* (limestone flatsedge).
 111.112: *Cyrtopodium punctatum* (cowhorn or cigar orchid).
 112.113: *Dalbergia brownii* (Brown's Indian rosewood).
 113.114: *Dalea carthagenensis* (Florida prairie clover).
 114.115: *Deeringothamnus pulchellus* (white squirrel-banana).
 115.116: *Deeringothamnus rugelii* (yellow squirrel-banana).
 116.117: *Delphinium carolinianum* (Carolina larkspur).
 117.118: *Dennstaedtia bipinnata* (cuplet fern).
 118.119: *Desmodium ochroleucum* (trailing tick-trefoil).
 119.120: *Dicerandra christmanii* (Christmann's mint).
 120.121: *Dicerandra cornutissima* (Robin's mint).
 121.122: *Dicerandra frutescens* (Lloyd's mint).
 122.123: *Dicerandra immaculata* (Olga's mint).
 123: *Dicerandra thinicola* (Titusville balm).
 124: *Digitaria pauciflora* (Florida pineland crabgrass).
 125: *Dirca palustris* (leatherwood).
 126: *Dodecatheon meadia* (shooting-star).
 127: *Dodonaea elaeagnoides* (Keys hopbush).
 128: *Drosera filiformis* (dew-thread).
 129: *Drypetes diversifolia* (milkbark).
 130: *Echinacea purpurea* (purple coneflower).
 131: *Eleocharis rostellata* (beaked spikerush).
 132: *Eltroplectris calcarata* (= ~~*Centrogenium setaceum*~~) (spurred neottia).
 133: *Encyclia boothiana* (*Epidendrum boothianum*) (dollar orchid).
 134: *Encyclia cochleata* (Florida clamshell orchid).
 135: *Encyclia pygmaea* (dwarf epidendrum).
 136: *Epidendrum acunae* (Acuna's epidendrum).
 137: *Epidendrum anceps* (dingy-flowered epidendrum).
 138: *Epidendrum difforme* (umbelled epidendrum).
 139: *Epidendrum nocturnum* (night-scented epidendrum).
 140: *Epidendrum rigidum* (rigid epidendrum).
 141: *Epidendrum strobiliferum* (matted epidendrum).
 142: *Epigaea repens* (trailing arbutus).
 143: *Eragrostis tracyi* (Sanibel lovegrass).
 144: *Eriocaulon nigrobracteatum* (dark-headed hatpins).
 145: *Eriogonum floridanum* (= ~~*Eriogonum longifolium*~~ var. ~~*gnaphalifolium*~~) (scrub buckwheat).
 146: *Ernodea cokeri* (one-nerved ernodea).
 147: *Eryngium cuneifolium* (scrub eryngium).
 148: *Erythronium umbilicatum* (dimpled dogtooth-violet).
 149: *Eugenia confusa* (redberry eugenia).
 150: *Eugenia rhombea* (red stopper).
 151: *Euonymus atropurpurea* (burning bush).
 152: *Eupatorium frustratum* (Cape Sable thoroughwort).
 153: *Eupatorium villosum* (Keys thoroughwort).
 154: *Euphorbia commutata* (wood spurge).
 155: *Euphorbia telephioides* (spurge).
 156: *Evolvulus convolvuloides* (dwarf bindweed).
 157: *Evolvulus grisebachii* (Grisebach's bindweed).

158. *Exostema caribaeum* (Caribbean princewood).
 159. *Forestiera godfreyi* (Godfrey's swamp privet).
 160. *Fothergilla gardenii* (dwarf witch-alder).
 161. *Galactia smallii* (Small's milkpea).
 162. *Galeandra beyrichii* (helmet orchid).
 163. *Gentiana pennelliana* (wiregrass gentian).
 164. *Goodyera pubescens* (downy rattlesnake orchid).
 165. *Gossypium hirsutum* (wild cotton).
 166. *Govenia utriculata* (Gowen's orchid).
 167. *Guaiacum sanctum* (lignum vitae).
 168. *Guzmania monostachia* (Fuch's bromeliad).
 169. *Gyminda latifolia* (West Indian falsebox).
 170. *Habenaria distans* (distans habenaria).
 171. *Harperocallis flava* (Harper's beauty).
 172. *Harrisia eriophora* (Indian River prickly-apple).
 173. *Harrisia gracilis* (West coast prickly-apple).
 174. *Hasteola robertiorum* (Gulf hammock indian-plantain).
 175. *Helianthus carnosus* (flatwoods sunflower).
 176. *Heliotropium fruticosum* (Key West heliotrope)
 Presumed Extirpated.
 177. *Hepatica nobilis* (= *Hepatica americana*) (liverleaf).
 178. *Hexalectris spicata* (crested coral-root).
 179. *Hibiscus poeppigii* (Poeppig's rosemallow).
 180. *Hippomane mancinella* (manchineel).
 181. *Hybanthus concolor* (green violet).
 182. *Hydrangea arborescens* (wild hydrangea).
 183. *Hymenocallis godfreyi* (Godfrey's spiderlily).
 184. *Hymenocallis henryae* (Mrs. Henry's spiderlily).
 185. *Hypelate trifoliata* (inkwood).
 186. *Hypericum cumulicola* (Highlands scrub hypericum).
 187. *Hypericum edisonianum* (Edison ascyrum).
 188. *Hypericum lissophloeus* (smooth-barked St. Johns-wort).
 189. *Illicium parviflorum* (star anise).
 190. *Indigofera keyensis* (Keys' indigo).
 191. *Ionopsis utricularioides* (delicate ionopsis orchid).
 192. *Ipomoea microdactyla* (wild-potato morning-glory).
 193. *Ipomoea tenuissima* (rocklands morning-glory).
 194. *Isoetes engelmannii* (Engelmann's quillwort).
 195. *Isopyrum biternatum* (false rue-anemone).
 196. *Isotria verticillata* (whorled pogonia).
 197. *Jacquemontia havanensis* (Havana clustervine).
 198. *Jacquemontia pentantha* (skyblue clustervine).
 199. *Jacquemontia reclinata* (beach jacquemontia).
 200. *Juncus gymnocarpus* (Coville's rush).
 201. *Justicia cooleyi* (Cooley's justicia).
 202. *Justicia crassifolia* (thick-leaved water-willow).
 203. *Kosteletzkya depressa* (white fen).
 204. *Lantana canescens* (hammock shrub verbena).
 205. *Lantana depressa* (pineland lantana).
 206. *Lechea divaricata* (spreading pinweed).
 207. *Lechea lakelae* (Lakela's pinweed).
 208. *Leiphaimos parasitica* (parasitic ghostplant).
 209. *Leochilus labiatus* (lipped orchid).
 210. *Lepanthopsis melanantha* (tiny orchid).
 211. *Lepuropetalon spathulatum* (little-people).
 212. *Liatris ohlingerae* (scrub blazing-star).
 213. *Liatris provincialis* (Godfrey's blazing-star).
 214. *Licaria triandra* (licaria).
 215. *Lilium iridollae* (panhandle lily).
 216. *Lilium michauxii* (Carolina lily).
 217. *Lilium superbum* (Turk's-cap lily).
 218. *Lindera melissifolia* (pondberry) Presumed Extirpated.
 219. *Lindera subcoriacea* (bog spicebush).
 220. *Linum arenicola* (sand flax).
 221. *Linum carteri* (Everglades flax).
 222. *Linum westii* (West's flax).
 223. *Liparis nervosa* (tall twayblade).
 224. *Litsea aestivalis* (pond-spice).
 225. *Lobelia boykinii* (Boykin's lobelia).
 226. ~~225.~~ *Lomariopsis kunzeana* (climbing holly-fern).
 227. ~~226.~~ *Lupinus aridorum* (= ~~*Lupinum westianus* var. *aridorum*~~) (McFarlin's lupine).
 228. ~~227.~~ *Lycopodium dichotomum* (hanging clubmoss).
 229. ~~228.~~ *Lythrum curtissii* (Curtis' loosestrife).
 230. ~~229.~~ *Lythrum flagellare* (lowland loosestrife).
 231. ~~230.~~ *Macbridea alba* (white birds-in-a-nest).
 232. ~~231.~~ *Macradenia lutescens* (Trinidad macradenia).
 233. ~~232.~~ *Macranthera flammea* (hummingbird-flower).
 234. ~~233.~~ *Magnolia acuminata* (cucumber-tree).
 235. ~~234.~~ *Magnolia ashei* (Ashe's magnolia).
 236. ~~235.~~ *Magnolia pyramidata* (pyramid magnolia).
 237. ~~236.~~ *Magnolia tripetala* (umbrella magnolia).
 238. ~~237.~~ *Malaxis unifolia* (green adder's-mouth orchid).
 239. ~~238.~~ *Marshallia obovata* (Barbara's buttons).
 240. ~~239.~~ *Marshallia ramosa* (Barbara's buttons).
 241. ~~240.~~ *Matelea alabamensis* (Alabama spiny pod).
 242. ~~241.~~ *Matelea baldwyniana* (Baldwin's spiny pod).
 243. ~~242.~~ *Matelea flavidula* (yellow-flowered spiny pod).
 244. ~~243.~~ *Matelea floridana* (Florida spiny pod).
 245. ~~244.~~ *Matelea publiflora* (sandhill spiny pod).
 246. ~~245.~~ *Maxillaria crassifolia* (hidden orchid).
 247. ~~246.~~ *Maxillaria parviflora* (minnie-max).
 248. ~~247.~~ *Medeola virginiana* (Indian cucumber).
 249. ~~248.~~ *Microgramma heterophylla* (climbing vine fern).
 250. ~~249.~~ *Minuartia godfreyi* (Godfrey's sandwort).
 251. ~~250.~~ *Monotropa hypopithys* (pine-sap).
 252. ~~251.~~ *Monotropis reynoldsiae* (pygmy-pipes).

- ~~253.252~~: *Nemastylis floridana* (celestial lily).
~~254.253~~: *Neurodium lanceolatum* (ribbon fern).
~~255.254~~: *Nolina brittoniana* (Britton's bear-grass).
~~256.255~~: *Nymphaea jamesoniana* (Jameson's water lily).
~~257.256~~: *Ocimum campechianum* (ocimum).
~~258.257~~: *Okenia hypogaea* (burrowing four-o'clock).
~~259.258~~: *Oncidium bahamense* (dancing-lady orchid).
~~260.259~~: *Oncidium floridanum* (Florida orchidium).
~~261.260~~: *Oncidium luridum* (mule-ear orchid).
~~262.261~~: *Ophioglossum palmatum* (hand fern).
~~263.262~~: *Opuntia corallicola* (semaphore cactus).
~~264.263~~: *Opuntia triacantha* (Keys Joe-jumper).
~~265.264~~: *Oxypolis greenmanii* (giant water-dropwort).
~~266.265~~: *Pachysandra procumbens* (Allegheny-spurge).
~~267.266~~: *Panicum abscissum* (cut-throat grass).
~~268.267~~: *Parnassia caroliniana* (Carolina grass-of-Parnassus).
~~269.268~~: *Parnassia grandifolia* (grass-of-Parnassus).
~~270.269~~: *Paronychia chartacea* (papery whitlow-wort).
~~271.270~~: *Passiflora multiflora* (white-flowered passionvine).
~~272.271~~: *Passiflora pallens* (pineland passionvine).
~~273.272~~: *Passiflora sexflora* (goat's foot leaf).
~~274.273~~: *Pavonia paludicola* (swampbush).
~~275.274~~: *Pellaea atropurpurea* (hairy cliff-brake fern).
~~276.275~~: *Peperomia amplexicaulis* (clasping peperomia).
~~277.276~~: *Peperomia glabella* (cypress peperomia).
~~278.277~~: *Peperomia humilis* (peperomia).
~~279.278~~: *Peperomia magnoliifolia* (spathulate peperomia).
~~280.279~~: *Peperomia obtusifolia* (Florida peperomia).
~~281~~: *Peperomia rotundifolia* (round peperomia).
~~282.280~~: *Pharus glaber* (creeping leafstalk grass).
~~283.281~~: *Phoradendron rubrum* (mahogany mistletoe).
~~284.282~~: *Phyla stoechadifolia* (southern matchsticks).
~~285.283~~: *Phyllanthus leibmannianus* (pine woods dainties).
~~286.284~~: *Physocarpus opulifolius* (ninebark).
~~287.285~~: *Picramnia pentandra* (Florida bitterbush).
~~288.286~~: *Pilosocereus bahamensis* (Bahamian treecactus).
~~289.287~~: *Pinguicula ionantha* (Panhandle butterwort).
~~290.288~~: *Pinguicula primuliflora* (primrose-flowered butterwort).
~~291.289~~: *Pisonia rotundata* (devil's smooth claws).
~~292.290~~: *Pityopsis flexuosa* (Florida golden-aster).
~~293.291~~: *Platanthera clavellata* (green rein orchid).
~~294.292~~: *Platanthera integra* (orange rein orchid).
~~295.293~~: *Pleopeltis astrolepis* (star-scaled fern).
~~296.294~~: *Pleurothallis gelida* (frosted orchid).
~~297.295~~: *Podophyllum peltatum* (mayapple).
~~298.296~~: *Poinsettia pinetorum* (= ~~*Euphorbia pinetorum*~~) (Everglades poinsettia).
~~299.297~~: *Polygala lewtonii* (Lewton's polygala).
~~300.298~~: *Polygala smallii* (tiny polygala).
~~301.299~~: *Polygonella basiramia* (tufted wireweed).
~~302.300~~: *Polygonella myriophylla* (sandlace).
~~303.301~~: *Polygonum meisnerianum* (Mexican tear-thumb).
~~304.302~~: *Polymnia laevigata* (Tennessee leaf-cup).
~~305.303~~: *Polypodium dispersum* (widespread polypody).
~~306.304~~: *Polypodium plumula* (plume polypody).
~~307.305~~: *Polypodium ptilodon* (swamp plume polypody).
~~308.306~~: *Polyrrhiza lindenii* (ghost orchid).
~~309.307~~: *Polystachya concreta* (pale-flowered polystachya).
~~310.308~~: *Ponthieva brittoniae* (Mrs. Britton's shadow witch).
~~311.309~~: *Potamogeton floridanus* (Florida pondweed).
~~312.310~~: *Prescottia oligantha* (small-flowered orchid).
~~313.311~~: *Prunus geniculata* (scrub plum).
~~314.312~~: *Pseudophoenix sargentii* (Sargent's cherry palm).
~~315.313~~: *Psychotria ligustrifolia* (Bahama wildcoffee).
~~316.314~~: *Remirea maritima* (beach-star).
~~317.315~~: *Rhexia parviflora* (Apalachicola meadow-beauty).
~~318.316~~: *Rhipsalis baccifera* (mistletoe cactus).
~~319.317~~: *Rhododendron alabamense* (Alabama azalea).
~~320.318~~: *Rhododendron austrinum* (Florida flame azalea).
~~321.319~~: *Rhododendron chapmanii* (Chapman's rhododendron).
~~322.320~~: *Rhus michauxii* (Michaux's sumac) Presumed Extirpated.
~~323.321~~: *Rhynchosia swartzii* (Swartz' snoutbean).
~~324.322~~: *Rhynchospora crinipes* (hairy peduncled beakrush).
~~325~~: *Rhynchospora megaplumosa* (hairy spikelet beakrush).
~~326.323~~: *Ribes echinellum* (Miccosukee gooseberry).
~~327.324~~: *Roystonea elata* (Florida royal palm).
~~328.325~~: *Rudbeckia nitida* (St. John's-Susan).
~~329.326~~: *Rudbeckia triloba* (a browneyed Susan).
~~330.327~~: *Ruellia noctiflora* (night-flowering wild-petuni).
~~331.328~~: *Salix eriocephala* (heart-leaved willow).
~~332.329~~: *Salix floridana* (Florida willow).
~~333.330~~: *Salvia urticifolia* (nettle-leaved sage).
~~334.331~~: *Sarracenia leucophylla* (white-top pitcher-plant).
~~335.332~~: *Savia bahamensis* (Bahama maidenbush).
~~336.333~~: *Schaefferia frutescens* (Florida boxwood).
~~337.334~~: *Schisandra coccinea* (bay star vine).
~~338.335~~: *Schizachyrium niveum* (scrub bluestem).

- ~~339.336~~: *Schizachyrium sericatum* (silky bluestem).
~~340.337~~: *Schizaea germanii* (ray fern).
~~341.338~~: *Schwalbea americana* (chaff-seed).
~~342.339~~: *Scleria lithosperma* (Keys' nutrush).
~~343.340~~: *Scutellaria floridana* (Florida skullcap).
~~344.341~~: *Scutellaria havanensis* (Havana skullcap).
~~345.342~~: *Selaginella eatonii* (pygmy spikemoss).
~~346.343~~: *Setaria chapmanii* (coral panic grass).
347. *Sideroxylon alachuense* Anderson (Clark's buckthorn).
348. *Sideroxylon lycioides* (gopherwood buckthorn).
349. *Sideroxylon thornei* (Thorne's buckthorn).
~~350.344~~: *Silene polypetal* (fringed pink).
~~351.345~~: *Silene virginica* (fire pink).
~~352.346~~: *Sphenomeris clavata* (wedget fern).
~~353.347~~: *Sphenostigma coelestinum* (Bartram's ixia).
~~354.348~~: *Spigelia gentianoides* (gentian pinkroot).
~~355.349~~: *Spigelia loganioides* (Levy pinkroot).
~~356.350~~: *Spiranthes adnata* (pelexia).
~~357.351~~: *Spiranthes brevilabris* (small ladies'-tresses).
~~358.352~~: *Spiranthes costaricensis* (Costa Rican ladies'-tresses).
~~359.353~~: *Spiranthes elata* (tall neottia).
~~360.354~~: *Spiranthes ovalis* (lesser ladies'-tresses).
~~361.355~~: *Spiranthes polyantha* (Ft. George ladies'-tresses).
~~362.356~~: *Spiranthes torta* (southern ladies'-tresses).
~~363.357~~: *Stachydeoma graveolens* (= *Hedeoma graveolens*) (mock pennyroyal).
~~364.358~~: *Stachys crenata* (shade betony).
~~365.359~~: *Stachys tenuifolia* (narrow-leaved betony).
~~366.360~~: *Staphylea trifolia* (bladder nut).
~~367.361~~: *Stewartia malacodendron* (silky camellia).
~~368.362~~: *Strumpfia maritima* (pride-of-Big-Pine).
~~369.363~~: *Stylisma abdita* (hidden stylisma).
~~370.364~~: *Stylosanthes calcicola* (Everglades pencilflower).
~~371.365~~: *Taxus floridana* (Florida yew).
~~372.366~~: *Tectaria fimbriata* (least halberd fern).
~~373.367~~: *Tephrosia angustissima* (hoary pea).
~~374.368~~: *Thalictrum cooleyi* (Cooley's meadow rue).
~~375.369~~: *Thalictrum thalictroides* (= *Anemonella thalictroides*) (Rue-anemone).
~~376.370~~: *Thelypteris grandis* (Collier County maiden fern).
~~377.371~~: *Thelypteris patens* (grid-scale maiden fern).
~~378.372~~: *Thelypteris reptans* (creeping star-hair fern).
~~379.373~~: *Thelypteris reticulata* (lattice-vein fern, cypress fern).
~~380.374~~: *Thelypteris sclerophylla* (stiff star-hair fern).
~~381.375~~: *Thelypteris serrata* (dentate lattice-vein fern).
~~382.376~~: *Thrinax morrisii* (= *T. microcarpa*) (brittle thatch palm).
~~383.377~~: *Thrinax radiata* (= *T. floridana*) (Florida thatch palm).
~~384.378~~: *Tillandsia fasciculata* (common or stiff-leaved wild-pine).
~~385.379~~: *Tillandsia pruinosa* (fuzzy-wuzzy or hoary air-plant).
~~386.380~~: *Tillandsia utriculata* (giant wild-pine).
~~381~~: *Tithymalus telephiodes* (spurge).
~~387.382~~: *Torreya taxifolia* (Florida torreya).
~~388.383~~: *Tournefortia hirsutissima* (chiggery grapes).
~~389.384~~: *Trema lamarckianum* (Lamarck's trema).
~~390.385~~: *Trichomanes holopterum* (entire-winged bristle fern).
~~391.386~~: *Trichomanes krausii* (Kraus's bristle fern).
~~392.387~~: *Trichomanes lineolatum* (lined bristle fern).
~~393.388~~: *Trichomanes punctatum* (Florida bristle fern).
~~394.389~~: *Trichostigma octandrum* (hoop vine) **Presumed Extirpated**.
~~395.390~~: *Trillium lancifolium* (lance-leaved wake-robin).
~~396.391~~: *Triphora craigheadii* (Craigheads's orchid).
~~397.392~~: *Triphora latifolia* (wide-leaved triphora).
~~398.393~~: *Tropidia polystachya* (young-palm orchid).
~~399.394~~: *Uvularia floridana* (Florida merrybells).
~~400.395~~: *Vallesia antillana* (tear shrub).
~~401.396~~: *Vanilla barbellata* (worm-vine orchid).
~~402.397~~: *Vanilla dilloniana* (Dillon's vanilla).
~~403.398~~: *Vanilla mexicana* (unscented vanilla).
~~404.399~~: *Vanilla phaeantha* (leafy vanilla).
~~405.400~~: *Veratrum woodii* (false hellebore).
~~406.401~~: *Verbena maritima* (coastal vervain).
~~407.402~~: *Verbena tampensis* (Tampa vervain).
~~408.403~~: *Vicia ocalensis* (Ocala vetch).
~~409.404~~: *Viola tripartita* (yellow violet).
~~410.405~~: *Warea amplexifolia* (clasping warea).
~~411.406~~: *Warea carteri* (Carter's mustard).
~~412.407~~: *Xanthorhiza simplicissima* (yellow-root).
~~413.408~~: *Xyris chapmanii* (Chapman's yellow-eyed-grass).
~~414.409~~: *Xyris isoetifolia* (quillwort yellow-eyed-grass).
~~415.410~~: *Xyris longisepala* (Karst pond yellow-eyed-grass).
416. *Yucca gloriosa* (moundlily yucca).
~~417.411~~: *Zanthoxylum americanum* (prickly-ash).
~~418.412~~: *Zanthoxylum coriaceum* (leathery prickly-ash).
~~419.413~~: *Zanthoxylum flavum* (yellowheart).
~~420.414~~: *Zigadenus leimanthoides* (coastal death camas).
~~421.415~~: *Ziziphus celata* (scrub ziziphus).

(b) Threatened Plant List. The following plants shall be included in the Threatened Plant List:

1. *Acanthocereus pentagonus* (barbed-wire cactus).
2. *Acoelorrhaphe wrightii* (Everglades palm).
3. *Acrostichum aureum* (golden leather fern).
4. *Andropogon arctatus* (pine-woods bluestem).
5. *Angadenia berteroi* (pineland golden trumpet).
6. *Arnoglossum diversifolium* (Indian-plantain).
7. *Asclepias viridula* (green milkweed).
8. *Athyrium filix-femina* (southern lady fern).
9. *Baptisia hirsuta* (hairy wild-indigo).
10. *Baptisia simplicifolia* (scare-weed).
11. *Bletia purpurea* (pine-pink orchid).
12. *Byrsonima lucida* (locust berry).
13. *Calamintha ashei* (Ashe's calamintha).
14. *Calamintha dentata* (toothed savory).
15. *Calamovilfa curtissii* (Curtis' sandgrass).
16. *Calyptanthus pallens* (pale lidflower).
17. *Carex baltzellii* (Baltzell's sedge).
18. *Chamaesyce pergamena* (rocklands spurge).
19. *Chaptalia albicans* (white sunbonnets).
20. *Chrysophyllum oliviforme* (satin leaf).
21. *Cleistes divaricata* (spreading pogonia).
22. *Coccothrinax argentata* (silver palm).
23. *Coelorachis tuberculosa* (piedmont joint grass).
24. *Conradina grandiflora* (large-flowered rosemary).
25. *Crossopetalum ilicifolium* (Christmas berry).
26. *Crossopetalum rhacoma* (rhacoma).
27. *Cynanchum blodgettii* (Blodgett's swallowwort).
28. *Digitaria dolichophylla* (Caribbean crabgrass).
29. *Drosera intermedia* (water sundew).
30. *Drypetes lateriflora* (Guiana plum).
31. *Erithralis fruticosa* (blacktorch).
32. *Eulophia ecristata* (non-crested eulophia).
33. *Garberia heterophylla* (garberia).
34. *Harrisella filiformis* (threadroot orchid).
35. *Hartwrightia floridana* (hartwrightia).
36. *Hexastylis arifolia* (heartleaf wild ginger).
37. *Ilex amelanchier* (serviceberry holly).
38. *Ilex krugiana* (Krug's holly).
39. *Jacquemontia curtissii* (pineland jacquemontia).
40. *Jacquinia keyensis* (joewood).
41. *Kalmia latifolia* (mountain laurel).
42. *Lachnocaulon digynum* (Panhandle bogbuttons).
43. *Lechea cernua* (scrub pinweed).
44. *Leitneria floridana* (corkwood).
45. *Lilium catesbaei* (Catesby lily).
46. *Listera australis* (southern twayblade).
47. *Lobelia cardinalis* (cardinal flower).
48. *Lupinus westianus* (Gulfcoast lupine).
49. *Malus angustifolia* (crabapple).
50. *Manilkara jaimiqui* (wild dilly).
51. *Matelea gonocarpos* (angle pod).
52. *Maytenus phyllanthoides* (Florida mayten).
53. *Melanthera parvifolia* (small-leaved melanthera).
54. *Myrcianthes fragrans* (~~(=Eugenia simpsonii)~~) (Simpson's stopper).
55. *Najas filifolia* (slender naiad).
56. *Nephrolepis biserrata* (giant sword fern).
57. *Nolina atopocarpa* (Florida beargrass).
58. *Opuntia stricta* (shell mound prickly-pear).
59. *Panicum nudicaule* (naked-stemmed panic grass).
60. *Phoebanthus tenuifolius* (pineland false sunflower).
61. *Physostegia godfreyi* (Apalachicola dragonhead).
62. *Pinckneya bracteata* (fever-tree).
63. *Pinguicula caerulea* (blue-flowered butterwort).
64. *Pinguicula lutea* (yellow-flowered butterwort).
65. *Pinguicula planifolia* (swamp butterwort).
66. *Pithecellobium keyense* (Keys' blackbead).
67. *Platanthera blephariglottis* (white-fringed orchid).
68. *Platanthera ciliaris* (yellow-fringed orchid).
69. *Platanthera cristata* (crested fringed orchid).
70. *Platanthera flava* (gypsy-spikes).
71. *Platanthera nivea* (snowy orchid).
72. *Pogonia ophioglossoides* (rose pogonia).
73. *Polygonella macrophylla* (large-leaved jointweed).
74. *Prunus myrtifolia* (West Indian cherry).
75. *Psidium longipes* (mangrove berry).
76. *Pteris bahamensis* (Bahama ladder brake fern).
77. *Pycnanthemum floridanum* (Florida mountain-mint).
78. *Quercus arkansana* (Arkansas oak).
79. *Reynosia septentrionalis* (Darling plum).
80. *Rhexia salicifolia* (Panhandle meadow beauty).
81. *Rhynchosia parvifolia* (small-leaf snoutbean).
82. *Rhynchospora stenophylla* (narrow-leaf beakrush).
83. *Sachsia bahamensis* (Bahama sachsia).
84. *Sarracenia minor* (hooded pitcher plant).
85. *Sarracenia psittacina* (parrot pitcher plant).
86. *Sarracenia purpurea* (decumbent pitcher plant).
87. *Sarracenia rubra* (red-flowered pitcher plant).
88. *Scaevola plumieri* (inkberry).
89. *Senna mexicana* (Chapman's sensitive plant).
90. *Smilax havanensis* (Everglades greenbrier).
91. *Solanum donianum* (mullein nightshade).
92. *Spermacoce terminalis* (false buttonweed).
93. *Spiranthes laciniata* (lace-lip ladies' tresses).
94. *Spiranthes longilabris* (long-lip ladies' tresses).
95. *Spiranthes tuberosa* (little pearl-twist).
96. *Stenorrhynchos lanceolatum* (leafless beaked orchid).
97. *Swietenia mahagoni* (mahogany).

- 98. *Tectaria heracleifolia* (broad halberd fern).
 - 99. *Tephrosia mohrii* (pineland hoary-pea).
 - 100. *Tetrazygia bicolor* (tetrazygia).
 - 101. *Thelypteris augescens* (abrupt-tipped maiden fern).
 - 102. *Tillandsia balbisiana* (inflated & reflexed wildpine).
 - 103. *Tillandsia flexuosa* (twisted or banded air plant).
 - 104. *Tillandsia valenzuelana* (soft-leaved wildpine).
 - 105. *Tipularia discolor* (crane-fly orchid).
 - 106. *Tragia saxicola* (rocklands noseburn).
 - 107. *Triphora trianthophora* (three-birds orchid).
 - 108. *Tripsacum floridanum* (Florida tripsacum).
 - 109. *Verbesina chapmanii* (Chapman's crownbeard).
 - 110. *Xyris scabrifolia* (Harper's yellow-eyed grass).
 - 111. *Zephyranthes atamasco* (rainlily).
 - 112. *Zephyranthes simpsonii* (Simpson's zephyr-lily).
 - 113. *Zephyranthes treatiae* (Treat's zephyr-lily).
- (c) through (2) No change.

Specific Authority 570.07(23), 581.185, FS. Law Implemented 570.07(13), 581.185, FS. History--New 12-3-91, Amended 9-20-93, 5-21-96, 12-10-96, 1-7-98, 9-20-00,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Performance Specifications and Standards for Motor Vehicle Brake Fluid **RULE NO.:** 5F-6.001

PURPOSE AND EFFECT: The purpose of Rule 5F-6.001, F.A.C., is to adopt the most recent version of Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2001.

SUBJECT AREA TO BE ADDRESSED: Proposed Rule 5F-6.001, F.A.C., will specify that the Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2001, is the accepted standard for implementation of Chapter 526, Florida Statutes.

SPECIFIC AUTHORITY: 526.52(1) FS.

LAWS IMPLEMENTED: 526.53(1),(2), 526.54 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., Monday, September 16, 2002

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-6.001 Performance Specifications and Standards for Motor Vehicle Brake Fluid.

(1) The performance specifications and standards for brake fluid adopted by the United States Department of Transportation and contained in Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2001 ~~March 15, 1994~~, are hereby adopted as rules of the Department of Agriculture and Consumer Services.

(2) The violation of any provisions or standards of this rule is subject to penalties, provided in Chapter 526, Part II, Florida Statutes.

Specific Authority 526.52(1) FS. Law Implemented 526.53(1)(2), 526.54 FS. History--New 5-8-78, Formerly 5F-6.01, Amended 12-9-98,_____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Rest Area Information (RestInfo) **RULE CHAPTER NO.:** 14-99

RULE TITLE: RestInfo Program **RULE NO.:** 14-99.001

PURPOSE AND EFFECT: This rule is to implement the Rest Area Information (RestInfo) Program authorized under Section 479.28, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Proposed Rule 14-99.001 is established as authorized by Section 479.28, Florida Statutes.

SPECIFIC AUTHORITY: 334.044(2), 479.28 FS.

LAW IMPLEMENTED: 479.28 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-99.001 RestInfo Program.

(1) General.

(a) The Florida Department of Transportation shall implement a rest area information program, hereafter referred to as "RestInfo Program," to be implemented in selected full service rest areas along the Interstate Highway System, to present information of specific interest to the traveling public and to promote tourist-oriented businesses.

(b) Facilities for the display of information, hereinafter referred to as display areas, shall be designed to accommodate the names, locations, and short messages regarding tourist attractions, points of interest, events, public service, lodging, camping, and retail sales in Florida.

(c) A minimum of 40 percent of the display areas must be devoted to providing public service information announcements by the Department for the traveling public. The remaining 60 percent of the display areas shall contain only information which is of specific interest and benefit to the traveling public.

(d) The Department has contracted with Florida Logos, Inc., 4706 Capital Circle, S. W., Tallahassee, Florida 32305, phone number (888)608-0833, to provide the services required by this rule chapter including the construction, marketing, operation, collection of fees, and maintenance of the display areas.

(2) Definitions.

(a) "Business" as used in this rule chapter shall include points of interest, not-for-profit entities, events, and other facilities which are of specific interest to the traveling public.

(b) "Department" means the Florida Department of Transportation.

(c) "Display Area" refers to a facility located at selected full service rest areas that provides information to the traveling public.

(d) "Full Service Rest Area" refers to rest areas along the Interstate Highway System that provide public restrooms, lighting, and telephone service.

(e) "Program Participant" means a business that is authorized to display messages at display areas.

(f) "Public Service Information" means any information related to safety, recreation, or assistance for the traveling public provided by the Department.

(g) "Public Telephone" means a coin-operated or business-owned telephone available for use by the public.

(h) "RestInfo" refers to the rest area information program.

(3) Qualification of Program Participants. To qualify for space on the display area, a business must meet all of the following conditions:

(a) Serve the public without regard to race, color, religion, sex, age, or national origin.

(b) Have all required state and local occupational licenses, health permits, and any other permits, licenses, or approvals required by state, local, or other governmental entities.

(c) Provide a public telephone.

(d) Provide access to and from the business including access for handicapped patrons as required by all applicable laws and regulations.

(e) Provide sufficient on-site parking as required by local ordinances.

(f) Allow admission to the general public.

(4) Permit Application.

(a) A business wishing to participate in the RestInfo program must complete and submit a RestInfo Permit Application, Form FLI-163-RI, Rev. 11/02, incorporated herein by reference, which may be obtained from Florida Logos, Inc., 4706 Capital Circle, S.W., Tallahassee, FL 32305, phone number (888)608-0833.

(b) Approval of applications for participation in the Restinfo program shall be prioritized as follows:

1. Qualified applicants located closest to a rest area shall have first priority for display space.

2. Whenever space is not available, qualified applicants will be placed on a waiting list in priority order.

3. Waiting list applicants shall be approved as space becomes available with priority based upon the distance from the rest area to the applicant's location. Distance will be measured along the main traveled way.

(5) Fees and Costs.

(a) Program participants shall be charged a permit fee for each display area at which a message is displayed. Such permit fees shall not exceed \$1800.00 per year for a 14"x 22" message, depending upon the location of the message within the display area. A \$50.00 production fee shall be charged for each message. An additional \$50.00 production fee will be charged for any requested changes to the initial message, or for any requested changes of message location. Discounts may be given for the purchase of additional space within a display area or for purchase of space in multiple display areas.

(b) RestInfo program participants shall be responsible for remitting payment of the annual permit fee prior to the expiration date on the face of the permit. Payment must be received by the RestInfo Program Administrator, Florida Logos, Inc., on or before the expiration date, or the permit will expire and the message will be removed from the display area.

(c) The permit period shall be for a period of 12 months based on the date of issuance of the permit.

Specific Authority 334.044(2), 479.28 FS. Law Implemented 479.28 FS. History--New.

COMMISSION ON ETHICS

RULE TITLE:

List of Forms and Instructions

RULE NO.:

34-7.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to promulgate the 2002 version of CE Form 1 and CE Form 6, which will become effective on January 1, 2003. Pursuant to Chapter 2002-180, Laws of Florida, the instructions for CE Form 1 and CE Form 6 need to be amended to add and delete certain boards statutorily required to file the forms. Forms CE Form 1F and CE Form 6F are also being amended, and the "Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" is being

repealed as a rule since it merely contains a compilation of existing authority and is not, by definition, a "rule." The Commission may propose other changes to these forms.

SUBJECT AREA TO BE ADDRESSED: CE Form 1, CE Form 6, CE Form 1F, CE Form 6F, and the "Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" will be affected by this proposed rule development.

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

TIME AND DATE: 10:00 a.m., Thursday, September 19, 2002

PLACE: Commission on Ethics, 2822 Remington Green Circle, Suite 101, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julia Cobb Costas, Staff Attorney

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) Form 1, Statement of Financial Interests. To be utilized by state officers, local officers, candidates for state or local office and specified state employees for compliance with Section 112.3145(2) and (3), Florida Statutes. Effective 1/2003 ~~1/2002~~.

(b) No change.

(c) Form 6, Full and Public Disclosure of Financial Interests. To be utilized by all elected constitutional officers, candidates for such offices, other statewide elected officers, and others as prescribed by law for compliance with Article II, Section 8(a) and (h), Florida Constitution, as specified in Chapter 34-8 of these rules. Effective 1/2003 ~~1/2002~~.

(d) No change.

~~(e) A Guide to the Sunshine Amendment and Code of Ethics for Public Officers, Candidates, and Employees. Instructions to be utilized by public officers, public employees, candidates for public office, and other interested persons in complying with the Sunshine Amendment and the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes. Effective 1/2002.~~

(f) through (o) renumbered (e) through (n) No change.

~~(o)(p)~~ Form 1F, Final Statement of Financial Interests. To be filed within 60 days of leaving public office or employment. Effective 1/2003 ~~1/2002~~.

~~(p)(q)~~ Form 6F, Final Full and Public Disclosure of Financial Interests. To be filed within 60 days of leaving public office. Effective 1/2003 ~~1/2002~~.

(r) through (s) renumbered (q) through (r) No change.

(2) No change.

Specific Authority Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS. Law Implemented 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a),(f),(h), Fla. Const. History—New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, 12-4-00, 12-21-00, 10-14-01, 11-22-01, 1-1-02,

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use **RULE CHAPTER NO.:** 40E-2

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's Water Use Rules to reflect new legislative direction, new policy development and regional water supply plan implementation.

SUBJECT AREA TO BE ADDRESSED: The following topics will be discussed: supplemental irrigation requirement; pollution remediation; interference with existing legal uses; offsite land use impacts; pasture irrigation; use of reclaimed water; wellfield operational plans; diversion/impoundment allocation; permit duration; permit renewal process; impact evaluations; local sources first; aquifer storage and recovery; wetland protection; areas with maximum developable limits; water conservation; water shortage plan; and fees.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: Parts I and II, Chapter 373 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., September 16, 2002

PLACE: Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Shingle Creek Conference Room, Orlando, Florida 32809, (407)858-6100, 1(800)250-4250

TIME AND DATE: 10:00 a.m. – 12:00 p.m., September 18, 2002

PLACE: Miami Field Station, 9001 N. W. 58th Street, Miami, Florida 33178, (305)513-3420

TIME AND DATE: 10:00 a.m. – 12:00 p.m., September 19, 2002

PLACE: Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, Florida 33901, (941)338-2929, 1(800)248-1201

TIME AND DATE: 10:00 a.m. – 12:00 p.m., September 20, 2002

PLACE: Stuart City Hall Commission Chambers, 121 S. W. Flagler Avenue, Stuart, Florida 34994, (561)682-6261

TIME AND DATE: 2:00 p.m. – 4:00 p.m., September 23, 2002

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6261

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)682-6206, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Regarding procedural questions: Julie Jennison, 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 (internet:jjenniso@sfwmd.gov); regarding substantive questions: Scott Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6817 or (561)682-6817

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT’S WEBSITE AT http://www.sfwmd.gov/org/wsd/wateruse/b_list.html OR CONTACT RUFINO OSORIO, (561)682-6261, rosorio@sfwmd.gov.

LAND AND WATER ADJUDICATORY COMMISSION

Gateway Services District

| | |
|---|-------------------|
| RULE CHAPTER TITLE: | RULE CHAPTER NO.: |
| Gateway Services Community Development District | 42F-1 |

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| RULE TITLE: | RULE NO.: |
| Boundary | 42F-1.002 |

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to amend the boundaries of the Gateway Services Community Development District (District). The petition to amend the District’s boundaries submitted by the Board of Supervisors of the District requests that the Florida Land and Water Adjudicatory Commission amend Chapter 42F-1, Florida Administrative Code, to contract approximately 973 acres from the existing boundaries. A Notice of Receipt of Petition for the District was published in the May 17, 2002, edition of the Florida Administrative Weekly. After contraction, the District will consist of approximately 4,501 acres. (At the time the petition was filed, the District was known as the “Gateway Services District” consisting of approximately 5,324 acres. However, on July 29, 2002, a rule

amendment became effective expanding the District to approximately 5,474 acres and renaming the District as the “Gateway Services Community Development District.”) All of the property proposed to be contracted out of the District is located within the City of Fort Myers, Florida. The proposed area to be contracted consists of three parcels generally located in the southeast portion of the City of Fort Myers, south of Colonial Boulevard and bisected by Interstate 75, in sections 34 and 35, township 44 south, range 25 east and sections 2, 3, 4, 10 and 11 of township 45 south, range 25 east. The District has obtained the consent of the owners of 100% of the property proposed to be deleted from the District.

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

SPECIFIC AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., Monday, September 16, 2002

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Erin McCormick Larrinaga, Fowler White Boggs Banker, P.A., Suite 1700, 501 E. Kennedy Boulevard, Tampa, Florida 33602, telephone (813)222-1180, or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

| | |
|---|-----------|
| RULE TITLE: | RULE NO.: |
| Home and Community-Based Services Waivers | 59G-8.200 |

PURPOSE AND EFFECT: The purpose of this rule amendment is to amend the current paragraph 59G-8.200(6)(b) and (10)(c), F.A.C. This amendment is part of a settlement of a challenge to Rule 59G-8.200, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Home and Community-Based Waivers.

SPECIFIC AUTHORITY: 409.906 (13), 409.912(7) FS.

LAW IMPLEMENTED: 409.906, 409.908 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. – 11:00 a.m., September 16, 2002

PLACE: Conference Room D, Building Three, Knox Office Complex, 2727 Mahan Drive, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Keith Young, Health Systems Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-2618

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-8.200 Home and Community-Based Services Waivers.

(1) through (6)(a) No change.

(b) A person can not receive Medicaid waiver services until he is determined eligible and is enrolled in the appropriate waiver program. ~~To be eligible to receive HCB waiver services, each applicant must receive case management services, plus at least one other HCB waiver service.~~

(c) through (10)(b) No change.

(c) Recipient Eligibility. Individuals must meet Medicaid eligibility requirements as defined by Chapter 409, F.S., and Florida's Title XIX State Plan; or be physically disabled or aged as defined by Chapter 10C-8, F.A.C., and 42 CFR 435.217 and 435.726, as of October 1, 1994, the latter two hereby incorporated by reference. Recipients must be assessed as meeting level of care criteria for skilled or intermediate nursing home care as defined in sections 59F-4.290 and 59G-4.180, F.A.C., and must be at risk for nursing facility placement without the provision of HCB services. ~~Recipients must receive waiver case management and at least one other HCB service to be Medicaid eligible at the institutional care placement (I.C.P.) level.~~

Specific Authority 409.919 FS. Law Implemented 409.906(12), 409.912(7) FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, 1-6-02,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractor's Licensing Board

RULE TITLE: Disciplinary Guidelines

RULE NO.: 61G6-10.002

PURPOSE AND EFFECT: The Board proposes to review this rule to determine the necessity of amendments.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 455.2273 FS.

LAW IMPLEMENTED: 455.2273 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: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Biennial Renewal of License

RULE NO.: 64B1-7.001

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Biennial renewal of license.

SPECIFIC AUTHORITY: 456.033, 456.036, 457.104, 457.107, 457.108 FS.

LAW IMPLEMENTED: 456.033, 456.036, 457.107, 457.108 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Documentation of Eligibility for Licensure

RULE NO.: 64B14-4.003

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Documentation of eligibility for licensure.

SPECIFIC AUTHORITY: 468.802 FS.

LAW IMPLEMENTED: 456.013, 468.803 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

| | |
|--------------------------------------|-------------|
| RULE TITLES: | RULE NOS.: |
| Licensure Renewal | 64B14-5.001 |
| Continuing Education Requirement | 64B14-5.002 |
| Continuing Education Course Criteria | 64B14-5.003 |

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

SUBJECT AREA TO BE ADDRESSED: Licensure renewal, continuing education requirement and continuing education course criteria.

SPECIFIC AUTHORITY: 456.013, 468.802, 468.806 FS.

LAW IMPLEMENTED: 456.013, 456.024, 468.806 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

| | |
|-----------------------------|-----------|
| RULE TITLE: | RULE NO.: |
| Rights and Responsibilities | 65A-1.204 |

PURPOSE AND EFFECT: This proposed rule amendment incorporates by reference client notice and contact forms used in the eligibility determination process.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment incorporates revised Rights and Responsibilities and Hearing Request forms by reference.

SPECIFIC AUTHORITY: 409.212, 409.919, 410.033, 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.212, 410.033, 414.095, 414.28, 414.295, 414.31 FS.

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

TIME AND DATE: 10:00 a.m., September 16, 2002

PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, (850)488-3090

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

| | |
|---|------------|
| RULE TITLES: | RULE NOS.: |
| Authority | 65C-17.001 |
| Definitions | 65C-17.002 |
| Planning and Budgeting Functions | 65C-17.003 |
| Criteria | 65C-17.004 |
| Department Case Worker and Legal Responsibilities | 65C-17.006 |

PURPOSE AND EFFECT: To correct the name of the Family Safety program; the age requirement of the "client beneficiary class"; to delete monthly amount for foster care allowance and; to clarify the responsibilities of caseworkers and child welfare attorneys.

SUBJECT AREA TO BE ADDRESSED: Master Trust.

SPECIFIC AUTHORITY: 402.17(1)(a)9. (1996 Supp.), 402.33(2), 402.33(7)(a) FS.

LAW IMPLEMENTED: 402.17, 402.17(2)(c) (1996 Supp.) FS.

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

TIME AND DATE: 9:00 a.m., September 17, 2002

PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Owens, Operations and Management Consultant, Manager, Policy Support Unit, Family Safety Program Office, 1317 Winewood Blvd., Building 7, Suite 230, Tallahassee, Florida 32399, (850)922-0211

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-17.001 Authority.

Section 1 of Chapter 96-402, Laws of Florida, effective October 1, 1996, amended section 402.17, Florida Statutes (F.S.), to clarify the authority of the Department of Children and Family Services to hold in trust, as trustee, money and property of department clients. Pursuant to this clarification, a Master Trust Declaration was promulgated by order of the Leon County Circuit Court dated July 8, 1997 (a copy of the Master Trust Declaration and any subsequent amendments can be obtained from the Department of Children and Family Services Agency Clerk, 1317 Winewood Blvd., Tallahassee, FL 32399-0700). Section 1 of Chapter 96-402 requires the department to "act to protect both the short-term and long-term interests of the clients for whose benefit it is holding such money and property." This rule chapter establishes criteria for balancing the short-term and long-term needs of client beneficiaries within the Family Safety ~~and Preservation Program~~, and includes procedures for fee waiver and change in allowance requests.

Specific Authority 402.17(1)(a)9. (1996 Supp.), 402.33(2), 402.33(7)(a) FS. Law Implemented 402.17, 402.17(2)(c) (1996 Supp.) FS. History--New 4-6-99, Amended.

65C-17.002 Definitions.

For purposes of this rule, the following definitions contained within the Master Trust Declaration shall apply:

(1) through (3) No change.

(4) "Family Safety ~~and Preservation~~ program client beneficiary class" includes those clients under the age of 18 (or 18 to ~~23~~ 24 if enrolled in a full-time educational program under section 409.145(3), F.S. although not in the custody of the department) who are, or who are considered to be, in the legal custody, care or control of the department, and who have received, or will receive, money and tangible or intangible property for their sole use and benefit from any other person or entity that is placed in the possession or control of the department and for whom a separate trust for such individual does not exist, and who are or who become program clients:

(a) No change.

(b) Because they require foster or other substitute care, whether on a short or long-term basis, or are placed in independent living arrangements, as provided under Chapter 39, 393, 394, or 409, ~~415~~, F.S.

(c) No change.

(d) Because they are awaiting adoption under Chapter 63, F.S., or placement with a relative or other individual in foster care under Chapter 39, or 409, ~~415~~, F.S.;

(5) No change.

(6) "Foster care allowance" means a monthly stipend; ~~currently \$11.00~~, which is included in the foster care board payment sent to the foster parent for the personal needs of each

foster child living in the home. See ss. 402.33(3), F.S. A child is eligible to apply for a change in the allowance through the fee waiver review process established in Rule 65C-17.005, F.A.C.

(7) through (8) No change.

(9) "Personal Allowance" means an amount (in addition to the ~~\$11.00~~ monthly foster care allowance – See definition (6) above) set aside from a child's Social Security Administration Title II (SSA), Supplemental Security Income (SSI), Veterans' (VA) or other federal benefit payment for the child's personal needs before any amounts are applied to the cost of care. See ss. 402.33(3); Rule 65-6.018, F.A.C. For children in foster care receiving a federal benefit payment, the amount set aside shall be no less than \$15.00 per month. The child is eligible to apply for a change in the monthly allowance through the fee waiver review process. The personal allowance, as well as any other portion of the benefit payment not deducted for cost of care, shall be placed in the child's current needs trust account and shall be available to the child at all times. Pursuant to s. 402.17, F.S., the department is authorized to transfer funds to an account for the long-term and other needs of the child if the amount in the current needs account accumulates to the extent that it endangers the child's eligibility for benefits (the eligibility limit is \$2,000). The personal allowance shall be used to obtain clothing, recreational needs or activities, therapeutic equipment, transportation, and other personal and comfort items for the child. If a child has other special needs which cannot be provided by the department, another local, state or federal source, or from the child's family members or other responsible party, the fee waiver process established in Rule 65C-17.005, F.A.C., shall be used to document the necessity of providing the essential item to the child.

Specific Authority 402.17(1)(a)9. (1996 Supp.), 402.33(2), 402.33(7)(a) FS. Law Implemented 402.17, 402.17(2)(c) (1996 Supp.) FS. History--New 4-6-99, Amended.

65C-17.003 Planning and Budgeting Functions.

Balancing the current and long-term needs of a Family Safety program Master Trust client beneficiary shall involve the following planning and budgeting functions which must be cooperatively performed by district caseworkers and fiscal office personnel.

(1) No change.

(2) Family Safety ~~and Preservation~~ program Master Trust client beneficiaries who are in substitute care, and who receive Supplemental Security Income (SSI) benefits, are eligible to submit a Plan for Achieving Self-Support (PASS) to the Social Security Administration for approval. The approved Plan enables the department to set aside funds for long-term educational or vocational needs of the client as enumerated in the Plan, without affecting SSI eligibility. A PASS, Independent Living, or other case plan shall be developed for each member of this Master Trust client beneficiary group. A copy of the plan shall be kept in the client's case file and a copy

shall also be filed with the court exercising jurisdiction over the client. As part of the PASS or Independent Living plan, the caseworker is responsible for ensuring that a vocational aptitude assessment and report is done on each client who is able to participate. Unless waived or performed in-house, costs of such assessment shall be charged against the client's applicable trust subaccount.

Specific Authority 402.17(1)(a)9. (1996 Supp.), 402.33(2), 402.33(7)(a) FS. Law Implemented 402.17, 402.17(2)(c) (1996 Supp.) FS. History—New 4-6-99, Amended.

65C-17.004 Criteria.

Any determination as to whether funds should be transferred to a different subaccount for the client, or whether, subject to availability of funding, a fee waiver or change in allowance should be granted shall be made by utilizing the following criteria to balance current and long-term needs of Family Safety program Master Trust client beneficiaries:

(1) through (3) No change.

(4) Status of the case (such as goal of reunification, ~~long-term custody, long-term licensed long-term substitute care,~~ or independent living). If the goal is reunification, care must be taken to monitor sub-account balances to avoid making the child or family ineligible for benefits when the child returns home. If the goal is ~~long-term custody or long-term license custody long-term substitute care,~~ quality-of-life considerations become more critical. When independent living is the case goal, educational and vocational needs, as well as sufficient funds for such needs as an apartment and transportation become primary.

Specific Authority 402.17(1)(a)9. (1996 Supp.), 402.33(2), 402.33(7)(a) FS. Law Implemented 402.17, 402.17(2)(c) (1996 Supp.) FS. History—New 4-6-99, Amended.

65C-17.006 Department Caseworker and Legal Responsibilities.

(1) The caseworker is responsible for ensuring that a copy of the client's most recent quarterly accounting will be filled in the official record of the court having jurisdiction over the client or the client's money and property at the time of each judicial review held in regard to the client.

(2) The department shall apply for an order from the court exercising jurisdiction over the client to direct the disposition of the money and property belonging to that client. The department's attorney of record shall also provide notice of hearing to the Agency for Health Care Administration.

Specific Authority 402.17(1)(a)9. (1996 Supp.), 402.33(2), 402.33(7)(a) FS. Law Implemented 402.17, 402.17(2)(c) (1996 Supp.) FS. History—New

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE TITLE: Okaloosa County Boating Restricted Area

RULE NO.: 68D-24.146

PURPOSE AND EFFECT: After discussions with the Division of Law Enforcement, Office of Boating Safety and Waterway Management, Okaloosa County has requested the Office to amend an existing boating safety zone on the Florida Intracoastal Waterway at Brooks Bridge in Okaloosa County. This amendment will correct an error in the original rulemaking that described the zone in feet rather than yards.

The wakes from passing vessels have caused vessel damage and continue to present a danger to vessels being launched or recovered at public boat ramps in the area. One of the public ramps has fuel distribution and there is a danger of spillage. The local office of the Florida Fish and Wildlife Conservation Commission concurs with this action. This action is being coordinated with the United States Army Corps of Engineers and the United States Coast Guard.

SUBJECT AREA TO BE ADDRESSED: To amend a Slow Speed Minimum Wake zone, shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway from 2,000 yards west(30°24'01N"/86°37'16W")of the centerline of the Brooks Bridge to 900 yards east (30°24'14N"/86°35'30W") of the centerline of the Brooks Bridge in Okaloosa County.

Okaloosa County will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

TIME AND DATE: 7:00 p.m. (CENTRAL STANDARD TIME), September 25, 2002

PLACE: Okaloosa County Water and Sewer Administrative Complex, 3rd Floor, 1804 Lewis Turner Boulevard, Fort Walton Beach, Florida

Persons with special requirements should contact (850)651-7515, 48 hours before meeting time.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Boating Safety and Waterway Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0656, Extension 169

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.146 Okaloosa County Boating Restricted Area.

For the purpose of regulating the speed and operation of vessel traffic on the Florida Intracoastal Waterway within Okaloosa County, Florida, the following boating restricted area is established:

(1) Slow Speed Minimum Wake Zone

(a) Brooks Bridge – A Slow Speed Minimum Wake zone, shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway from 2,000 yards feet west of the centerline of the Brooks Bridge to 900 yards feet east of the centerline of the Brooks Bridge in Okaloosa County, as depicted in Drawing A.

(b) through (2) No change.

Specific Authority 327.04 FS. Law Implemented 321.46 FS. History–New 11-14-01, Amended

THE FULL TEXT OF THE PROPOSED RULES IS:

3F-5.005 Procedure for Licensing Existing Cemeteries.

Specific Authority 497.103 FS. Law Implemented 497.103, 497.301, 497.237, 497.213 FS. History–New 9-29-75, Amended 11-2-78, 1-27-81, Formerly 3D-30.16, Amended 10-23-91, Formerly 3D-30.016, Amended 6-26-02, Repealed

3F-5.007 Conversion Procedures.

Specific Authority 497.103 FS. Law Implemented 497.201, 497.213 FS. History–New 9-29-75, Amended 1-27-81, Formerly 3D-30.19, Amended 10-23-91, Formerly 3D-30.019, Amended 6-26-02, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2002

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLES: Procedure for Licensing Existing Cemeteries 3F-5.005 Conversion Procedures 3F-5.007

PURPOSE AND EFFECT: The Board proposes to repeal these rules as they are now obsolete.

SUMMARY: These rules set forth procedures and identified forms necessary for licensing existing cemeteries and conversion procedures for existing cemeteries.

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

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

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.103, 497.201, 497.213, 497.301, 497.237 FS.

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

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

DEPARTMENT OF INSURANCE

RULE TITLES: Reasonableness of Benefits in Relation to Premiums

RULE NOS.: 4-149.005

Actuarial Memorandum and Definitions 4-149.006

Annual Rate Filing Procedures 4-149.007

PURPOSE, EFFECT AND SUMMARY: The amendments accomplish the following:

- Update the definition of Loss Ratio*N – Simplify the definition of loss ratio*N to make the test more efficient and effective. The amendments do not change the loss ratio test, but only the mechanism of demonstrating compliance.
• Technical corrections
• Clarify that rates do not have to be reduced if the loss ratio tests are not met within a 15% margin
• Add some definitions to help clarify the rules
• Enhance annual rate certification filings
• Add provision to allow an updating of the original duration loss ratio table

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

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

LAW IMPLEMENTED: 627.410, 627.410(1),(2),(6), 627.410(6)(d),(e), 627.411(1)(e), 627.9175 FS.

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

TIME AND DATE: 9:30 a.m., September 24, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

THE FULL TEXT OF THE PROPOSED RULES IS:

4-149.005 Reasonableness of Benefits in Relation to Premiums.

(1) No change.

(2) A premium schedule is not excessive if the following are true:

(a) For a new pPolicy fForm, gGroup or iIndividual, the aAnticipated lLoss rRatio, as defined in Rule 4-149.006(3)(b)20., is not less than the indicated appropriate adjusted entry in the loss ratio tables, in subsection (4), below.

(b) For ~~an~~ individual forms, and group policy forms other than annually rated group pPolicy fForms, approved on or after 2/1/94 or issued on or after 6/1/94, the Premium Schedule satisfies the following 1. through 3., below:

1. An Anticipated Loss Ratio test such that the present value of projected claims is not less than the present value of expected claims over the entire future lifetime of the form. This is equivalent to the present value of the future A/E ratio not being less than 1.0; The current Anticipated Loss Ratio is not less than the greater of the initial filed loss ratio and the weighted average of the Anticipated Loss Ratios * N, as defined in Rule 4-149.006(4)(b), where the weights are the present value of premiums over the entire future lifetime by policy year or issue year; and

2. The current lLifetime lLoss rRatio, as defined in Rule 4-149.006(3)(b)24., F.A.C., is not less than the initial filed loss ratio for the form.; and

3. The Actual to Expected Claims Ratios, as defined in Rule 4-149.006(4)(a), for the Policy Form are, both in pattern and aggregate value, consistently at or in excess of .85.

(c) through (d) No change.

(3) through (4) No change.

(5)(a) Group conversion insurance, other than long-term care and Medicare supplement insurance, issued on either a group or an individual basis, is exempt from the loss ratios required above.

(b) The loss ratio for group conversion insurance shall not be less than 120 percent %.

(c) The insurer may charge the excess of the group conversion loss ratio over that required for group insurance on active lives to the experience for insurance on active lives.

(d) The premium to be charged for group conversion insurance subject to Section 627.6675, Florida Statutes, shall ~~may~~ not exceed the limits of Section 627.6675(3), Florida Statutes, based on the standard risk rates as established in Part X of this rule chapter.

(6) through (7) No change.

(8) A premium schedule shall not be disapproved on the grounds of inadequacy if:

(a) The expected profit margin on the policy form is non-negative. This margin equals the sum of premium income and investment income, minus the sum of benefit payments, expenses, taxes and contingency margins;

(b) The premium schedule incorporates for the eEntire fFuture lLifetime of the policy, as defined in paragraph 4-149.006(4)(f), F.A.C., the projected entire effects of iInsurance fTrend; and

(c) The premium schedule is determined such that if all assumptions are satisfied, the annual rate increases needed will not be greater than mMedical fTrend, as defined in subparagraph 4-149.006(3)(b)18., F.A.C.

(9) No change.

(10) Prohibitions. ~~The Department has determined that certain rating activities are against the public policy of this state and are therefore prohibited because the activities may result in premium escalations which are not viable for the policyholder or in unfair discrimination in sales practices, an example of which is inappropriate risk selection criteria.~~

(a) For all long term care policy forms and other pPolicy fForms under which more than 50 fifty percent (50%) of the policies/certificates are issued to persons age 65 or older, aAttained aAge pPremium sStructures, as defined in Rule 4-149.006(4)(e), are prohibited. Only premium structures which prefund the aging component of future claim costs are allowed.

(b) Select and Ultimate Premium Schedules, as defined in Rule 4-149.006(4)(p), are prohibited.

(c) Attained age premium schedules where the slope by age is substantially different from the slope of the ultimate claim cost curve are prohibited.

(11) For each Individual Policy Form that has been actively offered for sale in the twelve (12) months immediately preceding October 1, 1993, a continuation decision must be provided to the Department on or before May 1, 1994. For existing Policy Forms that will continue to be made available for purchase and for all Policy Forms filed and approved after February 1, 1994, availability for purchase of the Policy Form shall not be discontinued at any future date without penalty. The penalty imposed is that a new Policy Form providing similar benefits cannot be filed for a period of five (5) years

~~from the date of discontinuance, unless the Department determines that a shorter period is appropriate, as provided for in Section 627.410(6)(c), Florida Statutes.~~

Specific Authority 624.308(1), 627.410(6)(b),(d) FS. Law Implemented 627.410(6)(d),(e), 627.411(1)(e), 627.9175 FS. History—New 7-1-85, Formerly 4-58.05, 4-58.005, Amended 4-18-94, _____.

4-149.006 Actuarial Memorandum and Definitions.

(1) through (2) No change.

(3) Descriptions.

(a) No change.

(b) The descriptions, by item number, of the terms listed above in subsection (2) follow:

1. through 17. No change.

18. Trend Assumptions – Medical and Insurance:

a. This section must describe the trend assumptions used in pricing, ~~which~~ ~~These~~ assumptions must be appropriate for the specific line of business, product design, benefit configuration, and time period.

~~b. Any and All~~ factors affecting the projection of future claims must be presented.

c. The trend assumptions shall be presented under two categories: ~~Medical and Insurance.~~

~~(I)a.~~ Medical Trend: is the combined effect of medical provider price increases, utilization changes, medical cost shifting, and new medical procedures and technology. In determining medical trend from underlying data, the analysis:

(A) Shall use credible data and make appropriate adjustments to claims data to isolate the effects of medical trend only; and

(B) Shall not include the effects of underwriting wearoff, aging, or changes to claim costs due to changes in demographics, policy coverages, geographic distribution, or reinsurance.

~~(II)b.~~ Insurance Trend: is the combined effect of underwriting wearoff, deductible leveraging, antiselection resulting from rate increases, and discontinuance of new sales.

(A) Medical trend must be determined or assumed before insurance trend can be determined.

(B) Underwriting wearoff means the gradual increase from initial low expected claims which result from underwriting selection to higher expected claims for later (ultimate) durations.

19. No change.

20. Anticipated Loss Ratio: This section shall provide the anticipated loss ratio. This loss ratio is defined as the present value of future benefits divided by the present value of future annual premiums computed over the Entire Future Lifetime of the Policy Form. The assumptions as to persistency and interest used in the present values must be justified and consistent with those used for pricing.

a. When claim cost projections include the effect of medical trend, such as for medical expense coverage, premium projections shall also include the effects of such trend. Projections shall assume future premium schedule increases consistent with benefit projections and medical trend.

b. This section shall also include the current approved durational loss ratio table for the form ~~Anticipated Loss Ratio~~ and the ~~Anticipated Loss Ratio~~*N for each policy year.

(I) If a revised durational loss ratio table is being proposed, the proposed table, together with a justification for the new table, shall be provided.

(II) The proposed new table shall be consistent with the claim projections contained in the filing.

(III) If approved, the new table will be used in filings made subsequent to the one in which it is being proposed.

(IV) A new table shall produce a lifetime loss ratio at least as great as the lifetime loss ratio developed from the current approved loss ratio table and shall become the lifetime standard for the form.

(V)(A) When the slope or shape of the durational loss ratio table is changed, or the persistency or interest assumptions are changed, from those used in the last approved rate filing, any rate increase due to the change shall be uniformly implemented over a 3 year period.

(B) The insurer may request a shorter phase-in period if it can be demonstrated that the shorter period is not expected to result in the greater of a 5 percent reduction in persistency and a 25 percent increase in lapse rate from what had been assumed in the last approved rate filing.

(C) At its option, a company may request a new business rate schedule based on the full effect of the new assumptions with the phase-in period only applicable to inforce insureds.

(D) When a new business rate is elected, the rate analysis for the form shall be based on the new business rate schedule level.

21. through 22. No change.

23. Experience on the Form (Past and Future Anticipated): This section shall display the actual experience on the form and that expected for the future. Experience from inception (or the last three years for annually rated group coverages, with no separation of experience data by issue year required) shall be displayed, although, with proper interest adjustment, the experience for calendar years more than 5 five years in the past may be combined. For each calendar year and, where appropriate, each policy year or issue year, the following information shall be displayed:

a. Year,

b. ~~Collected premium,~~

b.e. Earned premium,

~~c.d.~~ Paid claims,

~~e.~~ Paid loss ratio (= (d)/(b)),

d.f. Change in claim liability and reserve,

~~e.g.~~ Incurred claims $(=(c)+(d))$ ~~$(=(d)+(f))$~~ ,

~~f.h.~~ Incurred loss ratio $(=(e)/(b))$ ~~$(=(g)/(e))$~~ ,

~~g.~~ Expected loss ratio

~~h.i.~~ Expected incurred claims,

~~i.j.~~ Actual-to-expected claims $(=(e)/(h))$ or equivalently $(=(f)/(g))$ ~~$(=(g)/(i))$~~ ,

~~j.k.~~ Active Life Reserves;

k. Earned premium on a manual rate basis for at least the past 5 calendar years or 3 years for annually rated group products; i.e., removing the impact of adjustments to the approved rate manual due to, underwriter adjustments, the impact of any rate limits and experience rating. This restatement to a manual basis does not apply to large group products exempt from the filing and prior approval of rate schedules.

l. Earned premium on a constant rate basis for at least the past 5 calendar years. This is not required for annually rated group products unless requested. For future years, all columns except (c), (d) and (l) (e), (g), and (h), shall be displayed. For periods where the actual claim runoff is complete, that data shall be displayed to replace (d)(f). Past experience shall be presented on both an actual basis and a constant premium rate basis. The experience exhibit shall be available to be submitted electronically in an Excel worksheet upon request directly to the assigned analyst.

24. Lifetime Loss Ratio: This is the loss ratio determined over the rating period for annually rated groups. For other forms, the loss ratio is derived by dividing A by B where:

a. A is the accumulation with interest of sum of the accumulated incurred claims from the original effective date of the pPolicy fForm to the evaluation date effective date of the revision, and the present value of future incurred claims over the Eentire fFuture Llifetime of the pPolicy fForm; and

b. B is the accumulation with interest of sum of the accumulated earned annual premiums from the original effective date of the pPolicy fForm to the evaluation date effective date of the revision, and the present value of future earned annual premiums over the eEntire fFuture Llifetime of the pPolicy fForm.

c. The evaluation date is the endpoint of the actual experience review period.

25. through 27. No change.

28. Actuarial Certification:

a. Certification by a qualified actuary that to the best of the actuary's knowledge and judgment;

(I) Tthe entire rate filing is in compliance with the applicable laws of the State of Florida and with the rules of the Department of Insurance;

(II) and Ccomplies with Actuarial Standard of Practice No. 8, "Regulatory Filings for Rates and Financial Projections for Health Plans," as adopted by the Actuarial Standards Board, January, 1989, which standard is hereby adopted and incorporated by reference; and

(III) that Tthe benefits are reasonable in relation to the proposed premiums.

b. In making the certification, the definition of reasonableness means that the premiums are not excessive, not inadequate, and not unfairly discriminatory as these terms are described in Rule 4-149.005, F.A.C.

c. A copy of the standard may be obtained from the Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0328.

d. A qualified actuary is one who is member of the Society of Actuaries or the American Academy of Actuaries and who is qualified in the area of health insurance.

e. If the actuary provides a qualified opinion, a detailed explanation and reason for the qualification shall be provided as part of the certification.

f. In providing the actuarial opinion and certification, the actuary shall consider actuarial standards of practice and the qualification standards for prescribed statements of actuarial opinion.

(4) Definitions.

(a)1. Actual-to-Expected (A/E) Claims ratio: The expected claims are the product of the anticipated loss ratio and the earned premium, both on a policy year or issue year basis. The ratio of is actual incurred claims under the policy form divided by expected claims. This is equivalent to the actual annual loss ratio divided by the applicable durational loss ratios of the approved durational loss ratio table.

2. For projected periods, the A/E ratio is the ratio of the projected claims divided by the expected claims.

3. Both the year-by-year pattern of the A/E these ratios and the aggregate past, future, and lifetime inception to date total ratios shall be presented.

(b) Annually Rated Group Policies: Group policies, including major medical coverage, which meet all of the following criteria:

1. The policies are funded on a 1 year basis to satisfy loss ratio requirements.

2. The policies are expected to be repriced annually based on trend and demographic changes.

3. Effects of underwriting, if any, are part of the composite assumptions so that durational claims experience is incorporated into the composite rate.

4. Aging is not pre-funded, as in a Medicare supplement or long term care policy. Anticipated Loss Ratio*N: For each value of N, this is the anticipated loss ratio with the first (N-1) policy years removed and is read "the anticipated loss ratio star

~~N². The present value calculations use pricing assumptions. These values shall be provided for each policy year for each new policy filing. These shall be updated for each rate filing to reflect any change in the minimum lifetime loss ratio for the policy form.~~

~~(c) Anticipated Loss Ratio: The present value of future benefits divided by the present value of future premiums computed over the entire future lifetime of the policy form.~~

~~(c) through (d) renumbered (d) through (e) No change.~~

~~(f)(e) Credible Data:~~

~~1. Except as provided in 2., if a policy form has 2,000 or more policies inforce, then full (100 percent %) credibility is given to the experience; if fewer than 500 policies are inforce, then zero (0 percent %) credibility is given.~~

~~2. For policy forms with low expected claims frequency, such as accident and long term care, at least 1,000 claims, over a period not to exceed the most recent 5 year period, shall be assigned 100 percent credibility; 200 claims shall be assigned 0 percent credibility.~~

~~3. Linear interpolation is used for inforce amounts between the low and high values in subparagraph 1. or 2. 500 and 2000.~~

~~4. For group policy forms, the numbers in this definition refer to individual group certificates or subscribers, not policies.~~

~~5. For coverage that is not subject to subparagraph 6. below, a combination of Florida and nationwide data shall be used only if Florida-only data is not fully credible, with the total credibility being the nationwide credibility level; i.e., if Florida data is 20 percent credible, and nationwide is 60 percent credible, the data will be weighted 20 percent Florida and 40 percent nationwide. If nationwide credibility is less than 100 percent credible, the compliment, 40 percent in the above example, shall be weighted for medical trend, to the degree applicable.~~

~~6. Due to the geographic pricing of medical expense coverage, Florida-only data shall be used for medical expense forms. When Florida data is not fully credible, the compliment of the experience credibility factor shall be weighted with medical trend. Specific alternate credibility standards for particular lines of business shall be submitted to the Department by affected insurers no later than 4/1/94. The Department shall consider such alternate standards and commence formal rulemaking no later than 6/1/94. Prior to and ending on the effective date of such rules, alternate credibility standards advanced by any insurer for a particular line of business shall be considered by the Department. In order for those alternate standards to be acceptable, the insurer must demonstrate that the standards are based on sound actuarial principles and that the resulting loss ratios are in substantial compliance with the requirements of Rules 4-149.003 and 4-149.006.~~

(g) Durational Loss Ratio Table: The table of annual loss ratios where a loss ratio is the ratio of incurred claims divided by earned premium for each policy duration, by policy duration determined from the original actuarial memorandum when the form was first approved;

1.a. The company shall adjust the durational loss ratio table when the average annual premium at the time of filing results in a loss ratio standard pursuant to the provisions of subsection 4-149.005(4), F.A.C., that is changed by at least .5 percent from the current lifetime loss ratio standard for the form. Each loss ratio in the durational loss ratio table shall be increased by the ratio of the loss ratio standard determined from the current average annual premium divided by the prior lifetime loss ratio standard;

b.(I) When the loss ratio is adjusted pursuant to 1.a. above, the lifetime loss ratio standard for the form shall be the prior lifetime standards weighted by the accumulated earned premiums applicable to each standard with the weight for the new lifetime loss ratio standard being the present value of projected premiums.

(II) If the company is unable to provide the historical information necessary to calculate the appropriate weighting, the new standard will be the lifetime loss ratio as determined by 1.a. above.

2. The approved durational loss ratio table is the durational loss ratio table contained in the filing when the form was originally approved, or any subsequent durational loss ratio table filed where the Department explicitly approved the table.

(h) Earned Premium:

1. The portion of the total premium paid by the insured attributable to the period of coverage elapsed. This includes all modal loadings, fees, or charges that are required to be paid by the insured.

2. Premium shall be earned uniformly over the period for which coverage is provided.

3. Sections 627.6043(2) and 627.6645(4), Florida Statutes, provide that the company may have a short rate table approved. If approved, the short rate table is used in lieu of uniform earning (pro-rata) for determining refunds upon cancellation, and shall not be incorporated for rate filing purposes.

(i)(f) Entire Future Lifetime: This is the maximum period over which the policy would be in effect if not terminated by action of the insurer or the insured.

1. For individual and group policies other than annually rated group policies, the minimum acceptable period for calculation purposes is the number of years before fewer than (5) percent % of the original policyholders or certificateholders remain inforce. This period is determined using the anticipated termination rates for the form.

2. For annually rated group policies, the eEntire fFuture lLifetime is the rating period. Policy Forms which have had rate revisions prior to the effective date of this rule with a projection period shorter than the entire lifetime of the policy

shall, for the purposes of computing loss ratios, continue to use the same number of years in the projection period for future rate revisions:

(j)1. Expected Claims: The actual earned premium or, for projected periods the projected premium, times the applicable policy durational loss ratio from the approved durational loss ratio table which was in effect for the time period covered by the premiums.

2. For annually rated group policies, this reflects the actual target loss ratio for the group; i.e., reflecting different retention loads based on group differences.

(g) through (i) renumbered (k) through (m) No change.

(n) Incurred Claims: Incurred claims are claims occurring within a fixed period, whether or not paid during the same period, under the terms of the policy form.

1. Claims include scheduled benefit payments, reimbursement benefit payments, or services provided by a provider or through a provider network for medical, dental, vision, disability, and similar health benefits.

2. Claims do not include state assessments, taxes, company expenses, or any expense incurred by the company for the cost of adjusting and settling a claim, including the review, qualification, oversight, management or monitoring of a claim or incentives or compensation to providers for other than the provision of health care services.

3. A company may at its discretion include costs that are demonstrated to reduce claims, such as a fraud intervention program or case management costs, which are identified in each filing, and are demonstrated to reduce claims costs and do not result in increasing the experience period loss ratio by more than 5 percent.

4. For scheduled claim payments, such as disability income or long term care, the incurred claims shall be the present value of the benefit payments discounted for continuance and interest.

(j) through (n) renumbered (o) through (s) No change.

(t)(~~o~~) Renewal Clauses:

1. through 2. No change.

3.a. Guaranteed Renewable means includes:

a. Policy forms where the ~~that~~ renewal cannot be declined by the insurer for any reason other than fraud, misrepresentation, or failure to pay the premium when due, or expiration of the contract, but the insurer can revise rates on a class basis.

b.(I) Policy forms subject to Section 627.6425 or 627.6571, Florida Statutes.

(II) When an insurer discontinues offering a particular policy form for health insurance coverage pursuant to Section 627.6425(3)(a), Florida Statutes, the nonrenewal of coverage shall occur on the policy anniversary, and the offer of new coverage pursuant to Section 627.6425(3)(a)2., Florida Statutes, shall be considered a renewal of coverage and shall be

renewed on the policy anniversary at the same class basis as the coverage being discontinued. If the forms do not have consistent class definitions, the class shall be determined based on the original application and underwriting status of the individual when the discontinued coverage was first issued. For policy forms subject to Section 627.6571, Florida Statutes, the renewal or nonrenewal of coverage shall be coincident with the effective date of coverage when the group is rerated, which is generally the annual anniversary of the group.

4. through 5. No change.

(u)(~~o~~) Select and Ultimate Premium Schedule: This is any premium schedule which has premiums that vary based on the time elapsed since issuance of the policy. These do not include rate schedules that reduce due to temporary risk charges, a one-time policy fee, or policyholder action to reduce benefits.

(v)(~~o~~) No change.

Specific Authority 624.308(1), 627.410(6)(b),(e) FS. Law Implemented 627.410(1),(2),(6), 627.411(1)(e) FS. History—New 7-1-85, Formerly 4-58.06, 4-58.006, Amended 4-18-94, 4-9-95,_____.

4-149.007 Annual Rate Filing Procedures.

(1)(a) This rule applies to every insurer writing health insurance, defined as insurance of human beings against bodily injury, disablement, or death by accident or accidental means, or the expense thereof, or against disablement or expense resulting from sickness, and every insurance appertaining thereto but excluding workers' compensation coverages.

(b) Policies and forms identified in Rule 4-149.002(5), F.A.C., which are indicated to be subject to only those rules in effect on October 1, 1993, are not subject to Rule 4-149.007(5)(a), F.A.C., but are subject to the filing provisions of Rule 4-149.007(5)(b) or (c), F.A.C., for the annual rate certification required by Section 627.410(7)(b)2., Florida Statutes.

(2) Each insurer shall make an annual filing with the Department for each policy form or pooled block of forms no later than 12 months after the date of approval of its previous filing for the policy form, demonstrating the reasonableness of benefits in relation to premium rates.

(a) ~~The first such filing for each policy form for each company shall be submitted on or after October 1, 1989, but in no event later than March 1, 1990, or 14 months after the date of its last rate filing approval date preceding October 1, 1989.~~

(b) ~~Subsequent rate filings shall be submitted no later than 12 months after the previous filing approval date for each policy form.~~

(3) through (4) No change.

(5) Filing Preparation. Filings shall be prepared in accordance with Rule 4-149.003, and in accordance with either (a), ~~or~~ (b), or (c) below.

(a) ~~For significant blocks of business (defined as 500 or more policies or certificates in force nationwide), filings shall be in accordance with either 1., 2., or 3., below:~~

~~(a)1. A rate filing in accordance with Rule 4-149.003, F.A.C., which shall be prepared under the direction of an actuary and which contains documentation that the proposed benefits are reasonable in relation to the premium rates, pursuant to the applicable rating laws and rules adopted by the Department.~~

~~(b)2. If no rate change is proposed and the form is other than Medicare supplement, a filing shall be prepared which consists of:~~

~~1. A cover letter indicating the nature of the filing;~~

~~2. A copy of standardized data letter, Form DI4-1507, as adopted in Rule 4-149.022, F.A.C.; and~~

~~3. A certification by an actuary, in accordance with Rule 4-149.006(3)(b)28., F.A.C. that benefits are reasonable in relation to premiums currently charged in accordance with the applicable rating laws and rules adopted by the Department. Such certification shall be attached to the applicable standardized data letter, as adopted in Rule 4-149.022.~~

~~(b) For insignificant blocks of business (defined as desired by the company but no greater than 500 policies in force nationwide):~~

~~1. By any of the methods described in paragraph (a), above;~~

~~2. The Department may waive the requirement for a certification of reasonableness so long as the insurer's solvency is not affected.~~

~~(c) For noncredible blocks of business on a nationwide basis, the company may request a waiver of the requirement. The request shall be made annually and be accompanied by a letter indicating the nature of the filing, the type of product, and the reason for the request. As used in this rule, "actuary" means an individual who is a member of the Society of Actuaries or the American Academy of Actuaries and who is qualified in the area of health insurance.~~

~~(6) When a company using a current rate schedule is unable to demonstrate that the minimum loss ratio standards in Rule 4-149.005, F.A.C. are met, it shall reduce rates, enhance benefits, or a combination of both to satisfy the standards. Requests for Extension. If a filing is under preparation on the date it is required to be filed, the insurer may apply to the Department for an extension for up to an additional 30 days in which to submit the filing. The request for an extension shall be received by the Department in Tallahassee prior to the date the filing is due.~~

~~(a) A company may make a certification in compliance with paragraph (b) above without such change to benefits or premiums if the A/E ratio for the past experience periods are, both in pattern and aggregate value, consistently at or in excess of .85.~~

~~(b) In determining the necessary adjustment, the company may assume up to a 15 percent margin in future projected claim costs and may target a future and lifetime actual to expected ratio of .85.~~

~~(7) Filing Date. A filing is considered to be made with the Department on the date the filing is received by the Department.~~

~~Specific Authority 624.308 FS. Law Implemented 627.410 FS. History--New 5-14-92, Amended _____.~~

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

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

~~DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2002~~

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

DEPARTMENT OF INSURANCE

RULE TITLE: Workers Compensation: Application and Audit Procedures

RULE NO.: 4-189.003

PURPOSE, EFFECT AND SUMMARY: To update Rule 4-189.003 due to changes required by SB 108 as it pertains to application procedures.

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: 440.381 FS.

LAW IMPLEMENTED: 440.381, 624.307, 624.308(1) FS.

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

TIME AND DATE: 2:00 p.m., September 24, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Eaton, Property and Casualty Forms and Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-3821

THE FULL TEXT OF THE PROPOSED RULE IS:

4-189.003 Workers' Compensation: Application and Audit Procedures.

(1)(a) Each employer applying to a carrier in the voluntary market for workers' compensation coverage required by Section 440.38, Florida Statutes, shall use Form ACORD 130-FL (rev. 7/02) (~~rev. 8/00~~), "Florida Workers' Compensation Application," which is hereby adopted and incorporated by reference. Carriers are authorized to continue to use Form ACORD 130-FL (rev. 8/00) (~~rev. 3/96~~), "Florida Workers' Compensation Application," which was previously adopted until the current supply of forms is exhausted. The form shall be completed and submitted to the carrier with which the employer wishes to contract for coverage.

(b) A carrier wishing to use its own application form shall submit the form to the Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0330, and receive approval prior to its use.

1. At a minimum the form shall require the employer to provide the following information:

- a. ~~N~~ame, address, and legal status of the employer;
- b. ~~F~~ederal employer identification number;
- c. ~~T~~ype of business and contractor licensing number if the employer is a contractor;
- d. ~~R~~ating information including past and prospective payroll;
- e. ~~E~~stimated revenue;
- f. ~~L~~ocations;
- g. ~~L~~ist of officers, sole proprietors and partners including their social security numbers (disclosure of social security number is voluntary; as an alternative, attach a copy of exclusion or inclusion forms filed with the state);
- h. ~~L~~ist of all employee names, employees' social security numbers and classifications (disclosure of social security numbers is voluntary; as an alternative, the latest UCT-6 form with class codes added can be used in lieu of a separate listing of employee names, employees' social security numbers and classifications);
- i. ~~P~~revious workers' compensation experience;
- j. ~~F~~ormer business names and predecessor companies for the last five years;
- k. ~~F~~ormer and current owners in the last five years;
- l. ~~A~~ll names under which the corporation operates; and
- m. ~~A~~ny other information necessary to enable the carrier to accurately underwrite the employer.

2. The application shall contain a statement that the filing of an application containing false, misleading, or incomplete information with the purpose of avoiding or reducing the amount of premiums for workers' compensation coverage is a felony of the third degree.

3. The application shall contain a sworn statement by the employer attesting to the accuracy of the information submitted.

4. The application shall contain a sworn statement by the agent attesting that the agent explained to the employer or officer the classification codes that are used for premium calculations.

(c) Each employer applying for workers' compensation coverage in the Florida Workers' Compensation Joint Underwriting Association (FWCJUA) shall use ACORD Form 130-FL (rev. 7/02) (~~rev. 8/00~~) unless the FWCJUA files and receives approval by the Department of Insurance to use a different application form in accordance with paragraph (1)(b). The FWCJUA shall submit any addendum to the application to the Department and receive approval prior to using. The completed application and all ~~addenda~~ ~~addendum~~ shall be submitted to the FWCJUA at the address on the form.

(d) No change.

(2) through (4) No change.

Specific Authority 440.381 FS. Law Implemented 440.381, 624.307, 624.308(1) FS. History--New 8-1-91, Formerly 4-28.007, Amended 10-3-95, 10-10-96, 1-15-98, 11-21-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Eaton, Bureau of Property and Casualty Forms and Rates, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shirley Kerns, Bureau Chief, Life and Health Forms and Rates, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 31, 2002

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

| | |
|---|-------------------|
| RULE CHAPTER TITLE: | RULE CHAPTER NO.: |
| Firesafety in Educational Facilities | 4A-58 |
| RULE TITLES: | RULE NOS.: |
| Administration | 4A-58.001 |
| Scope: Existing Facilities | 4A-58.002 |
| Definitions | 4A-58.003 |
| Firesafety Inspections | 4A-58.004 |
| Serious Life Safety Hazards | 4A-58.005 |
| Inspections in General | 4A-58.006 |
| Counties, Municipalities, and Special Districts | |
| Having Firesafety Responsibilities, | |
| Without Firesafety Inspectors | 4A-58.007 |
| Standards and Requirements for Buildings | 4A-58.008 |
| Florida School Evaluation System | 4A-58.009 |

PURPOSE AND EFFECT: To provide rules containing procedures for firesafety inspections and firesafety standards in educational facilities, pursuant to the mandate in House Bill 443, amending Section 235.06, Florida Statutes.

SUMMARY: This rule chapter establishes uniform requirements to provide a reasonable degree of safety from fire in existing buildings by providing firesafety procedures and firesafety standards for educational facilities, educational plants, ancillary plants, and auxiliary facilities under a school board or a community college board of trustees' jurisdiction.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of 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: 235.06 FS.

LAWS IMPLEMENTED: 235.06 FS.

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

TIME AND DATE: 8:30 a.m., September 24, 2002

PLACE: Department of Environmental Protection Conference Room, 2nd Floor, 400 North Congress Avenue, West Palm Beach, Florida

TIME AND DATE: 8:30 a.m., September 26, 2002

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Millicent King, (850)922-3171.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-58.001 Administration.

The division in consultation with the Department of Education hereby adopts firesafety rules for the use by boards and local fire officials when conducting firesafety inspections of existing buildings located in educational facilities, educational plants, ancillary plants, and auxiliary facilities to ensure the safety of occupants.

Specific Authority 235.06 FS. Law Implemented 235.06 FS. History—New

4A-58.002 Scope: Existing Facilities.

(1) This rule chapter establishes uniform requirements to provide a reasonable degree of safety from fire in existing buildings located in educational facilities, educational plants, ancillary plants, and auxiliary facilities under a school board or a community college board of trustees' jurisdiction.

(2) Nothing in this rule chapter is intended to be more restrictive than a similar requirement for new construction.

(3) This rule chapter includes procedures for withdrawal of sites and facilities from use until unsafe conditions are corrected.

(4) These rules apply to charter schools built on school district property and to charter schools electing to be constructed to State Requirements for Educational Facilities, Chapter 7 Standards, or Florida Building Code, Section 423 Standards. Charter schools that are not located on school district property and elect not to be constructed under State Requirements for Educational Facilities, Chapter 7 Standards, or Florida Building Code, Section 423 Standards, shall meet the firesafety standards set forth in NFPA 1 and NFPA 101, the editions as adopted in Rule 4A-3.012, Florida Administrative Code.

(5) Existing educational and ancillary facilities shall comply with NFPA 101, the edition adopted in Rule 4A-3.012, Florida Administrative Code, except as modified by Chapter 235, Florida Statutes, and this rule chapter.

EXCEPTION: NFPA 101, horizontal exits, which are referred to in subdivision 15-2.2.5," and exit passageways, which are referred to in subdivision 15-2.2.7," are not permitted.

(6) Anytime NFPA 101 refers to any other NFPA standard, the referenced standard shall be the edition adopted in Rule 4A-3.012, Florida Administrative Code.

Specific Authority 235.06 FS. Law Implemented 235.06 FS. History—New

4A-58.003 Definitions.

As used in this rule chapter, the following definitions apply:

(1) "Ancillary plant" is comprised of the building, site, and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program.

(2) "Authority having jurisdiction" means the county, municipality, or special district having firesafety responsibility or, where the context requires, the State Fire Marshal.

(3) "Auxiliary facility" means the buildings located at educational plants which are not designed for student occupant stations.

(4) "Board" means a district school board, a community college board of trustees, and the Board of Trustees for the Florida School for the Deaf and Blind, and includes any person legally authorized by the board to act on its behalf. The term "board" does not include the State Board of Education or any board of any university.

(5) "Building" or "board building" means any building or structure located on, upon, or in any educational facility, educational plant, ancillary plant, or auxiliary facility owned, rented, leased, or under lease-purchase agreement or

lease-purchase option with a board. “Building” includes any permanent, fixed, relocatable, and manufactured building or structure.

(6) “Division” means the Division of State Fire Marshal.

(7) “Educational facilities” means the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by the boards.

(8) “Educational plant” comprises the educational facilities, site and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the education program of each plant.

(9) “Existing” facility means a facility that has been occupied for one year or longer.

(10) “Florida Building Code” means the Florida Building Code as adopted in Rule 9B-3.047, Florida Administrative Code, adopted pursuant to Section 552.73, Florida Statutes.

(11) “Florida Fire Prevention Code” means the Florida Fire Prevention Code as adopted in Rule 4A-3.012, Florida Administrative Code.

(12) “Local fire official” or “fire official” means a firesafety inspector certified under Section 633.081(2), Florida Statutes, and employed by or under contract with a county, municipality, or special district having firesafety responsibilities, and includes the chiefs of county, municipal, and special district fire departments. The term does not include a special state firesafety inspector employed by the board certified to conduct inspections of buildings as defined herein under Section 633.081(3), Florida Statutes.

(13) “New” facility means a facility that has not been occupied for more than one year.

(14) “NFPA 101” means National Fire Protection Association Code 101, the Life Safety Code, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

(15) “Special district that has firesafety enforcement responsibilities” means a special fire control district or a special district which was created for the purposes of fire prevention, fire suppression, or fire protection.

(16) The definitions in Section 235.011, Florida Statutes, of words and terms found in Section 235.06, Florida Statutes, or of words or terms found in this rule chapter apply to this rule chapter.

Specific Authority 235.06 FS. Law Implemented 235.06 FS. History—New

4A-58.004 Firesafety Inspections.

(1) There shall be two annual inspections of educational facilities, ancillary plants, and auxiliary facilities, as follows:

(a) Pursuant to Section 235.06(1)(b), Florida Statutes, firesafety inspections of each building of educational plant and each ancillary plant shall be made annually by a person certified by the division to conduct firesafety inspections of educational and ancillary plants pursuant to Section 633.081(3), Florida Statutes, which may be an employee of the board.

(b) Pursuant to Section 235.06(2)(b), Florida Statutes, each county, municipality, or special district having firesafety responsibilities shall, by and through a local firesafety inspector, conduct at least one firesafety inspection of each building of each educational plant and each ancillary plant, whether owned or leased, each calendar year to determine compliance with this rule chapter.

(2) The inspections in subsection (1):

(a) Are applicable to all buildings owned, leased, or being lease-purchased by the board, including all permanent and relocatable buildings;

(b) Shall begin not sooner than one year after a new building has been occupied;

(c) Shall be performed in accordance with any applicable code or standard, such as NFPA 101, the edition as adopted in Rule 4A-3.012, Florida Administrative Code, or any other applicable code or standard which has been adopted in this rule chapter; and

(d) Are not applicable to new buildings. New buildings are controlled by Sections 235.218 and 235.26, Florida Statutes.

(3) Reports of the inspections in subsection (1) shall be filed with the local school board and the local site administrator.

(4) A plan and schedule for correction of any deficiency in the inspection report shall be developed by any firesafety inspector finding a deficiency in conjunction with the board and shall be adopted and complied with by the board.

(5) Each inspection report and plan of correction shall contain, at a minimum, the following information:

(a) The Name of the School District;

(b) The Name of the Local Authority Having Jurisdiction (i.e., municipality, county, or special district);

(c) The Name of the Facility Inspected;

(d) The Type of Facility Inspected (i.e., K-5, 6-9, 10-12, CC, Other);

(e) The Facility Address;

(f) The Number of the Facility as Listed in the Florida Inventory of School Houses (FISH #);

(g) The Name, Address, and Phone Number of Each Inspector, and the Designation of Whether Such Inspector is a Special Firesafety Inspector or a Municipal Firesafety Inspector;

(h) The Date of the Inspection;

(i) Each Violation or Deficiency Noted During the Inspection. Each Violation or Deficiency Report Shall Contain:

1. The Building Name or Number and, if Applicable, the Room Number of the Building in which the Violation was Noted;

2. A Description of the Violation or Deficiency;

3. The Number of Times this Violation or Deficiency has been Cited, if Applicable;

4. The Estimated Correction Date;

5. The Total Number of Violations or Deficiencies Cited not Involving Serious Life Safety Hazards;

6. The Total Number of Violations or Deficiencies Cited Involving Serious Life Safety Hazards;

7. A statement that the District has or has not complied with Section 235.06(1)(c), Florida Statutes;

8. A statement that the local authority having jurisdiction has or has not complied with Section 235.06(2)(c), Florida Statutes;

9. Verification that the Required Fire Drills have been Completed; and

10. The Signature of the District Inspector if the Inspection was Made by the Special Inspector, or the Signature of the Local Fire Official if the Inspection was Made by the Local Fire Official. If the Inspection was Made by Both the Special Firesafety Inspector and the Local Fire Official, Each One Must Sign.

(6) When the violation or deficiency has been corrected, the inspector sending the report required by paragraph (i) shall notify the division of such correction.

(7) The inspection reports in subsection (1) together with the plan and schedule for correction of any deficiency shall be submitted to the division by June 30, of each year.

Specific Authority 235.06 FS. Law Implemented 235.06 FS. History--New _____.

4A-58.005 Serious Life Safety Hazards.

(1) Serious life safety hazards as set forth in Section 235.06, Florida Statutes, and in paragraph (b), below, require prompt corrective action by the board or withdrawal of the educational or ancillary plants from use until corrected.

(2)(a) Serious life safety hazards include:

1. Non-functional fire alarm systems;

2. Non-functional fire sprinkler system;

3. Doors with padlocks or other locks or devices which preclude egress at any time;

4. Inadequate exits;

5. Hazardous electrical system conditions;

6. Potential structural failure;

7. Storage conditions that create a fire hazard;

(b) Other conditions may be identified to the division by the authority having jurisdiction for designation as a serious life safety hazard, including:

1. Placement of functional smoke and heat detectors in a manner not consistent with NFPA 72, the edition as adopted in Rule 4A-3.012, Florida Administrative Code;

2. Inaccessible or expired fire extinguishers; and

3. Fire doors with doorstops or wedges holding them open.

(c) The criteria to be used by the division to determine whether such other condition shall be designated as a serious life safety hazard shall be the same criteria as is applied in Section 120.54(4), Florida Statutes, to determine whether a condition presents an immediate and serious danger to the health, safety, and welfare of the public or of persons within, or making use of, the educational facility, educational plant, ancillary plant, or auxiliary facility, requiring an emergency rule.

Specific Authority 235.06 FS. Law Implemented 235.06 FS. History--New _____.

4A-58.006 Inspections in General.

(1) Each building inspected shall be accounted for on the inspection form.

(2) The board shall forward one copy of the completed inspection report to the division and retain one copy for its files.

(3) The board shall maintain with each yearly inspection report a list of corrected deficiencies from the prior fiscal year report.

(4) Remodeling and Renovation shall be performed in accordance with the requirements of the Florida Building Code Section 423.

(5) Returning Buildings to Use. Any existing building which has been removed from instructional use for more than 180 days shall be inspected for deficiencies, and remodeled, renovated, or have its deficiencies corrected in accordance with the new construction requirements of the Florida Building Code before returning it to instructional purposes.

(6) Abandoned Buildings. Board buildings no longer in use and abandoned shall be free of combustible waste and secured in such a manner as to prevent safety hazards, unlawful entry, and undue vandalism from occurring.

Specific Authority 235.06 FS. Law Implemented 235.06 FS. History--New _____.

4A-58.007 Counties, Municipalities, and Special Districts Having Firesafety Responsibilities, without Firesafety Inspectors.

(1) Any county, municipality, or special district having firesafety responsibilities which does not employ or has not contracted with a firesafety inspector certified under Section 633.081(1), Florida Statutes, at the time of the adoption of this rule chapter may contact the division and request that the division perform the inspections required by Section 235.06, Florida Statutes, and this rule chapter and performed under Section 633.081(1), Florida Statutes.

(2) Upon receiving such request, the division shall perform the inspections required by this rule chapter during the period of time the county, municipality, or special district does not employ or is not under contract with a firesafety inspector certified under Section 633.081(1), Florida Statutes, not, however, to exceed one annual inspection per facility.

(3) Each such county, municipality, or special district having firesafety enforcement responsibilities shall, if practicable, employ or contract with a firesafety inspector certified under Section 633.081(1), Florida Statutes, pursuant to the requirement of Section 633.081(1), Florida Statutes, within one year after the county, municipality, or special district first contacted the division requesting the division to perform the inspection.

(4) No county, municipality, or special district having firesafety enforcement responsibilities which employs or contracts with a firesafety inspector as of the effective date of Section 1013.12, Florida Statutes, is authorized to request that the State Fire Marshal perform the inspections referred to in this section, and the State Fire Marshal shall not perform any inspection for such county, municipality, or special district having firesafety responsibilities.

Specific Authority 235.06 FS. Law Implemented 235.06 FS. History--New

4A-58.008 Standards and Requirements for Buildings.

(1) General Safety Requirements for all buildings in all facilities or plants.

(a) Rooms used for pre-kindergarten through grade 1 shall not be located above or below the level of exit discharge.

(b) Rooms used for grade 2 students shall not be located more than 1 story above the level of exit discharge.

(c) Means of Egress. Every building and space shall have sufficient exits arranged so as to provide safe egress for occupants, and every occupied space shall be maintained and operated so as to permit prompt egress in case of fire or emergency.

(d) Handrails on stairs and ramps shall not project more than 3 1/2 inches inside the measured width on each side of a means of egress.

(e) The clear width of a means of egress shall be free of any pipes, lockers, planters, water fountains, fire hose cabinets, or other projections.

(f) All required means of egress at the level of exit discharge shall terminate at a public way or at an exterior exit discharge.

(g) Every floor of every building shall have a minimum of 2 separate exits as remote from each other as practicable.

(h) Every classroom and space normally subject to student occupancy, except in fully sprinklered buildings, shall have at least 1 window or door to the exterior.

(i) Abandoned Structures. Abandoned structures owned by the board shall be maintained and secured to eliminate hazards, unlawful entry, and vandalism.

(2) Means of Egress.

(a) Every classroom or space normally subject to student occupancy shall have:

1. At least 1 door opening directly to the exterior; or

2. A protected interior means of egress shall maintain its original fire rating but shall not be less than an estimated 1/2 hour rating.

a. All doors in the corridor shall be self-closing doors.

b. Door stops or other unprotected openings in the corridor wall shall be prohibited.

3. Accessory rooms serving as adjunct facilities to a larger room may exit through the larger room.

4. EXCEPTION: Under the NFPA principle of "Equivalency Concepts" referred to in NFPA 101, Section 1-5, as an alternative method of exiting interior classrooms where existing classrooms are surrounded by existing corridors, and in lieu of a full fire sprinkler system, classrooms shall have 2 doors at opposite ends of each classroom exiting into separate smoke compartments of a smoke-proof corridor.

(b) Opposite swinging smoke stop doors in smoke partitions within the corridor shall provide the separation between the exits from each classroom.

(c)1. Exits shall be maintained so that the total length of travel from any point in the building (including places of assembly) to an exit does not exceed 150 feet.

2. EXCEPTION: In a building equipped with a fully automatic fire sprinkler system, the travel distance to an exit may be increased to 200 feet.

3. Exit distance shall be measured along the path of natural travel.

(d) Open mezzanines shall be permitted to exit to the exterior from within the space below.

(e) Every corridor, aisle, balcony, and other means of egress to exits and exit discharges shall be in accordance with the following:

1. Corridors shall be arranged so that each end leads to an exit and shall be without pockets or dead ends more than 20 feet in length.

2.a. The clear width of all interior corridors shall be maintained to a minimum width of 6 feet.

b. Hallway widths in office or service areas shall be a minimum of 44 inches in width and shall not exceed 50 feet in length.

3. Interior corridors, including contiguous dead-end and cross corridors, shall be divided by smoke stop doors into sections not to exceed 300 feet in length.

4. Exterior (open) corridors or balconies serving as a required means of exit shall be open to the outside air and shall be enclosed only by a guardrail or balustrade.

5.a. Balconies shall have guardrails or balustrades a minimum of 42 inches high with balusters spaced not more than 4 inches apart.

b. A bottom rail shall be spaced not more than 2 inches above finished floor.

c. In facilities designed prior to October 18, 1994, the maximum spacing of balusters may be increased to 6 inches apart.

6.a. The facility shall have stairs or exits from each exterior corridor or balcony to the level of exit discharge.

b. Floors of balconies, exterior corridors, and stairs shall be solid and without openings.

c. Floors of balconies and exterior corridors shall be designed to minimize water accumulation on their surfaces.

d. The minimum clear width of exterior corridors and balconies shall be maintained at no less than 60 inches of clear width.

(f) Interior Stairs, Exterior Stairs, and Smoke-Proof Towers.

1. Interior stairs, exterior stairs, and smoke-proof towers shall:

a. Be maintained in a safe and secure condition at all times; and

b. Be free of any loose or broken treads or risers.

2. Treads shall be designed with a uniform depth, and risers shall be designed with a uniform height in any flight of stairs.

3. Stair treads and landings shall be solid, without perforations, and free of projections that would present a tripping hazard.

4. Differences in floor elevations that require fewer than 3 risers shall be ramped.

5. The maximum difference in floor elevation at doorways in a path of egress shall be 1/2 inch.

6. The minimum clear width of stairways serving as a required means of egress shall be maintained at a minimum of 44 inches.

7.a. All interior stairways shall be enclosed in accordance with section 7.2.2.5 of NFPA 101, the edition as adopted in Rule 4A-3.012, Florida Administrative Code, and shall open directly to the exterior, or into a protected vestibule, or into a corridor that opens to the exterior.

b. EXCEPTION: Stairways need not be enclosed when:

(I) Serving only one adjacent floor and the stair is not connected to a corridor or other stairways serving other floors; or

(II) Stairways lead directly to an open mezzanine.

8. The open space beneath a required stair shall not be used as a closet, for storage, or any other purpose.

9. Exterior (open) stairs and ramps serving as required means of egress shall be enclosed only by a handrail or balustrade.

10. Openings within 15 feet of the stairway shall be protected by fire doors, fire-rated glazing, or fixed labeled wire glass.

11. For existing facilities constructed after April 28, 1997, exterior stairs shall be required to provide protection on the walls for 10 feet horizontally and vertically.

12. Handrails no less than 34 inches and no more than 38 inches in height shall be provided on both sides of required stairs and ramps.

13. Any stair 88 inches or more in width shall have an intermediate handrail.

14. Non-required stairs that are less than 44 inches in width and all stage steps shall have a minimum of 1 handrail.

15. Handrails shall be maintained in a safe and secure condition at all times and shall be capable of supporting a human impact applied at any point and in any direction.

16. Handrails shall allow for continuous grasp of the rail.

17. Doors separating enclosed stairways from egress corridors shall be self-closing fire doors and shall swing in the direction of exit travel.

18. Doors held open with approved devices shall release the door within 10 seconds upon activation of the fire alarm.

19. Balconies open to the outside air shall connect smoke proof towers to the permanent building.

20. Stairways shall be completely enclosed by non-combustible materials, and walls separating the enclosure from the building shall be free of any openings.

21. Access to smoke-proof towers shall be provided from every floor by vestibules or balconies, and all balconies or vestibules shall have guardrails.

22. Wall openings in exposed balconies or vestibules shall be protected from fire exposure.

23. Fire escape stairs, where existing, shall not constitute more than 50 percent of the required exit capacity and shall be maintained in a safe and secure condition at all times.

24. Interior corridors and stairwells shall be free of piping systems for flammable liquids or gases.

(3) Separation of Spaces.

(a)1. A separate storage space, in accordance with Section 8.2.5 of NFPA 101, the edition as adopted in Rule 4A-3.012, Florida Administrative Code, shall be provided for all material that is flammable, poisonous, or hazardous, and all equipment powered by internal combustion engines and fuels.

2. These separate storage spaces shall be enclosed and shall open to the exterior only.

(b) Interior vertical openings such as stairways, elevator shafts, light and ventilation shafts and all service chutes between floors shall be enclosed or protected to prevent the spread of fire and smoke, and shall be maintained in their original fire and smoke-tight condition.

(c) Hazardous areas shall be protected in accordance with Section 8-4, NFPA 101, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

(d)1. Openings in walls or ceilings which were designed with fire-resistant rated construction to prevent the spread of fire or smoke shall have fire doors and rated assemblies (frame, door closer, hardware) and fire-rated glass assemblies (wire or fire-rated glazing in steel frames) consistent with the fire-rating of the wall or ceiling.

2. Such protection shall be maintained to prevent the spread of fire or smoke.

3. Penetrations in fire-resistant rated construction shall be sealed with approved materials and methods to maintain original fire- and smoke-tight condition.

(e) Firestopping. Any concealed space, such as a utility chase, attic, crawl space, or other vertical or horizontal opening between floors in which combustible material is exposed shall either:

1. Be firestopped and provided with a heat detector, or

2. The space shall be provided with automatic fire sprinklers.

(4) Site.

(a) Roads and streets.

1. Site access shall consist of a primary road and an emergency means of access.

2. Stabilized wide shoulders of the primary road shall satisfy the requirement for emergency means of access if they are unobstructed by plantings, signs, light poles, or other obstructions.

(b)1. Fire fighting and other emergency equipment shall have free access to any part of the educational plant.

2. Fencing with gates wide enough to allow entry of fire fighting and emergency equipment is allowed.

(5) Doors and Windows.

(a) Doors

1. Egress and Exit Doors.

a. In buildings designed before October 18, 1994, egress doors and gates, regardless of use or location, shall swing in the direction of exit travel, except in rooms occupied by fewer than 20 persons.

b. In buildings designed on or after October 18, 1994, all rooms with an occupant load of 6 or more shall have doors which swing in the direction of exit travel.

c. Exit doors shall be operable from the inside at all times without the use of special keys, tools, or equipment.

2. Doors shall be readily opened from the side from which egress is to be made.

3. Single egress doors shall be a minimum of 28 inches in width and a minimum of 6 feet 8 inches in height. Doorways providing access and egress for the physically disabled shall be a minimum of 32 inches in width and a minimum of 6 feet 8 inches in height.

4. Doors opening into interior corridors shall be either:

a. Recessed and hinged to swing 90 degrees; or

b. Not recessed and hinged to swing 180 degrees.

5. The force to open doors shall be in accordance with Chapter 7 of NFPA 101.

6. Doors used as a secondary means of egress shall:

a. Be accessible;

b. Be operable from the side of egress;

c. Be free of blockage by any materials that may interfere with its use; and

d. Have a readily visible sign adjacent to the opening in letters not less than 1 inch high on a contrasting background that reads "EMERGENCY ESCAPE".

7. Fire-Rated Doors. Fire-rated doors, frames, and hardware in corridors, stairwells, and other required means of egress shall be labeled with permanently affixed, legible labels located on the door and frame.

8. When a pair of fire-rated doors is located within a corridor, they shall:

a. Swing in the direction of egress and have a fixed center jamb; or

b. Be equipped with a coordinator and an overlapping astragal.

9. Glazing in fire-rated doors shall be equivalent to fire-rated glazing or wire glass set in a steel frame.

10.a. Carpet shall not extend through fire-rated doorways and shall be separated by a non-combustible threshold.

b. Class I or II carpet may be run under 20 minute, Class C or Class B labeled door assemblies.

c. Carpet shall not be installed under a Class A labeled door assembly and shall be separated by a non-combustible threshold.

11. Fire-rated doors shall be self-closing and equipped with positive latching devices to hold them in a closed position.

12. Fire-rated doors, when provided with approved electro-magnetic hold-open devices, shall release the door within 10 seconds upon activation of the fire alarm or smoke detection system.

13. Smoke Stop Doors.

a. Smoke stop doors shall be 1 3/4 inch solid core wood, or equivalent.

b. Smoke stop doors may be used:

(I) To create a secondary means of egress from interior instructional spaces; or

(II) To divide corridors into segments not to exceed 300 feet in aggregate length.

c. View panels of clear fire-rated glazing (including wire glass) mounted in steel frames shall be permitted in smoke stop doors.

d. When a pair of smoke stop doors is located within a corridor, each leaf shall be designed to swing in a direction opposite from the other and each leaf in the pair of doors shall swing in a right-hand direction.

e. Smoke stop doors shall have a head, jamb, and sill clearance of not more than 1/8 inch and shall be free of grills or louvers.

f. Door stops shall be provided at the head and sides of door frames.

g. Door frames shall be free of center mullions.

h. Smoke stop doors shall be free of locking devices.

i. When held in the open position, the doors shall release within 10 seconds upon activation of the smoke detectors or fire alarm system.

j. Smoke detectors used to activate the release of smoke stop doors shall be installed in accordance with NFPA 72, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

k. Smoke stop doors shall be held in the open position by electro-magnetic devices which release the doors when smoke detectors activate the fire alarm system.

l. When smoke stop doors are held open by smoke detectors, at least 1 detector shall be installed on each side of the door opening.

m. The free edge of all smoke stop doors, when in an open position, shall be protected so that the doors cannot be accidentally closed by hand.

14. Smoke stop barriers (walls and partitions) for compartmentalization shall be continuous from wall to wall and from the floor through any concealed space in a corridor, such as a suspended non-rated ceiling, to the floor or roof deck above.

15. Special Function Doors. Special function doors shall not be used as a means of egress, and shall comply with NFPA 101 and the following:

a. Revolving Doors. Revolving doors shall:

(I) Have a side-hinged exit door within 10 feet and within the same wall; or

(II) Have an emergency break-away feature.

b. Turnstiles. When used, turnstiles shall:

(I) Be placed to allow free access through a means of egress; or

(II) Have an emergency break-away feature.

c. Folding Doors and Folding Partitions. Where permanently mounted folding or movable partitions are used to divide a room into smaller spaces containing 10 or more persons, or 6 or more persons in buildings designed on or after October 18, 1994, a separate exit from each space or a permanent full height 5 foot wide opening between the spaces shall be provided.

d. Shutters and Roll-Up Doors.

(I) Fire-resistance rated shutters, and roll-up doors in fire-resistance rated walls, shall be equipped with fusible links and an automatic self-closing device.

(II) In buildings designed on or after October 18, 1994, these doors shall be also equipped with a bottom sensing edge that will stop and reverse the door's travel when meeting an obstruction.

e. Overhead Doors. These doors, whether manual or power operated, shall be in good repair and operate as intended.

f. Power Operated Doors. When used, these doors shall be equipped with a manual opening device for use in the event of a power failure.

g. Darkroom Doors.

(I) In darkrooms with a capacity of 10 or more persons, a revolving darkroom door, if used, shall:

(A) Have a pop-out safety feature; and

(B) Be equipped with a remotely located side-hinged door for secondary egress.

(II) In darkrooms with a capacity of fewer than 10 people, a revolving darkroom door with a pop-out safety feature may be used as the primary means of egress.

(III) Revolving darkroom doors with a pop-out safety feature shall be conspicuously labeled.

(IV) In buildings designed on or after October 18, 1994, the requirements of this section apply to darkrooms with an occupancy of 6 or more.

h. Overhead and Sliding Security Grills. Security grills shall remain secured in the fully open position when the building is occupied.

i. Gates. Gates used to secure buildings or used for egress shall be side-hinged and readily opened at all times from the side from which egress is to be made.

j. Screen and Storm Doors. Screen and storm doors on exits shall be hinged on the same side as the exit door and swing in the direction of exit travel.

k. Vault Doors. Vault doors shall be equipped with emergency release hardware to allow egress from the inside at all times.

(b) Hardware.

1.a. Doors and gates shall be equipped with hardware which allows egress at all times without assistance.

b. Projecting hardware on doors swinging into a means of egress is not considered an obstruction if the door opens flat against the wall.

2. Unsafe Locking Devices. All doors shall be free of any padlock, chain, hasp, lock, deadbolt, or other device which would prevent free use of the door for egress at any time.

3. Special Function Door Locking Devices. Special function doors in a path of egress shall be equipped with emergency release hardware to allow egress from the inside at all times.

4. Panic Hardware. Panic release hardware shall be installed on exit doors serving spaces containing 100 or more persons.

5. Self-closing doors. Fire-rated doors and solid core doors in 1/2 hour or smoketight partitions shall be self-closing doors.

6. Door Stops. Interior fire-rated self-closing doors shall be free of any manual hold-open devices such as door stops, wedges, or other devices.

7. Locksets. All required exit doors shall be equipped with locksets which are not lockable from inside the space. EXCEPTION: The Classroom Security Function that allows the outside lever to be locked with a key from either the inside or outside, while keeping the inside lever unlocked for unrestricted egress may be used.

8. Electro-Magnetic Hold-Open Devices. Approved devices which release the door upon activation of the fire alarm system, approved automatic sprinkler system, heat detector, or smoke detector shall be installed on smoke stop doors, and may be installed on fire-rated doors.

9. Security Hardware and Alarms. Door opening delay devices shall not be installed on egress and exit doors unless they are installed in such a manner that they will release instantly upon activation of the building fire alarm system and meet all of the other requirements of NFPA 101-7.2.1.6.

10. Doors may contain alarms that sound when the door is opened.

(c) Glazing shall:

1. Be secured on all sides;
2. Be free of any loose or broken pieces;
3. Be in good repair; and
4. Comply with the following:

a. Fire-Rated Glazing. Fire-rated glazing material shall have a permanent stamp, mark, or manufacturer's label identifying the product and fire rating.

b. Hazardous locations shall be glazed with:

- (I) Safety plastic;
- (II) Tempered glass;
- (A) Safety glass; or

(B) In fire-rated assemblies, impact-resistant fire-rated glazing material.

(III) Wire glass and fire-rated glazing shall be installed in fire-rated and smoke stop doors set in steel frames.

(IV) (A) Glazed panels in 1 hour and 1/2 hour fire-resistance rated walls and partitions shall be limited to either:

(i) 1/4 inch thick wired glass or 1/4 inch thick fire rated glazing material installed in steel frames; or

(ii) Labeled glass block panels installed in steel channels.

(B) Glazed panel sizes shall be as follows:

(i) The glazing shall be 1296 square inches or less, with no dimension greater than 54 inches.

(ii) The glass block shall be 120 square feet or less with no dimension greater than 12 feet.

(iii) The glazing or block shall be not more than 25 percent of the wall area containing the glazing or block as viewed from inside the space.

(V) Areas of exterior glazing shall be maintained in a safe and secure manner and shall be free of loose or broken pieces of glass.

(d) Windows. Windows used for emergency access, emergency rescue, and secondary means of egress shall be maintained in an operable, safe, and secure condition and shall be free of any loose or broken pieces of glass.

(e) Emergency Access Openings.

1. Exterior walls accessible to emergency vehicles shall have emergency access openings every 50 lineal feet around the perimeter of the building on each floor level.

2. In buildings equipped with an approved automatic sprinkler system, emergency access openings shall be spaced not more than 200 lineal feet apart.

3. Where a large single use space, such as a gym, has doors or windows leading directly to the exterior, emergency access openings are not required.

4. The openings shall be a minimum of 28 inches wide by 42 inches in height, with the bottom of the opening not more than 44 inches above finished grade.

(f) Emergency Rescue Openings (Secondary Means of Egress).

1. In non-sprinklered buildings, every instructional space, and other spaces normally subject to student occupancy of 10 or more, shall have at least 1 window, panel, or door leading to the exterior or to a separate atmosphere.

2. For buildings designed after October 18, 1994, the emergency rescue opening shall be provided in rooms over 250 square feet used for classroom or other educational purposes or normally subject to student occupancy of 6 or more.

3. Secondary means of egress and emergency rescue openings shall be identified by permanently mounted signs indicating either "EMERGENCY ESCAPE" or "EMERGENCY RESCUE - KEEP AREA CLEAR."

4. Secondary means of egress or emergency rescue openings shall be provided by one of the following:

a. A window or panel.

(I) The window or panel shall have a clear opening a minimum of 20 inches wide by 24 inches in height, and 5.7 square feet in area, with the bottom of the opening not more than 44 inches above the finished floor; or

(II) Windows and panels shall be operable from the inside by a single operation and without the use of tools.

(III) The window or panel latching device shall be mounted not more than 54 inches above the finished floor; or

(IV) If a security screen or grill is installed on a window or panel, it shall be operable from the inside by a single operation and without the use of tools. The release device shall be readily identifiable and accessible.

b. A side-hinged door a minimum of 28 inches wide and 6 feet eight inches tall opening directly to the exterior at ground level. Interior instructional spaces shall be provided with side-hinged or double acting communicating doors providing for secondary means of egress and emergency rescue complying with the following:

(I) The door shall be free of any locking device.

(II) The door shall provide direct access to:

(A) The exterior;

(B) A separated exit corridor;

(C) A separate atmosphere; or

(D) At least one enclosed exit stair.

(III) The maximum travel distance from the instructional space to the exterior shall be not more than:

(A) 150 feet in an unsprinklered building; and

(B) 200 feet in a sprinkled building.

c. An illuminated exit sign indicating the direction of exit travel shall be permanently mounted at the head of each side-hinged door.

d. A sign indicating "EMERGENCY ESCAPE" or "EMERGENCY EGRESS – KEEP AREA CLEAR" shall be mounted on each side of the double-acting communicating door.

e. The window or door shall be operable from the inside without the use of tools.

(6) Finishes.

(a) All interior finishes, contents, and furnishings shall comply with Chapter 10 of NFPA 101, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

(b) Any furnishings or decoration shall comply with NFPA 101, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

(c) Ceilings. Where a fire-rated ceiling is required, such as in corridors, means of egress, and stairs, a fire-rated solid type ceiling or a fire-rated suspended lay-in type ceiling shall be used.

(d) Walls.

1. A fire-resistant rated wall shall:

a. Be continuous from the floor to the floor or roof deck above; or

b. Terminate at a fire-rated deck below the roof deck or floor deck above.

2. Fire walls shall extend from the foundation through the roof.

(e) Floors.

1.a. Carpet installed under a fire-rated door shall be separated by a flat non-combustible threshold.

b. Class I and Class II carpet may run continuously through all openings except Class A (3-hour) fire-rated openings

2. The original carpet certification shall be on file and shall be available for inspection.

(7) Specialties.

(a) Signage.

1. Interior Signage. Permanent and temporary interior signage shall be uniform in color, height, size, and graphics. Interior signage and graphics shall include the following:

a. Emergency rescue openings: "EMERGENCY RESCUE – KEEP AREA CLEAR."

b. Secondary means of egress/emergency egress openings: "EMERGENCY ESCAPE" or "EMERGENCY EGRESS – KEEP AREA CLEAR."

2. Occupant capacity signs shall be mounted adjacent to the main entrance door in each instructional and assembly space with a capacity of 50 or more persons. Each sign shall legibly state as a minimum:

"OCCUPANCY BY MORE THAN _____ PERSONS IS DANGEROUS AND UNLAWFUL. /S/ _____ FIRE OFFICIAL; _____ DATE."

3. Room numbers and names shall be provided for each space.

4. Illuminated exit and directional signs shall be provided.

5. Exit signage shall clearly identify egress paths from each classroom.

6. Signs shall indicate accessible access routes, entrances, and rooms within a building.

7.a. Except when an exit door from a self-contained classroom opens directly to the exterior, a graphic diagram of primary and secondary evacuation routes shall be posted adjacent to the primary exit door from each student-occupied space.

b. The diagram shall clearly indicate, by contrasting color and number, the primary and secondary route of evacuation.

8. In educational facilities that house pre-kindergarten through grade 3, including auxiliary spaces used by these students, signage shall be mounted at a maximum height of 42 inches above finished floor on the wall adjacent to the latch side of the door.

(b) Equipment. Equipment shall meet the following minimum requirements for safety, and operational features, including relocatable buildings, as applicable: Portable fire extinguishers shall be required in all storage and mechanical spaces and spaces designated for occupancy in accordance with NFPA 10, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

(c) Fire extinguishers may be located inside student-occupied spaces provided:

1. The fire extinguisher is located adjacent to the primary exit door;

2. The door remains unlocked when the facility is occupied; and

3. A permanently affixed sign, with a red background and white letters reading "FIRE EXTINGUISHER INSIDE" is placed adjacent to the door outside the room where the fire extinguisher is located.

(d) Fire blankets shall be located in each laboratory, shop, kitchen, or other area where a personal fire hazard exists.

(e) Fire Protection Cabinets. Fire hose, fire blanket, and fire extinguisher cabinets shall have glazed panels of tempered glass, safety glass, or safety plastic.

EXCEPTION: At lockable Fire Protection Cabinets glazing shall be tempered glass only.

(f) Incinerators.

1. Existing on-site incinerators and waste burners shall be equipped with a wire screen stack guard and shall be used for burning Class A materials only.

2. Incinerators shall be maintained in a safe and secure condition at all times.

(g) Residential Appliances. Residential-type appliances, such as stoves, hoods, refrigerators, washers, dryers, ovens, and unit kitchens when used in classrooms, labs, lounges, and shops, shall be maintained in a safe and secure condition at all times.

(8) Furnishings.

(a) Furnishings shall meet the following minimum safety requirements for furnishings and decorations, including furnishings used in relocatable buildings:

1. Hazardous Materials. Educational and ancillary plants shall be free of furnishings and decorations made of explosive, highly flammable, or toxic materials.

2. Means of Egress. Means of egress (corridors, exit doors, etc.) shall be free of any furnishings, decorations, or other objects which would obstruct egress.

3. Concealed Exits. Exit doors shall be free of any hangings, drapery, or mirrors which may confuse, obstruct, or conceal the exit or the direction of exit.

4. Window Coverings. Materials used for window coverings, black-out curtains, and stage curtains shall be labeled to indicate that they comply with flame resistant requirements.

5. Classroom and Office Furniture. Exits shall be free of any classroom or office furniture which would impede access through a means of egress.

6. Floor Mats and Grates. Exits and means of egress shall be free of any obstructions caused by floor mats and grates.

(b) Auditorium and Theater Seating. Auditorium and theater fixed and movable seats shall be accessible and maintained in a safe and operational condition at all times.

(c) Interior Plants and Planters.

1. Exits and means of egress shall be free of any obstruction caused by interior planters and plants.

2. Artificial plants and plastic or wood planters shall be flame resistant.

(9) Special Construction.

(a) Ancillary plants, such as central administration buildings, warehouses, and bus garages, shall comply as follows with the existing occupancy section in NFPA 101 for the type of occupancy.

(b) Assembly Spaces.

1. Inspection of assembly occupancies shall include the adjacent and related spaces associated with the main seating area such as stages, dressing rooms, storage, lobby, public restrooms, kitchens, and work rooms.

2. A permanently affixed sign in each assembly space, adjacent to the primary entrance, shall state the actual capacity of the space.

3. Exits from assembly occupancies shall lead directly to the exterior or to separate atmospheres which then lead directly to the exterior, as required by NFPA 101.

4. Seating.

a. In places of assembly accommodating more than 200 persons, seats shall be securely fastened to the floor, except when seats are fastened together in groups of not fewer than 3 nor more than 7.

b. EXCEPTION: In cafeterias, gymnasiums, lunchrooms, or other assembly areas where fastening of seats to the floor may be impractical, seats not secured to the floor are permitted, provided that in the area used for seating, excluding stage and storage:

(I) There shall be at least 10 square feet of net floor area per seat, and

(II) The aisles to reach exits shall be clear at all times.

5. All seats in balconies and galleries shall be securely fastened to the floor.

6. Fixed seats shall be maintained in accordance with NFPA 101.

7. When continental seating is used, there shall be not more than 100 seats in any one row between aisles.

8. In assembly spaces with continental seating, exit doors shall:

a. Be maintained in operable condition along each side aisle, and

b. Discharge to the exterior of the building, or into a foyer or lobby.

9. Aisles Serving Seating.

a. Every portion of any assembly occupancy that contains a theater or similar type seating facility shall be provided with aisles leading to exits.

b.(I) The width of aisles shall be at least 36 inches of clear unobstructed space.

(II) Aisle steps and ramps shall be maintained in a safe and secure condition at all times.

(III) When lighting is provided, lamps shall be clean and in good working condition.

c. A contrasting marking stripe shall be provided on each tread at the nosing or leading edge so that the location of the tread is readily apparent, particularly when viewed in descent, and shall be in compliance with NFPA 101.

10. Aisles Serving Seating at Tables.

a. Fixed or loose chairs, tables, and similar furnishings or equipment shall be arranged and maintained such that a path of travel to an aisle or exit is provided.

b. Rectangular tables used for dining, or purposes having similar seating configurations where the path of travel to an aisle exceeds 10 feet, shall be spaced:

(I) 54 inches or more apart where seating occurs back-to-back; and

(II) 36 inches or more where seating is on one side only.

(III) The path of travel to an aisle or exit shall not exceed 20 feet.

(IV) When loose seating occurs bordering on the aisle, a 36 inch aisle shall be provided plus:

(A) An additional 19 inches for a chair on one side of the aisle; or

(B) An additional 38 inches for chairs on both sides of the aisle.

11. Aisles Serving Bleachers and Grandstands.

a. When bleacher and grandstand seating is provided, including fixed, folding, and telescopic seats, vertical aisles shall be provided.

b. Seating without backs shall require aisles only when such seating is more than 11 rows high.

c. Vertical aisles, where provided in bleachers and grandstands, shall be free of any dead end in excess of 16 rows.

12. Railings.

a. The fascia/front wall of boxes, balconies, and galleries shall be:

(I) At least 26 inches above the adjacent floor; or

(II) Have substantial railings at least 26 inches above the adjacent floor.

b. Ramped aisles and aisle steps shall be provided with handrails at least 30 inches high at one side or along the centerline.

c. Railings at the bottom end of ramped aisles shall be at least:

(I) 36 high for the full width of the aisle; and

(II) 42 inches high for the width of the aisle where steps occur.

d. Cross aisles shall be provided with railings at least 26 inches above the adjacent floor.

e. Railings are not required where the backs of seats on the front of the aisle project 24 inches or more above the adjacent floor of the aisle.

f. Railings at least 42 inches high shall be provided at the top and sides of bleachers and grandstands.

13. Waiting Spaces in auditoriums and similar places of public assembly where persons are admitted to the building and are allowed to wait in a lobby or similar space until seats are available, the required means of egress and exiting shall remain clear and unobstructed.

(c) Auxiliary Spaces. Auxiliary spaces within an educational plant, such as administrative suites, libraries, and food service areas, shall be considered as a mixed occupancy and shall be included in the annual fire inspections of existing facilities.

(d) Boiler Rooms.

1.a. Boiler room walls, floors, and ceilings shall be of solid construction and shall be equipped with heat detectors connected to the fire alarm system.

b. Boilers shall comply with Chapter 554, Florida Statutes, and Rule Chapter 4A-51, Florida Administrative Code.

2. The door shall open directly to the outside and, if opening toward a building or path of egress, shall have a fire-rating label.

3. If an additional door opens into the interior of the building, the door shall swing into the boiler room and have a fire-rating label.

4. Boiler rooms shall be free of any equipment or materials not required for operation of the boiler.

5. A valid boiler inspection certificate of compliance shall be displayed and clearly visible.

(e) Child Care Child care/day care facilities located on board-owned property shall comply with the requirements of Chapter 402, Florida Statutes and the specific requirements as follows:

1. Construction Requirements.

a. A residential-type kitchen, when provided, shall include:

(I) A residential-type range hood vented to the outside, and

(II) A fire extinguisher located within 15 feet of the range and within the same room.

b. Areas designated for children's sleeping mats, cots, or cribs shall include a clearly marked exit passageway.

2. EXCEPTION: Child care/day care facilities requiring a Department of Health or Department of Children and Family license shall also be required to comply with local building codes and other agency construction requirements.

(f) Community Colleges Community college facilities and buildings shall comply with the following:

1. Existing dormitories on college property shall comply with Chapters 28 and 29 of NFPA 101.

2. Existing dormitories not located on college property that are provided by private individuals, corporations, and foundations shall comply with the requirements of NFPA 101

(g) Grandstands and Bleachers.

1.a. Annual inspections shall be performed by board staff, and

b. Biennial inspections shall be performed by a structural engineer in accordance with these requirements and NFPA 102 Grandstands and Bleachers the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

2. A Certificate of Inspection provided to the district by a structural engineer of all concrete, structural members, stadiums and bleachers, masonry, masonry veneers, metals, structural steel, and parking structures shall be on file in the district office, and shall be made available to the fire official upon request.

(h) High-Rise Buildings.

1. All existing structures and buildings over 4 stories or 45 feet in height shall be equipped with automatic fire sprinkler systems that shall be maintained in proper working condition at all times.

2. Buildings which are 3 stories or more, and were constructed after January 1, 1994 shall be equipped with fire sprinklers pursuant to Chapter 553.895, Florida Statutes.

(i) Kilns.

1. Kiln rooms and areas shall be provided with adequate exhaust to dispel emitted heat to the exterior.

2. Kilns shall be located away from paths of egress or exits.

3. Kilns shall be located in separate rooms when serving students through grade three.

4. Kiln rooms shall be provided with smoke/heat detectors.

(j) Kitchen and Food Service.

1. Range hoods, duct systems, grease removal devices, and automatic fire extinguishing equipment shall be provided in all food service kitchens and instructional kitchens utilizing full commercial-scale equipment, and shall be serviced regularly and maintained in a safe, secure, and operational condition at all times in accordance with NFPA 96.

2. When the automatic fire extinguishing systems are activated:

a. Kitchen ventilation and heating systems shall shut down;

b. Fuel valves shall close;

c. Electrical appliances shall de-energize; and

d. The school fire alarm shall activate.

3. Automatic fire extinguishing systems using dry or wet chemicals shall be serviced regularly and maintained in a safe, secure, and operational condition at all times.

4. EXCEPTION: Home Education Kitchens. A residential-type kitchen, when provided, shall include:

a. A residential-type range hood vented to the outside, and

b. A fire extinguisher located within 15 feet of the range and within the same

(k) Laboratories and Shops Laboratories and shops shall comply with the following:

1. Master Control Valves and Switches.

a. Master control valves or switches shall be provided in each laboratory type space and each shop type space that is equipped with unprotected gas cocks, compressed air valves, water service, and electric service that is easily accessible to students.

(I) Examples of laboratory type spaces are chemistry, physics, and home economics labs.

(II) Examples of shop type spaces are automobile, wood working, and welding shops.

b. Emergency shut-offs are not required for ordinary office machines, non-hazardous machines, and domestic sewing machines.

(I) The master control valves and switches shall be clearly labeled and located in a non-lockable space accessible at the instructor's station to allow for emergency cut-off of services.

(II) Valves shall be completely shut-off with a 1/4 turn.

c.(I) The master control valves and switches shall be in addition to the regular main gas supply cut-off.

(II) The main supply cut-off shall shut down upon activation of the fire alarm system.

2. Laboratory and shop spaces shall be provided with exhaust systems as follows:

a. Chemistry laboratories shall have:

(I) A high capacity emergency exhaust system;

(II) A source of positive ventilation; and

(III) Signs providing instructions permanently installed at the emergency exhaust system fan switch.

b.(I) Chemistry labs shall be provided with fume hoods.

(II) Fume hood supply fans shall automatically shut down when the emergency exhaust fan is turned on.

c. Woodworking areas shall have dust collectors and exhaust systems.

d. Welding shops shall have fume removal and exhaust systems.

3. Hazardous work and storage areas shall be identified by appropriate caution signs.

(I) Library and Media Centers. Turnstiles and book detectors placed at doorways shall allow unobstructed passage and exit from the space.

(m) Open Plan Schools.

1. An open plan building, or portion of a building, is a building subdivided into smaller areas by use of partial partitions, movable partitions, or movable furnishing, which by location and type makes it possible for persons in one area of the plan to be immediately aware of an emergency situation in any other area of the plan.

2. a. In open plan unsprinklered buildings or portions thereof, the maximum distance from any point to an exit shall be 150 feet.

b. In open plan sprinklered buildings or portions thereof, the maximum distance from any point to an exit shall be 200 feet.

3. Exiting shall comply with the following:

a. Each space occupied by more than 50 persons shall have 2 or more means of egress.

b. Open plan assembly areas shall have exits leading directly to the exterior and shall be separated from other required exits of the open plan.

(n) Paint Spray Booths and Rooms.

1. Paint spray booths and rooms shall be provided with fresh air intake and shall be vented to the outside.

2. Vents shall be filtered to permit paint particles, or toxic or obnoxious fumes, to be exhausted from the facility.

3. The exhaust shall be oriented away from occupied areas, parking lots, and other areas that may be adversely affected by the exhaust.

(o) Performing Arts Theaters and Auditoriums Serving the Public. Performing arts theaters and auditoriums, including the adjacent and related spaces associated with the main seating area such as stages, dressing rooms, storage, lobby, public restrooms, work rooms, and kitchens, shall be in compliance with NFPA 101.

(p) Public Shelters.

1. All emergency generators shall be tested under load conditions.

2. Fire alarms and emergency lights shall be inspected in accordance with NFPA 101.

(q) Relocatable Buildings. All relocatable buildings shall comply with the requirements of this rule chapter and the specific criteria below.

1. Local Agency Inspection Report.

a. An inspection report shall be provided from the local fire official indicating that they have inspected each relocatable building and have found that no serious life safety hazards exist which would preclude continued occupancy.

b. The letter identifying each relocatable building by district inventory identification nomenclature shall be conspicuously posted within the building.

2. Separation of Units.

a. Type V or Type VI (wood frame) relocatable buildings shall be separated from each other and any permanent buildings by 20 feet in each direction for any wall with unprotected openings, and 6 feet in each direction for walls rated at 1 hour to prevent the spread of fire.

b. Type IV (noncombustible) relocatable buildings shall be separated as required by the Florida Building Code.

c. Relocatable buildings shall be separated from each other and any permanent buildings by sufficient distance in each direction to prevent the spread of fire and to allow access by emergency vehicles, as determined jointly by the local fire fighting authority that services the site and district policy.

(I)(A) Relocatable buildings shall be located to allow access by emergency vehicles to at least one elevation of each building as approved by the local fire fighting authority that services the site.

(B) EXCEPTION: Emergency vehicle access may be achieved for a cluster of relocatables designed in accordance with the following. Vehicle access provided to within 150' of the entrance of the most remote relocatable unit and an independent fire alarm system with a manual pull station within 100' of each egress door provided the following conditions are met:

(i) Maximum conditioned gross area of the units in a cluster is 12,000 square feet.

(ii) Minimum separation between individual units is 20 feet.

(iii) Nearest permanent building or cluster is 60 feet.

(iv) Maximum of 20% unprotected opening between adjacent wall spaces.

(v) Minimum overhead open space within the perimeter of the cluster is 50 percent, and

(vi) Minimum setback for Type IV (non-combustible) relocatable buildings shall be as required by local zoning.

(II) Required fire lanes shall be provided with the inner edge of the roadway no closer than 10 feet and no farther than 30 feet from the building.

(III) Fire lanes shall be marked in accordance with subdivision 3-5.4 of NFPA 1, as adopted and modified in Rule 4A-60.003, Florida Administrative Code, and shall have a surface designed to accommodate fire apparatus with a minimum weight of 32 tons.

3. Doors in relocatable buildings shall be provided as follows:

a. Standard classroom units of Type V or Type VI (wood) construction shall have 2 remotely located doors opening directly to the outside.

b.(I) Multi-classroom units of Type IV (non-combustible) construction shall have a primary exit door and an emergency rescue opening in each space occupied by 10 or more students, or by 6 or more students for relocatable buildings designed after October 18, 1994.

(II) An emergency rescue opening is not required when a door opens directly to the outside.

c.(I) Interior and exterior doors shall be a minimum of 3 feet wide and 6 feet eight inches high.

(II) Exit doors shall swing in the direction of exit travel.

d. Hardware. Exit doors shall be equipped with:

(I) A lockset, which shall be readily opened from the side from which egress is to be made;

(II) A maximum 1/2 high threshold;

(III) Heavy duty hinges; and

(IV) A door closer.

(V) All exterior doors shall open onto a 5 feet by 5 feet platform which:

(A) Is level with the interior floor; and

(B) Connects with an accessible ramp or step equipped with handrails.

(VI) An accessible ramp need only be provided at 1 of the 2 required doors from a standard classroom unit.

e. Time-out rooms, when provided, shall be equipped with doors which allow egress at all times in the event of an emergency.

4. Windows. Classroom units shall have operable windows in at least one wall equal to at least 5 percent of the floor area of the classroom.

5. Emergency Rescue.

a. Each multi-classroom unit of Type IV (non-combustible) construction shall have an operable single-action window available for emergency rescue from each classroom or student occupied space.

b. The window shall be openable from the inside without the use of tools, and shall provide a clear opening of not less than 20 inches (51 cm) in width, 24 inches (61 cm) in height, and 5.7 square feet (0.53 sq. m) in area.

c. The bottom of the window shall be not more than 44 inches (112 cm) above the floor, and any latching device shall be capable of being operated from not more than 54 inches (137 cm) above the finished floor.

6. A residential-type kitchen provided in relocatable buildings shall include:

a. A residential range hood vented to the outside; and

b. A fire extinguisher located within 10 feet of the range.

7. At least one 2-A fire extinguisher of an approved type shall be provided in each standard relocatable building and in each classroom of a multi-classroom unit, and shall be maintained in accordance with NFPA 10, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

8. Electrical. Electrical systems shall be checked for damage, and shall operate properly. Required life safety and emergency systems shall have been tested and shall operate properly in accordance with the applicable standards of this rule chapter.

a. Emergency Lighting. Each classroom and spaces used for student occupancy and group toilet rooms shall be equipped with emergency lighting.

b. Fire Alarm Systems.

(I) Fire alarm systems shall be installed and inspected as required by NFPA 72, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

(II) Each relocatable building, other student use spaces, and each multi-classroom unit shall be provided with approved fire alarm devices meeting the requirements for existing educational buildings as required by this rule chapter.

(III) The fire alarm in the permanent facility shall be audible from inside any relocatable building located within 200 feet of a permanent building.

(IV) Relocatable buildings shall be sited for access to a manual pull station within 200 feet.

(V) Heat and Smoke Detectors in Wood Construction. In Type V and Type VI (wood) construction, heat or smoke detectors connected to the building's fire alarms system shall be installed in every classroom, unsupervised space, storage space, and custodial closet.

(VI) Heat and Smoke Detectors in Non-Combustible Construction. In Type IV (non-combustible) construction, heat or smoke detectors connected to the buildings fire alarm system shall be installed in storage and custodial closets.

9. Child Care/TAP.

a. Standard classroom units of Type VI (wood) construction housing birth to age 3 children, including Teenage Parent Programs (TAP), shall be less than 2000 gross square feet, and shall comply with additional safety requirements outlined in this section.

b. If a residential-type kitchen is provided in these units, it shall include a residential range hood mechanically exhausted to the outside and a fire extinguisher located within 10 feet of the range.

10. Abandoned or Warehoused Facilities.

a. Board facilities no longer in use which are abandoned, or in storage but still owned, shall be free of combustible waste and secured in such a manner as to prevent safety hazards, unlawful entry, and undue vandalism.

b. Abandoned or stored facilities returned to use shall be inspected and certified as meeting the standards for existing "satisfactory" relocatable buildings prior to occupancy.

(r) Shade Houses or Green Houses shall comply with the general requirements of Chapter 11 of NFPA 101 and the specific requirements of this section.

1. Shade or greenhouses shall be located as follows:

a. With no fuel fired heaters, a minimum of 60 feet from all surrounding permanent buildings.

b. With fuel fired heaters, a minimum of 100 feet from all surrounding permanent buildings.

2. Shade or green houses shall be separated from other shade or green houses by a minimum of 15 feet.

3.a. A minimum of 2 remotely located doors shall be provided.

b. Doors shall be side hinged and shall swing in the direction of egress from the shade or greenhouse.

4. A minimum of one accessible walkway shall be provided inside the shade or greenhouse.

5. The exterior siding shall consist of breakaway type panels constructed of material other than glass, such as tear-away fabric, which is securely fastened to the structural frame.

6. A minimum of one type 2-A fire extinguisher, in accordance with NFPA 10 Portable Fire Extinguishers, the edition as adopted in Rule 4A-3.012, Florida Administrative Code, shall be provided for each 3000 square feet of space in each shade or greenhouse.

7. Fire alarm pull stations shall be located within 200 feet of any shade or greenhouse.

8. Fire alarm horns shall be mounted on a permanent building and shall be audible inside the shade or greenhouse.

9. Space heaters, when provided, shall be mounted at least 6 feet, 8 inches above finished floor.

(s) Stadiums and Bleachers. Stadiums, grandstands, bleachers, and other places of assembly shall comply with the life safety requirements of NFPA 101.

(t) Stages.

1. Working stages, non-working stages, platforms, and thrust stages, including props and equipment, in grades pre-kindergarten through 12 and community college educational facilities shall conform to the fire protection and general requirements of NFPA 101 and the specific requirements of this section.

2. General requirements for all stages:

a. All curtains and flies on stages shall have attached labels verifying their flame resistance.

b. Scenery or stage props shall be free of any foam plastics.

c. All working stages shall comply with the following:

(I) Stage vent(s) shall be operable from the stage floor and provide for both opening and closing the vent doors for periodic testing.

(II) The testing controls shall be located on the back wall of the stage no more than 6 feet above finished floor.

(III) Hand winches may be employed to facilitate manual operation of the vents.

d. The proscenium opening of a stage shall be provided with a fire curtain maintained in operable condition at all times.

e. The fire curtain shall be capable of manual operation and the proscenium curtain shall be kept in the normally closed position at the conclusion of each day's performances.

f. Each stage shall have at least 1 exit on each side leading directly to the exterior or to a protected corridor.

g. Stages over 1,000 square feet:

(I) Shall be fully sprinklered;

(II) Shall have at least:

(A) Two means of egress leading to separate atmospheres, available from every dressing room; and

(B) One means of egress from fly galleries.

(III) EXCEPTION: Fire sprinklers are not required if:

(A) The stage is less than 1000 square feet; and

(B) The stage curtains and scenery retract horizontally.

h. All combustible or flammable paint, liquids, or gases used in workshops shall be stored in a safe, secure, and orderly condition at all times.

i. Standpipes located on each side of the stage shall be readily accessible and kept operational at all times.

j.(I) Curtains, flies, drops, scenery or other effects on a non-working stage shall be stationary and allow for exiting from the stage at all times.

(II) A retractable main curtain may be used.

k. The space between the floor and the stage of a platform above shall be free of storage or any use other than electrical wiring or plumbing to stage equipment.

(u) Storage.

1. The areas above or below exit stairs and ramps, whether interior or exterior, shall be free of any storage rooms or closets and shall not be used for storage of any kind.

2. General storage areas shall be kept separated from mechanical spaces and shall be equipped with shelving, racks, bins, or other devices necessary to protect the stored materials, supplies, equipment, and books.

3. Chemical and hazardous storage areas shall comply with the following:

a. Rooms and cabinets used for the storage, handling, and disposal of chemicals shall:

(I) Be lockable;

(II) Be vented to the exterior; and

(III) Have shelves with a 1/2 inch lip on the front.

b. Door locks shall be operable at all times from the inside of the room, even if key locked from the outside.

c. Rooms shall be:

(I) Kept at the manufacturer's recommended temperatures for the materials stored therein; and

(II) Well illuminated.

d. Buildings and rooms used for the storage, handling, and disposal of flammable, poisonous, or hazardous materials or liquids; and equipment powered by internal combustion engines and their fuels, shall be kept in a safe, secure, and orderly condition at all times and shall comply with NFPA 101.

4. Explosion-proof heat detectors, electrical fixtures, switches, and outlets in flammable storage rooms shall be maintained in an operational condition at all times.

5. Custodial Work Areas and Storage spaces shall be in accordance with Section 15.3 of NFPA 101.

(v) Time-Out Rooms.

1. Time-out rooms, when provided, shall be equipped with doors which allow egress at all times in the event of an emergency.

2. Locking devices on time-out rooms are prohibited.

(w) Walk-In Coolers and Freezers.

1. Walk-in cooler and freezer doors shall be operable from the inside at all times.

(10) Mechanical. Mechanical systems shall meet the following minimum safety requirements for ventilation and building service equipment, including systems in relocatable buildings, as applicable:

(a) Ventilation. All occupied rooms and other rooms where odors or contaminants are generated shall be provided with either natural or mechanical ventilation.

1. Windows, louvers, or other openings utilized for natural ventilation shall be maintained in operable condition at all times.

2. Mechanical ventilation systems shall be maintained in an operable condition at all times.

(b) Building Service Equipment.

1. Mechanical equipment rooms and air-handler rooms shall be free of any type of storage.

2.a. Air-handling equipment (air-conditioning and heating) shall immediately shut down upon activation of the building fire alarm system by any manual or automatic station.

b. EXCEPTION: Air-conditioning equipment serving a single student-occupied space with a capacity of fewer than 50, including any related adjunct office, storeroom, or individual toilet room, need not be shut down upon activation of the building fire alarm system by any manual or automatic station.

3. Smoke detection devices shall be installed in the supply and return systems of air handling equipment.

EXCEPTION: Smoke detection devices need not be installed in supply and return systems of air handling equipment serving a single student-occupied space of a capacity of fewer than 50, including any related adjunct office, storeroom, or individual toilet room.

(c) Fire Sprinklers.

1. Each automatic fire sprinkler system, when provided, shall be installed and maintained in an operable condition at all times in accordance with NFPA 13, and NFPA 25, the editions as adopted in Rule 4A-3.012, Florida Administrative Code, and shall provide complete coverage for all portions of the areas to be protected.

2. The area within 18 inches of a sprinkler head shall be free and unobstructed by storage, equipment, or any device which might reduce the effectiveness of the sprinkler head.

3. Required periodic system test results and inspection reports shall be maintained in the administrator's office.

(11) Electrical. Electrical systems shall meet the following minimum safety requirements for illumination, fire alarms and detection systems, including electric system in relocatable buildings, as applicable.

(a)1. Illumination of Means of Egress.

a. Illumination of means of egress shall be continuous during building occupancy.

b. Lighting fixtures shall be maintained to provide the minimum required foot candles in accordance with Section 7.8 for every building and structure where required in Chapters 11 through 41, NFPA 101.

2.a. Means of egress shall be illuminated at all points, including angles and intersections of corridors and passageways, stairways, landings of stairs, and exit doors to average values of not less than 1 foot-candle measured at the floor.

b. In auditoriums and other places of assembly, the illumination at the floors of exit access may be reduced as required during performances to average values of not less than 1/5 foot-candle.

c. Illumination shall be maintained so that the failure of any single lighting unit, such as the failure of an electric bulb, will not leave any area in darkness.

(b) Emergency Lighting.

1. Emergency lighting maintained in an operational condition at all times shall be provided in all student-occupied areas and group toilets.

2. All externally or internally illuminated exit signs shall be continuously illuminated in the general or emergency power mode.

(c) Emergency Power. The emergency power source shall be maintained in an operational condition at all times and shall activate within 10 seconds of primary power failure.

(d) Fire Alarms and Heat/Smoke Detectors.

Fire alarms and heat or smoke detectors shall be maintained in an operational condition at all times and shall comply with the following:

1. A switch for silencing the alarm signal sounding equipment shall be provided only if it:

a. Is key-operated or in a locked cabinet;

b. Transfers the alarm indication to a lamp or other visual signal on the display panel; and

c. Allows subsequent alarm signals.

2. The fire alarm shall be capable of functioning independently of all other systems.

3. Manually operated sending stations maintained in an operable condition at all times shall be located:

a. Near all main exits; and

b. In the natural path of escape from fire at readily accessible and visible points, which points shall be free of any obstruction.

4. As authorized by NFPA 101, when facilities are provided with a 2-way communicating system between all normally-occupied spaces and a continuously manned location where a general alarm can be sounded, the manual sending stations may be omitted; except in spaces with a capacity of 100 or more or in other spaces as required by the authority having jurisdiction, provided the following conditions are met:

a. The communication system shall be a two-way system with the capability of originating calls from any station.

b. Stations shall be located in all student-occupied areas.

c. The manned location shall be attended continuously while the building is occupied.

d. The communication system shall be connected to emergency power.

e. The system shall be tested periodically to assure proper operation.

5. The fire alarm system shall be free of any drill switches.

6. a. Sending stations located inside student-occupied spaces shall:

(I) Be adjacent to the primary exit door;

(II) Have a permanently affixed sign reading "FIRE ALARM PULL STATION INSIDE" placed outside that space, adjacent to the door.

b. The door to the occupied space shall be unlocked at all times the facility is occupied.

7. Required fire alarm system sounding devices shall be used for fire alarm purposes only.

a. The audible and visual alarm device shall be required in accordance with NFPA 101, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

b. Alarm sounding devices shall be distinctive in pitch and quality from all other sounding devices.

c. The recall signal shall be separate and distinct from, and cannot be mistaken for, any other signal.

d. The recall controls, push buttons, or other control shall be securely maintained at all times.

e. The recall system shall be:

(I) Capable of being heard in both the interior and exterior of all areas and buildings simultaneously; and

(II) Controlled from the central control panel for all areas and buildings.

f. The annunciator control panel shall be located in accordance with NFPA 101.

8.a. Activation of the fire alarm system shall be permitted to accomplish incidental functions such as:

(I) The release of self-closing doors. All doors in smoke and fire barriers, horizontal exits, and stairway enclosures shall be self-closing or release by a fail-safe door holder when activated by the alarm system.

(II) Elevator capture.

(III) Stairwell pressurization.

(IV) Smoke venting.

(V) Shutting off supplies of gas and fuel oil which may be hazardous or:

(A) Do not feed emergency power sources,

(B) Do not feed kitchen equipment, or

(c) Are not essential to preservation of life, and

(VI) Stopping air supply fans.

b. Elevator capture shall also be provided by smoke detector in elevator lobby.

c. Gas supply to the kitchen may not shut off upon activation of fire alarm.

(I) Kitchen hood fire-suppression systems shall shut down required cooking appliances under the hood.

(II) The gas supply to the hood shall be controlled by the hood fire-suppression system only.

9. Initial and back-up sources of emergency power shall be maintained and ready for operation at all times.

a. Back-up power shall be capable of operating the fire alarm system under maximum normal load for 24 hours and then operating in the alarm mode for 5 minutes.

b. The automatic transfer to back-up power shall occur within 10 seconds of power loss.

c. The backup source may be batteries or an automatic starting engine-driven generator.

10. Arrangements shall be made for notification of the public fire department or such other outside assistance as may be available in case of fire or other emergency.

11.a. Air-handling equipment (cooling and heating) shall immediately shut down upon activation of the building's fire alarm system by any manual or automatic station.

b. EXCEPTION: Air-conditioning equipment serving a single student-occupied space of capacity fewer than 50, including any related adjunct office, storeroom, or individual toilet room, need not be shut down upon activation of the building fire alarm system by any manual or automatic station.

12.a. Smoke detection devices shall be located in the supply and return systems of all air handling equipment.

b. EXCEPTION: Smoke detection devices need not be installed in supply and return systems of air-handling equipment serving a single student-occupied space of capacity fewer than 50, including any related adjunct office, storeroom, or individual toilet room.

c. Smoke detectors shall be maintained to operate reliably in case of smoke in any part of the air stream.

d. Smoke detectors shall be required only in the return systems for new construction.

e. Smoke detection devices are not required in 100 percent outside air supply ducts.

13.a. Rooms or spaces used for storage, custodial closets, spaces under stages with wood structures, and other unoccupied or unsupervised spaces in a building that have automatic fire or heat detection devices installed at the ceiling or these rooms shall be sprinklered, if they are in a fully sprinklered building.

b. Rooms for air handling equipment with detectors on supply and return air ducts which do not use the room for air plenums are exempt from this requirement.

14. Explosion-proof detectors shall be installed in flammable storage rooms.

15. The fire alarm system may be activated by any or all of the following methods:

- a. Activation of any automatic detector.
- b. Activation of the fire sprinkler system.
- c. Activation of an alarm manual pull station.
- d. Activation of a kitchen automatic fire extinguishing system.

16. Interference with or malfunction of any power or tamper switch or failure of any fire alarm system component shall illuminate a signal light on the fire alarm control panel.

17. Self-closing fire and smoke stop doors shall be maintained in an operational condition at all times and shall release upon activation of the fire alarm system or the smoke detectors located on each side of the door.

18. Reports and certificates

a. Required periodic system test results and inspection reports shall be maintained on the premises.

b. The current inspection certificate shall be on file and available for review.

(e) Power. Electrical wiring and equipment shall be maintained in a safe and secure condition at all times and shall comply with the following:

1. Electrical outlets:

a. All outlets shall be grounded.

b. A ground fault circuit interrupt protection device (GFCI) shall be provided for all convenience outlets installed within 2 feet (within 6 feet for new construction under the 1997 SREF or later) of:

(I) Water supplies.

(II) Wet locations.

(III) Toilet rooms, and

(IV) The exterior with direct grade level access.

c. The ground fault circuit interrupt protection device is not required for grounded receptacles serving only water coolers, if the receptacle is single or covered behind the water cooler enclosure.

d. Outdoor ground fault interrupter protected outlets shall be provided for all buildings.

e. Flammable storage rooms shall be free of electrical receptacles.

f.(I) Extension cords shall not:

(A) Be stapled to any surface, or

(B) Run through or over doors, windows, or walls.

(II) Extension cords shall be used only in continuous lengths and without splice or tape.

(III) Adapters shall:

(A) Be listed by Underwriters Laboratories (UL), and

(B) Be equipped with over-current protection with a total rating of no more than 15 amperes.

2. Lighting controls:

a. Electric panels, cabinets, and rooms shall be accessible only to authorized persons.

b. Main service panels and switches shall be located in a dedicated and lockable room.

c. Electrical rooms shall be free of any storage.

d. Unobstructed access shall be provided to all electrical panels.

3. Emergency Shut-Off Switches.

a. Every laboratory space which has electrical receptacles at student work stations shall have an unobstructed emergency shut-off switch within 15 feet of the instructor's work station.

b.(I) Every shop space which has power machinery accessible to students shall have 2 unobstructed emergency shut-off switches which shut off power to student accessible machines and student accessible receptacles in the shop.

(II) One emergency shut-off switch shall be located near the machinery and one emergency shut-off switch shall be located in a supervised location that provides a clear view of the entire shop area.

(III) Non-hazardous machines not requiring emergency shut-off include:

(A) Office machines.

(B) Computers.

(C) Sewing machines.

(D) Potter's wheels, and

(E) Residential cooking equipment in home economics labs.

c.(I) A "panic" switch to deactivate power to the heating equipment shall be provided inside sauna and steam room(s).

(II) The switch shall be labeled to indicate its intended function.

Specific Authority 235.06 FS. Law Implemented 235.06 FS. History—New _____.

4A-58.009 Florida School Evaluation System.

(1) Any Florida school which was initially occupied prior to January 1, 1985, is permitted to use the Florida School Evaluation System dated September 19, 2000, and amended June 28, 2001, which is hereby adopted and incorporated by reference, in lieu of or as an alternative to the requirements of Rule 4A-58.008, Florida Administrative Code.

(2) The Florida School Evaluation System may be obtained by writing to the Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

Specific Authority 235.06 FS. Law Implemented 235.06 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0340

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Aggregate Source Approval
 RULE CHAPTER NO.: 14-103
 RULE TITLE: Source Approval Requirements
 RULE NO.: 14-103.004

PURPOSE AND EFFECT: This proposed amendment is to remove subsection (6) and paragraph (6)(a) of Rule 14-103.004, F.A.C. There is insufficient statutory authority for the provisions outlined in this section. There are no proposed amendments to any of the other sections within the rule other than the renumbering of subsections (7) to (6).

SUMMARY: Rule 14-103.004, F.A.C. is being amended to remove subsection (6) relating to Fees and Costs. There are no proposed amendments to any of the other sections within the rule other than the renumbering of subsections (7) to (6).

SPECIFIC AUTHORITY: 334.044(2),(10)(c) FS.
 LAW IMPLEMENTED: 334.044(10)(a),(b),(c),(13), 337.105(1), 337.11, 337.164 FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-103.004 Source Approval Requirements.

(1) through (5)(e) No change.

~~(6) Fees and Costs.~~

~~(a) All producers for proposed out-of-country sources of mineral aggregate will be required to pay for the Department's actual transportation costs to and from the source location for the purpose of the initial inspection and evaluation of the source for source approval, as well as the annual inspection for out-of-country mines. This is to include air fare or Department~~

~~vehicle rental costs, if needed, and/or mileage rates if a Department vehicle is used. The producer will pre-pay transportation costs. Costs of meals and accommodations will be borne by the Department. Should multiple sources be evaluated for approval on the same trip, transportation costs will be applied proportionally.~~

~~(6)(7) Source Classifications.~~ These classifications are based on the Department's ability and resources. In circumstances that preclude the Department's ability to perform its QA function at the source, the Department reserves the right to change a source classification with a minimum of a month's notice given to the producer.

(a) through (b) No change.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(c),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Shoucair, State Materials Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Morefield, Assistant Secretary for Finance and Administration, for Thomas F. Barry, Jr., P.E. Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002

PUBLIC SERVICE COMMISSION

DOCKET NO. 011351-EI

RULE TITLES: Continuity of Service
 RULE NOS.: 25-6.044
 Annual Distribution Service Reliability Report 25-6.0455

PURPOSE AND EFFECT: To revise electric reliability reporting requirements so that the Commission can better assess the reliability and quality of service provided.

SUMMARY: Revises the rules governing investor-owned electric utility continuity of service and the annual distribution service reliability report.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The four largest utilities affected are anticipated to have minimal incremental transactional costs to comply with the rule. An exception from reporting certain information is provided for a small utility to reduce the additional cost imposed by the reporting requirements.

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: 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.04(2)(c),(f),(5), 366.05(7) FS.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULES IS:

25-6.044 Continuity of Service.

(1) Definitions applicable to this part:

(a) “Area of Service.” A geographic area where a utility provides retail electric service. An Area of Service can be the entire system, a district, or a region into which a utility divides its system. “Service Interruption.” An unplanned interruption of electric service greater than or equal to one minute due to a malfunction on the distribution system or a distribution-related outage caused by events on the utility’s side of customer meters which is triggered by load management restoration. The term does not include interruptions due to momentary circuit breaker operations, hurricanes, tornados, ice on lines, planned load management, or electrical disturbances on the generation or transmission system.

(b) “Average Duration of Outage Events (L-Bar).” The sum of each Outage Event Duration for all Outage Events occurring during a given time period, divided by the Number of Outage Events over the same time period within a specific Area of Service. “Customer Interruption Duration” (L). The time interval, in minutes, between the time when a utility first becomes aware of a service interruption and the time of restoration of service to a customer affected by that service interruption.

(c) “Customer Average Interruption Duration Index (CAIDI).” The average time to restore service to interrupted retail customers within a specified Area of Service over a given period of time. It is determined by dividing the sum of Customer Minutes of Interruption by the total number of Service Interruptions for the respective Area of Service. “System Interruption Time.” The total customer minutes of service interruption experienced on a utility’s system during a given time period, determined by summing the total minutes of Customer Interruption Duration for all interruptions during that time period. The total minutes of Customer Interruption Duration for an individual interruption is calculated by summing the Customer Interruption Duration for each customer affected by that individual interruption (estimated if actual data is not available).

(d) “Customers Experiencing More Than Five Interruptions (CEMI5).” The number of retail customers that sustain more than five Service Interruptions for a specified Area of Service over a given period of time. “Number of Service Interruptions (N).” The sum of service interruptions for the entire distribution system, or whichever portion of the distribution system which is being reviewed.

(e) “Customer Minutes of Interruption (CMI).” For a given Outage Event, CMI is the sum of each affected retail customer’s Service Interruption Duration. “Average length of a Service Interruption (L-Bar).” The time interval, in minutes, between the time when the utility first becomes aware of a service interruption and restoration of service to the last customer affected by that service interruption, summed for all service interruptions occurring during a given time period, and divided by the Number of Service Interruptions in the same time period.

(f) “Momentary Average Interruption Event Frequency Index (MAIFIE).” The average number of Momentary Interruption Events recorded on primary circuits for a specified Area of Service over a given period of time.

(g) “Momentary Interruption.” The complete loss of voltage for less than one minute. This does not include short duration phenomena causing waveform distortion.

(h) “Momentary Interruption Event.” One or more Momentary Interruptions recorded by the operation of a utility distribution interrupting device within a five minute period. For example, two or three operations of a primary circuit breaker within a five minute period that did not result in a Service Interruption is one Momentary Interruption Event.

(i) “Number of Customers Served (C).” The sum of all retail customers on the last day of a given time period within a specific Area of Service.

(j) “Number of Outage Events (N).” The sum of Outage Events for an Area of Service over a specified period of time.

(k) “Outage Event.” An occurrence that results in one or more individual retail customer Service Interruptions.

(l) “Outage Event Duration (L).” The time interval, in minutes, between the time when a utility first becomes aware of an Outage Event and the time of restoration of service to the last retail customer affected by that Outage Event.

(m) “Service Interruption.” The complete loss of voltage of at least one minute to a retail customer.

(n) “Service Interruption Duration.” The time interval, in minutes, between the time a utility first becomes aware of a Service Interruption and the time of restoration of service to that retail customer.

(o) “System Average Interruption Duration Index (SAIDI).” The average minutes of Service Interruption Duration per retail customer served within a specified Area of Service over a given period of time. It is determined by dividing the total Customer Minutes of Interruption by the total Number of Customers Served for the respective Area of Service.

(p) “System Average Interruption Frequency Index (SAIFI).” The average number of Service Interruptions per retail customer within a specified Area of Service over a given period of time. It is determined by dividing the sum of Service Interruptions by the total Number of Customers Served for the respective Area of Service.

(q) Planned Service Interruption.” A Service Interruption initiated by the utility to perform necessary scheduled activities, such as maintenance, infrastructure improvements, new construction due to customer growth. Customers are typically notified in advance of these events.

(2) Each utility shall keep a record of its system reliability and continuity of service data, customers’ Service Interruption notifications, and other data necessary for the reports filed under these rules. The utility shall record each Outage Event as planned or unplanned and shall identify the point of origination such as generation facility, transmission line, transmission substation equipment, or distribution equipment. The cause of each Outage event shall be determined and recorded in a standardized manner throughout the utility. The date and time of the Outage Event and the number of Service Interruptions for the Outage Event shall also be recorded the cause of each Service Interruption, and shall categorize the cause as one or more of the following: lightning, tree or limb contacting line, animal, line downed by vehicle, dig-in, substation outage, line transformer failure, salt spray on insulator, and corrosion, other, or unknown, and shall further identify whether the initiating event occurred on overhead or underground distribution lines.

(3) Each utility shall make all reasonable efforts to prevent interruptions of service and when such interruptions occur shall attempt to restore service within the shortest time practicable consistent with safety.

(4) When the service is necessarily interrupted or curtailed for prolonged periods and for the purpose of working on the system, it shall be done at a time which, when at all

practicable, will result in cause the least inconvenience to customers and all such scheduled interruptions shall be preceded by reasonable adequate notice whenever practicable to affected customers. Each utility shall maintain a current copy of its noticing procedures with the Division of Economic Regulation.

(5) The provisions of this rule shall not apply to a curtailment or an interruption of service to customers receiving service under interruptible rate classifications when the curtailment or interruption of service occurs pursuant to the affected retail customer’s service agreement.

Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.04(2)(c),(5), 366.05 FS. History—New 7-29-69, Formerly 25-6.44, Amended 2-25-93,

25-6.0455 Annual Distribution Service Reliability Report.

(1) Each utility shall file a written Distribution Service Reliability Report with the Director of the Commission’s Division of Economic Regulation Electric and Gas on or before March 1st of each year, for covering the preceding calendar year. The report shall contain the following information:

(a) The utility’s total number of Outage Events service interruptions(N), categorized by cause for the highest 10 causes of Outage Events as specified in Rule 25-6.044, and the Average Duration of Outage Events average length of service interruptions experienced (L-Bar), and Average Service Restoration Time (CAIDI). The utility shall record these data and analyses on Form PSC/ECR 102-1, entitled “Outage Events” which may be obtained from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6900:-

(b) Identification of the three percent of the utility’s Primary Circuits (feeders) with the highest number of feeder breaker interruptions. For each primary circuit so Each feeder shall be identified the utility shall report the primary circuit identification by its number or name, substation origin, and general location, as well as the estimated number of affected customers by in each service class served by the feeder circuit, Number of Outage Events as well as the number of service interruptions (N), Average Duration of Outage Events and average length of service interruption (L-Bar), Average Service Restoration Time (CAIDI), whether the same circuit is being reported for the second consecutive year, the number of years the primary circuit was reported on the “Three Percent Feeder List” in the past five years, and the corrective action date of completion for the feeder. The utility shall record these data and analyses on Form PSC/ECR 102-2, entitled “Three Percent Feeder List” which may be obtained from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6900;

(c) The reliability indices SAIDI, CAIDI, SAIFI, MAIFle, and CEM15 for its system and for each district or region into which its system may be divided. The utility shall report these

data and analyses on Form PSC/ECR 102-3, entitled "System Reliability Indices" which may be obtained from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6900. Any utility furnishing electric service to fewer than 50,000 retail customers shall not be required to report the reliability indices MAIFIe or CEMI5:

(d) The calculations for each of the required indices and measures of distribution reliability;

(2) A utility may exclude from the Annual Distribution Service Reliability Report the Outage Events directly caused by one or more of the following: planned interruptions, a storm named by the National Hurricane Center, a tornado recorded by the National Weather Service, ice on lines, a planned load management event, an electric generation disturbance, an electric transmission system disturbance, or an extreme weather or fire event causing activation of the county emergency operation center.

(3) A utility may submit a request to exclude an Outage Event from the Annual Distribution Service Reliability Report that is not specifically provided for in subsection 25-6.0455(2), F.A.C. Such a request must be filed with the Commission's Division of the Commission Clerk and Administrative Services within 30 days of the Outage Event for which an exclusion is being requested. The Commission will approve the request if the utility is able to demonstrate that the outage was not within the utility's control, and that the utility could not reasonably have prevented the outage.

Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.04(2)(c),(f),(5), 366.05, 366.05(7) FS. History--New 2-25-93, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Breman
NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28, No. 5, February 1, 2002

REGIONAL PLANNING COUNCILS
Central Florida Regional Planning Council

| | |
|---|------------|
| RULE TITLES: | RULE NOS.: |
| Introduction | 29G-1.001 |
| Objectives and Purpose | 29G-1.002 |
| Membership, Appointments, Terms of Office, Vacancies, Removal from Office | 29G-1.003 |
| Officers, Term of Office and Standing Committees | 29G-1.004 |
| Staff | 29G-1.005 |
| Operations | 29G-1.006 |
| General Information | 29G-1.007 |

| | |
|-----------------|-----------|
| Useful Statutes | 29G-1.008 |
| Public Records | 29G-1.009 |
| Public Meetings | 29G-1.010 |
| DRI Fees | 29G-1.011 |

PURPOSE, EFFECT AND SUMMARY: The repeal of Rule 29G-1 is proposed because the Joint Administrative Procedures Committee (JAPC) objects to the rule for lack of specific legislative authority. The rule is not necessary to the Planning Council, because there are locally adopted by laws and personnel procedures that address the policies contained in Rule 29G-1.001 through 29G-1.011.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC 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: 120.53(1) FS.

LAW IMPLEMENTED: 120.53, 163.01 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. R. Douglas Leonard, Executive Director, Central Florida Regional Planning Council, 555 East Church Street, Bartow, FL 33830, (863)534-7130, Ext.130

THE FULL TEXT OF THE PROPOSED RULES IS:

29G-1.001 Introduction.

Specific Authority 120.53(1)(a) FS. Law Implemented 120.53(1), 163.01 FS. History--New 1-23-77, Formerly 29G-1.01, Repealed _____.

29G-1.002 Objectives and Purpose.

Specific Authority 120.53(1), 163.01 FS. Law Implemented 120.53(1), 163.01 FS. History--New 1-23-77, Formerly 29G-1.02, Repealed _____.

29G-1.003 Membership, Appointments, Terms of Office, Vacancies, Removal from Office.

Specific Authority 120.53(1)(a), 163.01 FS. Law Implemented 120.53(1), 163.01 FS. History--New 1-23-77, Formerly 29G-1.03, Repealed _____.

29G-1.004 Officers, Term of Office and Standing Committees.

Specific Authority 120.53(1)(a), 163.01 FS. Law Implemented 120.53(1), 163.01 FS. History--New 1-23-77, Formerly 29G-1.04, Repealed _____.

29G-1.005 Staff.

Specific Authority 120.53(1)(a), 163.01(4) FS. Law Implemented 120.53(1), 163.01 FS. History--New 1-23-77, Formerly 29G-1.05, Repealed _____.

29G-1.006 Operations.

Specific Authority 120.53(1)(a), 112.061, 287 FS. Law Implemented 120.53(1), 163.01, 287.062 FS. History--New 1-23-77, Formerly 29G-1.06, Repealed _____.

29G-1.007 General Information.

Specific Authority 120.53(1)(a), 160.02(3) FS. Law Implemented 120.53(1) FS. History–New 1-23-77, Formerly 29G-1.07, Repealed.

29G-1.008 Useful Statutes.

Specific Authority 120.53 FS. Law Implemented 120.53 FS. History–New 1-23-77, Formerly 29G-1.08, Repealed.

29G-1.009 Public Records.

Specific Authority 120.53(1)(a), 120.53(1).(6), 119.01 FS. Law Implemented 120.53(1), 163.01 FS. History–New 1-23-77, Formerly 29G-1.09, Repealed.

29G-1.010 Public Meetings.

Specific Authority 120.53(1), 163.01 FS. Law Implemented 120.53(1), 163.01 FS. History–New 1-23-77, Formerly 29G-1.10, Repealed.

29G-1.011 DRI Fees.

Specific Authority 120.54, 186.505 FS. Law Implemented 120.54, 380.06, 186.505 FS. History–New 1-23-77, Amended 9-12-84, Formerly 29G-1.11, Amended 2-8-88, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Douglas Leonard, Executive Director, Central Florida Regional Planning Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert F. Bullard, Chairman, Central Florida Regional Planning Council.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: Employee Grooming, Uniform and Clothing Requirements

RULE NO.: 33-208.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide for the issuance, wearing and control of correctional probation officer badges.

SUMMARY: The proposed rule sets forth requirements for the issuance, wearing and control of correctional probation officer badges.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (8) No change.

(9) Correctional Probation Officer Badges.

(a) Circuit administrators shall maintain control and inventory of correctional probation officer badges within each circuit.

1. The circuit administrator shall issue badges to officers after certification is received.

2. The circuit administrator or designee shall conduct quarterly circuit badge inventories and submit the circuit badge inventory to the regional director. The quarterly circuit badge inventory shall include the following information:

a. Badge number.

b. Name of officer, in the last-name-first-name-last format (or blank if not issued).

c. Circuit and office location.

d. Status (including issued, not issued, stolen, lost, or retired), and

e. Total counts for each status, including the total number of badges issued, the total number of badges not issued, the total number of badges stolen, the total number of badges lost, and the total number of badges retired.

3. The regional director or designee shall compile the circuit inventories to complete quarterly regional badge inventories and submit the regional badge inventories to the Director of Community Corrections.

(b) Only badges issued by the department shall be used to conduct officially designated duties.

(c) Use of the issued badge as a credential for personal purpose is prohibited.

(d) Badges shall be readily accessible in order for the correctional probation officer to properly identify himself or herself to the public.

(e) Loss or theft of a badge shall be reported to the officer's immediate supervisor within 72 hours of the officer becoming aware that the badge was stolen or lost. Theft or loss of a badge shall be reported by the officer on the Community Corrections Incident Report, Form DC3-225, followed by a MINS report by the circuit administrator. Form DC3-225 is incorporated by reference in Rule 33-302.104, F.A.C. The officer shall be responsible for reimbursing the department for any issued badge which is lost or stolen.

(f) Correctional probation officers shall maintain their original badge issued if transferred to another circuit or region. The circuit administrator or designee in both circuits shall update their badge inventories accordingly. Once the officer has transferred to another circuit, the sending circuit administrator or designee shall remove the badge information

from the circuit's inventory and the receiving circuit administrator or designee shall add the badge information to his or her circuit's inventory.

(g) Correctional probation officers who leave the department shall return their badges to the circuit administrator prior to departing.

(h) Correctional probation officers promoted to a position outside the class series or who retire from the department under honorable conditions and who are eligible to retire under the State of Florida retirement system, including retirement under medical disability, who desire to retain their issued badges, shall make a request to the regional director.

(i) Regional directors shall review requests submitted by employees to maintain their badges and forward recommendations to the Director of Community Corrections for final approval. Officers who retire shall be allowed to retain their issued badges. Officers who are promoted shall be allowed to keep their badges upon reimbursement of the department of the cost of a replacement badge.

~~(10)(9)~~ No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 7, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Long-Term Care Hospital Beds

RULE NO.: 59C-1.045

PURPOSE AND EFFECT: The agency is proposing a rule for use in certificate of need (CON) review of proposals to establish or expand long-term care hospitals. There is no current CON rule that deals exclusively with this subject. The new rule describes the type of patients served in long-term care hospitals, the type of services provided, geographic service planning areas, agency preferences among competing applicants, and required content of a CON application. Service-specific rules like the one proposed are used in conjunction with statutory review criteria in evaluation of applications for a CON.

SUMMARY: The agency is proposing a rule for use in certificate of need (CON) review of proposals to establish or expand long-term care hospitals.

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 cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 408.15(8), 408.034(6) FS.

LAW IMPLEMENTED: 408.034(3), 408.036(1)(a), (b),(c),(d), (f),(g) FS.

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

TIME AND DATE: 2:00 p.m. September 24, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.045 Long-Term Care Hospital Beds.

(1) Agency Intent. This rule implements the provisions of subsection 408.034(3), and paragraphs 408.036(1)(a), (b), (c), (d), (f), and (g), Florida Statutes, to regulate proposals subject to comparative review for the establishment of new long-term care hospitals, the addition of beds to existing long-term care hospitals, and the conversion of licensed hospital beds to long-term care hospital beds.

(2) Definitions.

(a) "Agency." The Agency for Health Care Administration.

(b) "Approved Long-Term Care Hospital Bed." A proposed long-term care hospital bed for which a certificate of need, a letter of intent to grant a certificate of need, a signed stipulated agreement, or a final order granting a certificate of need was issued, consistent with the provisions of paragraph 59C-1.008(2)(b), Florida Administrative Code, as of the most recent published deadline for agency initial decisions prior to the letter of intent deadline, as specified in paragraph 59C-1.008(1)(g), Florida Administrative Code.

(c) "Charity Care." That portion of hospital charges reported to the agency for which there is no compensation for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 150 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. Charity care does not include bad debt, which is the portion of health care provider charges for which there is no compensation for care provided to a patient who fails to qualify for charity care; and does not include administrative or

courtesy discounts, contractual allowances to third-party payers, or failure of the hospital to collect full charges due to partial payment by government programs.

(d) "Conversion." For purposes of this rule, conversion means the reclassification of one type of licensed facility or type of licensed bed to another type of licensed facility or licensed bed.

(e) "District." A district of the agency defined in subsection 408.032(5), Florida Statutes.

(f) "Local Health Council." The council referenced in section 408.033, Florida Statutes.

(g) "Long-Term Care Hospital." A hospital licensed under Chapter 395, F.S., which meets the requirements of Part 412, subpart B, paragraph 412.23(e), Code of Federal Regulations; and, where applicable, also meets the requirements for a hospital within hospital specified under paragraph 412.22(e) of that subpart. A long-term care hospital is exempt from the Medicare acute care prospective payment system. A long-term care hospital has an average length of inpatient stay greater than 25 days for all hospital beds. Long-Term care hospitals are designed to provide extended care to patients who are clinically complex and have multiple acute or chronic conditions. Long-Term care hospitals typically provide programs in one or more of the following areas: respiratory care, particularly for ventilator-dependent patients; treatment of patients with multiple illnesses or multiple systems failure; treatment of wounds caused by disease or accident; and treatment for patients requiring interdisciplinary rehabilitation services who are unable to tolerate the more intensive treatments provided in a comprehensive medical rehabilitation hospital.

(h) "Service Planning Area." The multi-district geographic area used in planning for long-term care hospitals. Applications for long-term care hospitals will be comparatively reviewed within each of the five service planning areas delineated as follows:

1. Service planning area I includes districts 1 and 2.
2. Service planning area II includes districts 3 and 4.
3. Service planning area III includes districts 5, 6 and 8.
4. Service planning area IV includes districts 7 and 9.
5. Service planning area V includes districts 10 and 11.

(3) General Provisions.

(a) Conformance with the Criteria for Approval. A certificate of need for the establishment of a new long-term care hospital, or the expansion of existing services by the addition of beds, shall not normally be approved unless the applicant meets the applicable review criteria in section 408.035, F.S., and the standards and need determination criteria set forth in this rule.

(b) Minimum Hospital Size. Freestanding long-term care hospitals established after the effective date of this rule shall have a minimum of 60 licensed beds. Long-Term care hospitals

designated as hospitals within hospitals established after the effective date of this rule shall have a minimum of 20 licensed beds.

(c) Required Services. Long-Term care hospital services, as provided by the hospital or by contract, shall include at a minimum:

1. Pre-admission screening.
2. Care for patients with multiple complex diagnoses.
3. Care for patients with multi-system failure.
4. Services for difficult-to-wean ventilator-dependent patients.
5. Services for patients who cannot be weaned from ventilator dependence.
6. Respiratory/pulmonary care.
7. Airway restoration.
8. Intensive wound care.
9. Nutrition services, including metabolic analysis, invasive enteral tube placement, and total parenteral nutrition.
10. Infusion therapy.
11. Daily physician assessments.
12. An average of at least 8 direct patient care nursing hours per patient per day.
13. Physical therapy, occupational therapy, speech therapy, and respiratory therapy.
14. On-site laboratory, radiology, and pharmacy.

(4) Criteria for Determination of Need.

(a) New Provider. In determining the need for a new long-term care hospital, the agency shall consider the proposed facility within the context of licensed or approved long-term care hospital beds in the service planning area, and the licensed acute care beds, comprehensive medical rehabilitation beds, hospital-based skilled nursing unit beds, and nursing home beds in the service planning area. The applicant proposing a new long-term care hospital shall provide documentation that the other licensed inpatient beds in the service planning area do not meet the need for the proposed service.

(b) Limitation on Approvals. The agency will not approve more than one new long-term care hospital for a service planning area during a review cycle. No additional long-term care hospital will be approved for a service planning area that has an approved new provider not yet licensed.

(c) Additional Beds at Existing Long-Term Care Hospitals.

1. Need for additional beds at an existing long-term care hospital is demonstrated if the occupancy rate of the hospital was at least 80 percent for the 12-month period ending 1 month prior to the letter of intent deadline.

2. The maximum number of additional beds which may be approved for an existing long-term care hospital shall not normally exceed the number which, if added to the current

licensed total, or the current total of licensed and approved beds, would reduce the 12-month occupancy, determined in subparagraph 1, to 75 percent.

(d) Consistency with Local Plans. Applicants shall provide evidence in their applications that a proposed long-term care hospital is consistent with the needs of the community and other criteria contained in Local Health Council Plans.

(e) Preferences Among Applicants for Long-Term Care Hospital Beds. In weighing and balancing statutory and rule review criteria, the agency will give preference to:

1. An applicant who provides or proposes to provide Medicaid days as a percentage of their total patient days equal to or greater than the statewide average percentage of Medicaid patient days provided by all long-term care hospitals, as determined in the Agency's most recent "Hospital Financial Data" report.

2. An applicant who has or proposes to have a ratio of charity care deductions to net patient service revenue equal to or greater than the statewide average ratio for all long-term care hospitals, as determined in the Agency's most recent "Hospital Financial Data" report.

3. An applicant who proposes to serve Medicaid-eligible persons.

4. An applicant who proposes to serve individuals without regard to their ability to pay.

5. An applicant who proposes to convert existing hospital beds.

(5) Quality of Care. Long-Term care hospital services shall comply with the agency standards for long-term care hospital licensure described in Chapter 59A-3, Florida Administrative Code. Applicants who include a statement in their certificate of need application that they will meet applicable agency licensure standards are deemed to be in compliance with this provision.

(6) Services Description. An applicant for long-term care hospital beds shall provide a detailed program description in its certificate of need application including:

(a) Characteristics of age groups to be served by age and diagnosis.

(b) Specialty programs to be provided.

(c) Proposed staffing, including qualifications of the medical director, a description of staffing appropriate for any specialty program, and a description of the training and experience requirements for all staff who will provide direct patient care.

(d) Expected sources of patient referrals. Applicants shall include evidence of transfer agreements with local hospitals indicating an intent to discharge appropriate patients to the proposed long-term care hospital.

(e) Expected average length of stay for discharges by age group.

(f) Expected discharge destination by age group.

(g) Projected number of patient days by payer type, including Medicare, Medicaid, private insurance, self-pay and charity care patient days for the first 2 years of operation after completion of the proposed project.

(h) Admission policies of the facility with regard to charity care patients.

(7) Applications from Licensed Long-Term Care Hospitals. A licensed long-term care hospital seeking approval for additional inpatient beds shall provide the following information in addition to the information required by subsection (6):

(a) Number of admissions and patient days by age group and diagnosis for the 12-month period ending 1 month prior to the letter of intent deadline.

(b) Number of patient days by payer type, including Medicare, Medicaid, private insurance, self-pay and charity care patient days, for the 12-month period ending 1 month prior to the letter of intent deadline.

(c) Gross revenues by payer source for the 12-month period ending 1 month prior to the letter of intent deadline.

(d) Current staffing.

(e) Current specialized treatment programs.

(8) Quarterly Reports. Licensed long-term care hospitals shall report to the agency or its designee, within 45 days after the end of each calendar quarter, the number of admissions and patient days by age and primary diagnosis that occurred within the quarter.

Specific Authority 408.15(8), 408.034(6) FS. Law Implemented 408.034(3), 408.036(1)(a),(b),(c),(d),(f),(g) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Davis, Health Services and Facilities Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Rivera, Consultant Supervisor

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 26, 2002

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Unauthorized Practice Fee

RULE NO.: 64B1-2.016

PURPOSE AND EFFECT: To clarify the existing language.

SUMMARY: This rule amendment is intended to clarify the existing language pursuant to Section 456.065(3), F.S.

SPECIFIC AUTHORITY: 456.065 FS.

LAW IMPLEMENTED: 456.065 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: Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-2.016 Unauthorized Practice Fee.

As provided in Section 456.065(3), Florida Statutes, the fee for enforcement of the laws prohibiting the unauthorized practice of acupuncture shall be \$5.00 in addition to ~~of~~ the initial license fee and the license renewal fee each biennium.

Specific Authority 456.065 FS. Law Implemented 456.065 FS. History--New 10-17-93, Formerly 61F1-2.016, 59M-2.016, Amended 10-15-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2001

**DEPARTMENT OF HEALTH
Board of Occupational Therapy Practice**

RULE TITLE: Applicants Seeking Reentry
RULE NO.: 64B11-2.012
PURPOSE AND EFFECT: The Board proposes to create a new rule, which will require persons who are attempting to reenter the field to submit continuing education documentation.
SUMMARY: Fifty continuing education units, a portion of which may be home study, must be obtained by occupational therapists who have not actively practiced within the last 5 years.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding the statement of estimated costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
SPECIFIC AUTHORITY: 468.204, 468.209 FS.
LAW IMPLEMENTED: 468.209(5) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.012 Applicants Seeking Reentry.

An applicant seeking reentry into the profession who has not been in active practice within the last five years must submit to the Board documentation of 50 occupational therapy continuing education units, 12 of which may be home study, taken within the year prior to licensure.

Specific Authority 468.204, 468.209 FS. Law Implemented 468.209(5) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002

**DEPARTMENT OF HEALTH
Board of Occupational Therapy Practice**

RULE TITLE: Applicants Seeking Reentry
RULE NO.: 64B11-3.009
PURPOSE AND EFFECT: The Board proposes to create a new rule which will require persons who are attempting to reenter the field to submit continuing education documentation.
SUMMARY: Fifty continuing education units, a portion of which may be home study, must be obtained by occupational therapy assistants who have not actively practiced within the last 5 years.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding the statement of estimated costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
SPECIFIC AUTHORITY: 468.204, 468.209 FS.
LAW IMPLEMENTED: 468.209(5) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.009 Applicants Seeking Reentry.

An applicant seeking reentry into the profession who has not been in active practice within the last five years must submit to the Board documentation of 50 occupational therapy continuing education units, 12 of which may be home study, taken within the year prior to licensure.

Specific Authority 468.204, 468.209 FS. Law Implemented 468.209(5) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Continuing Education Program Approval

RULE NO.: 64B11-6.001

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

SUMMARY: The Board is authorizing continuing education credits for courses in the field that are sponsored by a college or university. A maximum of 5 continuing education credits are authorized for certain videocassette courses.

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

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

SPECIFIC AUTHORITY: 456.013(8), 456.025, 468.204, 468.219(2) FS.

LAW IMPLEMENTED: 468.219(2), 468.221 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-6.001 Continuing Education Program Approval.

(1) through (3) No change.

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

(b) Courses sponsored by a college or university when providing a curriculum for occupational therapists or occupational therapy assistants shall be awarded 10 hours of continuing education credit per semester hour.

(5) No change.

(6) A maximum of five contact hours may be awarded per biennium for approved videocassette courses prepared or updated not more than two years prior to the date of viewing or presentation. The Board shall approve videocassette courses that meet the content and criteria requirements set forth in subsection (5). At time of course presentation, rental, or sale, the course vendor, in lieu of the certificate of completion, shall provide the licensee with a signed course validation form. The licensee shall sign this form on the date that the course is actually taken or viewed indicating full attendance and successful completion. It shall be retained for four years with a copy for the department at the time of licensure renewal.

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

Specific Authority 456.013(8), 456.025, 468.204, 468.219(2) FS. Law Implemented 468.219(2), 468.221 FS. History--New 8-1-95, Amended 8-27-96, Formerly 59R-65.001, Amended 7-21-98, 4-25-01, 6-25-02,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES: Inactive Status

RULE NOS.: 64B13-11.001

Delinquent Status Licenses

64B13-11.004

PURPOSE AND EFFECT: The Board proposes to update these rules to remove obsolete language.

SUMMARY: Rule 64B13-11.001, F.A.C., sets out the criteria for placing a license in inactive status and how to return to active status at a later time. Rule 64B13-11.004, F.A.C., sets out the criteria for a delinquent status licensee to apply for active or inactive status and sets forth the fees and continuing education requirements necessary to return to active status.

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

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

SPECIFIC AUTHORITY: 456.036, 463.005(1) FS.

LAW IMPLEMENTED: 456.036 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B13-11.001 Inactive Status.

(1) Any licensee may elect at the time of license renewal to place the license into inactive status by ~~filing with the board a complete application for inactive status and~~ paying the inactive status fee of Rule 64B13-6.001(8), F.A.C., ~~For the purpose of this section, a complete application shall be a renewal form provided by the Department of Health on which the licensee affirmatively elects inactive status.~~

(2) An inactive status licensee ~~whose license has been in inactive status for less than two consecutive biennial licensure cycles~~ may change to active status at any time provided the licensee meets the following requirements of Rule 64B13-5.001, F.A.C.:

~~(a) Completes continuing education consisting of:~~

~~1. Completion of fifteen (15) clock hours per year of continuing professional education which fulfills the requirements of Rule 64B13-5.001, F.A.C., for each year the license was inactive. At least five (5) of the fifteen (15) clock hours must be of "transcript quality" as defined in Rule 64B13-5.001. However, a license which has been inactive for less than one (1) year is not required to satisfy this requirement;~~

~~2. Completion of thirty (30) hours of approved continuing professional education which were required for renewal of an active license on the date the license became inactive in the manner provided for in Rule 64B13-5.001, F.A.C.;~~

~~(a)(b) Discloses any disciplinary action that has been taken against any license to practice optometry the practitioner possessed in any jurisdiction during the time period in which the Florida license was inactive;~~

~~(b)(e) Pays the active status fee of subsection 64B13-6.001(4), F.A.C., for each biennium during which the license was inactive;~~

~~(c)(d) Pays the reactivation fee of subsection 64B13-6.001(5), F.A.C.; and~~

~~(d)(e) If applicable, the change of status fee in subsection 64B13-6.001(14), F.A.C.~~

(3) An inactive status licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles and who applies for active status may change to active status at any time provided the licensee meets the following requirements:

(a) Meets the continuing education requirements of Rule 64B13-~~5.001, 11.001(2)~~, F.A.C.;

(b) through (f) No change.

~~(g) Files with the board a complete application. For the purpose of this section, a complete application shall be the application required for initial licensure or certification.~~

~~(4) Any inactive licensee who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.~~

~~(4)(5) Pursuant to Section 463.015(1)(a), F.S., it is unlawful to practice optometry with an inactive license.~~

Specific Authority 456.036, 463.005(1), 463.007, 463.008 FS. Law Implemented 456.036, 463.007, 463.008 FS. History—New 11-20-86, Formerly 21Q-11.001, 61F8-11.001, Amended 12-22-94, Formerly 59V-11.001, Amended _____.

64B13-11.004 Delinquent Status License.

(1) through (2) No change.

(3) The delinquent status licensee who applies for active or inactive license status shall: ~~(a) file with the board the complete application for either active or inactive status as defined in Rule 64B13-11.001, F.A.C.; (b) pay to the board either the active status fee of subsection 64B13-6.001(4), F.A.C., or the inactive status license fee of subsection 64B13-6.001(8), F.A.C., the delinquent status license fee of subsection 64B13-6.001(15), F.A.C., and, if applicable, the change of status fee of subsection 64B13-6.001(14), F.A.C.~~

(4) The delinquent status licensee who applies for active status license shall, in addition to complying with (3) immediately above, affirm compliance with the continuing education requirements of Rule 64B13-5.001, 1.001(2), F.A.C.

Specific Authority 456.036, 463.005(1) FS. Law Implemented 456.036 FS. History—New 12-22-94, Formerly 59V-11.004, Amended 8-29-99, _____.

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B33-5.001

PURPOSE AND EFFECT: To define specific offenses and their range of penalties.

SUMMARY: The Board proposes to promulgate a new rule to set forth a range of offenses and penalties pursuant to sections 456.072 and 456.079, Florida Statutes.

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: 456.072, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.719 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: Sue Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-5.001 Disciplinary Guidelines.

(1) The Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 468, Part XIII, Florida

Statutes. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to section 120.57(1) and 120.57(2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

(3) When the Board finds an applicant or licensee whom it regulates under Chapter 468, Part XIII, F.S., has committed any of the acts set forth in section 468.719, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS

RECOMMENDED PENALTIES

| | <u>First Offense</u> | <u>Second Offense</u> | <u>Third Offense</u> |
|---|--|---|---|
| <u>(a) Failing to include the athletic trainer's name and license number in any advertising, including, but not limited to, business cards and letterhead, related to the practice of athletic training. Advertising shall not include clothing or other novelty items.</u> | <u>From a letter of concern to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u> | <u>From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u> | <u>From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u> |
| <u>(b) Committing incompetency or misconduct in the practice of athletic training.</u> | <u>From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u> | <u>From probation to suspension of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u> | <u>From suspension to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$1,500.00, or refusal to certify an application for licensure.</u> |
| <u>(c) Committing fraud or deceit in the practice of athletic training.</u> | <u>From reprimand to probation of the license, and if fraud is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u> | <u>From probation to suspension of the license, and if fraud is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u> | <u>From suspension to revocation of the license, and if fraud is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u> |
| <u>(d) Committing negligence, gross negligence, or repeated negligence in the practice of athletic training.</u> | <u>From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u> | <u>From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u> | <u>From suspension to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u> |
| <u>(e) While practicing athletic training, being unable to practice athletic training with reasonable skill and safety to athletes by reason of illness or use of alcohol or drugs or as a result of any mental or physical condition.</u> | <u>From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u> | <u>From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u> | <u>From suspension to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u> |

(4) When the Board finds an applicant or licensee whom it regulates under Chapter 468, Part XIII, F.S., has violated 468.719(1)(a), F.S., by violating any of the following Board rules, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS

(a) Failure to comply with subsection 64B33-2.003(6), F.A.C., which requires the licensee to comply with the Department's random audit of the licensee's continuing education records.

(b) Failure to practice under a written protocol as required by subsection 64B33-4.001(1), F.A.C.

(c) Failure to develop a protocol, review the protocol prior to licensure renewal date, or failure to make protocol available upon request as required by subsection 64B33-4.001(2), F.A.C.

(5) When the Board finds an applicant or licensee whom it regulates under Chapter 468, Part XIII, F.S., has violated s. 456.072, F.S., by violating any of the following provisions, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS

(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of athletic training. (456.072(1)(a), F.S.)

(b) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (456.072(1)(e), F.S.)

RECOMMENDED PENALTIES

First Offense

From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.

From a letter of concern to reprimand of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

From a letter of concern to reprimand of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

Second Offense

From reprimand to probation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.

From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.

Third Offense

From probation to revocation of license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.

From probation to revocation of license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.

From probation to revocation of license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.

RECOMMENDED PENALTIES

First Offense

From reprimand to suspension of the license, and if fraudulent representations are proven, an administrative fine of \$10,000, or refusal to certify an application for licensure.

From letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.

Second Offense

From probation to revocation of the license, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.

From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.

Third Offense

From suspension to revocation of license, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.

From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

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| <p><u>(c) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.</u> (456.072(1)(g), F.S.)</p> | <p><u>From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u></p> | <p><u>From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From suspension to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p> |
| <p><u>(d) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice athletic training contrary to Chapters 468, Part XIII and 456, Florida Statutes, or the rules of the department or the board.</u> (456.072(1)(j), F.S.)</p> | <p><u>From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From probation to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p> |
| <p><u>(e) Failure to perform any statutory or legal obligation placed upon a licensee.</u> (456.072(1)(k), F.S.)</p> | <p><u>From letter of concern to probation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p> |
| <p><u>(f) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.</u> (456.072(1)(m), F.S.)</p> | <p><u>From reprimand to suspension of the license, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From probation to suspension of the license, without the ability to reapply, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From suspension to revocation of license, without the ability to reapply, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p> |
| <p><u>(g) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.</u> (456.072(1)(o), F.S.)</p> | <p><u>From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From probation to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p> |
| <p><u>(h) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.</u> (456.072(1)(p), F.S.)</p> | <p><u>From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$2,500.00, or refusal to certify an application for licensure.</u></p> | <p><u>From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p> |

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| <p><u>(i) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (456.072(1)(r), F.S.)</u></p> | <p><u>From letter of concern to probation of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u></p> | <p><u>From reprimand to suspension of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p> |
| <p><u>(j) Engaging or attempting to engage a patient or client in verbal or physical sexual activity. For the purposes of this section, a patient or client shall be presumed to be incapable of giving free, full, and informed consent to verbal or physical sexual activity. (456.072(1)(u), F.S.)</u></p> | <p><u>From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$4,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From probation to revocation of the license, and an administrative fine ranging from \$4,000.00 to \$7,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From suspension to revocation of license, and an administrative fine ranging from \$7,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p> |
| <p><u>(k) Failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (456.072(1)(w), F.S.)</u></p> | <p><u>From reprimand to probation of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From probation to suspension of the license, and an administrative fine ranging from \$5,000.00 to \$7,000.00, or refusal to certify an application for licensure.</u></p> | <p><u>From suspension to revocation of license, and an administrative fine ranging from \$7,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p> |

Specific Authority 456.072, 468.705, 468.719 FS. Law Implemented 456.072, 456.079, 468.719 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Athletic Training
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Athletic Training
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002

DEPARTMENT OF HEALTH

Division of Environmental Health

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| RULE TITLE: | RULE NOS.: |
| Definitions | 64E-2.001 |
| Prehospital Requirements for Trauma Care | 64E-2.015 |
| Trauma Transport Protocols Approval and Denial Process | 64E-2.016 |
| Trauma Agency Formation | 64E-2.019 |
| Trauma Agency Plan Approval and Denial Process | 64E-2.020 |
| Trauma Agency Implementation and Operation Requirements | 64E-2.021 |
| Security of Medications | 64E-2.037 |

PURPOSE, EFFECT AND SUMMARY: TRAUMA TRANSPORT PROTOCOLS – Amends current rule governing submission requirements and content of trauma transport protocols.

LEAD CREW MEMBER – Amends current rule to include a definition as it relates to the individual who signs the run report and has responsibility for patient care decisions.

TRAUMA AGENCIES – Amends current rule governing trauma agency system evaluation and trauma agency five year plan update.

SECURITY OF MEDICATIONS – Amends rule to eliminate a written operating procedure for any emergency medical vehicle to adhere to the same onsite requirements for security and storage of medications.

STATEMENT OF ESTIMATED REGULATORY COSTS: None 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: 395.401, 395.4045, 401.35 FS.

LAW IMPLEMENTED: 395.401, 395.4045, 401.30, 401.35 FS.

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

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

PLACE: Division of Emergency Medical Services and Community Health Resources, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32311-7829

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Lesley, Government Analyst, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 2733 or Fax (850)921-8162

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-2.001 Definitions.

(1) through (10) No change.

(11) Lead Crew Member – means the person designated as such by local provider protocols. He or she shall be responsible for run report completion and patient care decisions. This individual shall be identified by name on each patient care record completed pursuant to statute and rule.

(12)(11) Neonatal Ambulance – means an ALS permitted vehicle which is designated solely to interfacility transports of neonates to a Level II or Level III neonatal intensive care unit.

(13)(12) Neonatal Transport – means the transport of any neonate requiring emergency transfer from a hospital licensed under Chapter 395, F.S., to a Level II or Level III neonatal intensive care unit.

(14)(13) Neonate – means an infant less than 28 days of life and or less than 5 kg.

(15)(14) “Operate”, “Operates” or “Operation” – means providing, offering to provide, soliciting, or advertising prehospital or interfacility ALS services or BLS transportation services as further described in Rule 64E-2.032, F.A.C.

(16)(15) Patient Care Record – means the record used by each EMS provider to document patient care, treatment and transport activities that at a minimum includes the information required under paragraphs 64E-2.003(5)(a),(b), Rule 64E-2.013, subsection 64E-2.015(5), subsections 64E-2.017(5), (6), (7), 64E-2.0175(4), F.A.C.

(17)(16) Pediatric Trauma Patient – means a trauma patient with anatomical and physical characteristics of a person 15 years of age or younger.

(18)(17) Provisional State-Approved Pediatric Trauma Referral Center (SAPTRC) – means a hospital licensed under Chapter 395, F.S., which submits an application indicating that the hospital meets the trauma center requirements provided in DHP 150-9 and is approved by the department to provide pediatric trauma care services until approval or denial as a SAPTRC.

(19)(18) Provisional State-Approved Trauma Center (SATC) – means a hospital licensed under Chapter 395, F.S., which submits an application indicating that the hospital meets

the requirements provided in DHP 150-9 and is approved by the department to provide trauma care services until approval or denial as a SATC.

(20)(19) Training Program – means an educational institution having one designated program director, one designated medical director, and single budget entity; for the purposes of providing EMT or paramedic education programs.

(21)(20) Trauma – means a blunt, penetrating or burn injury caused by external force or violence.

(22)(21) Trauma Alert – means a notification initiated by EMS informing a hospital that they are en route with a patient meeting the trauma alert criteria.

(23)(22) Trauma Alert Patient – means a person whose primary physical injury is a blunt, penetrating or burn injury, and who meets one or more of the adult trauma scorecard criteria in Rule 64E-2.017, F.A.C., or the pediatric trauma scorecard criteria in Rule 64E-2.0175, F.A.C.

(24)(23) Trauma Patient – means any person who has incurred a physical injury or wound caused by trauma and who has accessed an emergency medical services system.

(25)(24) Trauma Registry – means a statewide database which integrates medical and system information related to trauma patient diagnosis and the provision of trauma care by prehospital, hospital, SATC, SAPTRC, providers and medical examiners.

(26)(25) Trauma Transport Protocols (TTPs) – means a document which describes the policies, processes and procedures governing the dispatch of vehicles, and the triage and transport of trauma patients.

Specific Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, Formerly 10D-66.485, Amended 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99, 2-20-00, _____.

64E-2.015 Prehospital Requirements for Trauma Care.

(1) No change.

(2) Each EMS provider shall transport, or cause to be transported, every trauma alert patient to a SATC or SAPTRC nearest to the location of the incident, unless the distance is not relevant to the length of time for transport due to the use of an air ambulance. Pediatric trauma alert patients shall be transported to the nearest SAPTRC or SATC with SAPTRC services even if a SATC without SAPTRC services is nearer to the location of the incident, except as provided in department-approved TTPs. If a SATC or SAPTRC further from the location of the incident has a special resource(s) that the nearest SATC or SAPTRC does not have, such as burn center or hyper baric chamber, which is needed for the immediate condition of the trauma alert patient, the EMS provider may transport to the SATC or SAPTRC having that special resource(s) even if the SATC or SAPTRC is not nearest to the incident. These exceptions to transporting to the nearest

SATC or SAPTRC, or other exceptions the EMS provider wishes to request, shall be addressed in the EMS provider's TTPs which shall be submitted to the department for approval, in accordance with Chapter 395.4045, F.S. and Rule 64E-2.016, F.A.C.

(3) No change.

(a) An EMS provider must transport a trauma alert patient to a SATC or SAPTRC, except as may be provided in the EMS provider's department-approved TTPs. For situations for which the EMS provider intends to transport a trauma alert patient to a hospital other than SATC or SAPTRC, as indicated in the provider's or trauma agency's department-approved TTPs, the EMS provider or trauma agency shall ensure beforehand that the hospital meets the following criteria:

1. through (f) No change.

(g) If a hospital to which an EMS provider transports trauma alert patients, as provided in the EMS provider's or trauma agency department-approved TTPs, becomes a SATC or SAPTRC, including those granted provisional status by the department, the EMS provider shall begin immediately transporting trauma alert patients to that SATC or SAPTRC. The EMS provider or trauma agency shall revise and submit TTPs to the department for approval within 30 days of the hospital becoming a SATC or SAPTRC. Within 30 days of an EMS provider or a trauma agency receiving notification that a SATC or SAPTRC intends to discontinue as a SATC or SAPTRC, the EMS provider or trauma agency shall submit revised TTPs to the department for approval, in accordance with Rule 64E-2.016, F.A.C.

(4) No change.

(5) The EMS provider responsible for the patient shall ensure that a prehospital trauma alert is issued upon determining that a trauma patient meets the requirements of Rules 64E-2.017, and 64E-2.0175, F.A.C. The words "trauma alert" shall be used when notifying the SATC, or SAPTRC, or hospital that EMS is en route with a trauma alert patient. The medical director of the EMS provider issuing the trauma alert, or the physician at the receiving SATC, SAPTRC, or hospital, are the only people authorized to change the trauma alert status. The EMS provider issuing the trauma alert shall also provide the SATC, or SAPTRC, or hospital with information required under subsection 64E-2.013(5), F.A.C., and the information listed below at the time the patient is transferred to the personnel of the receiving SATC, SAPTRC or hospital:

(a) Time of injury if different from the time of the call;

(b) Date of injury if different from day of call;

(c) County of injury;

(d) County of residence of patient;

(e) Cause of injury;

(f) Injury site/type;

~~(g) Trauma alert criteria if met as defined in Rule 64E-2.017 or 64E-2.0175, F.A.C., and~~

~~(g)(h) Protective devices if motor vehicle crash, bicycle or marine crash.~~

The information listed above shall be documented on the patient care record of the transporting unit that delivered the patient in accordance with the requirements of Rule 64E-2.013, F.A.C.

(6) No change.

(7) Each EMS provider or trauma agency shall submit to the ~~have~~ department-approved TTPs for approval as required by the Trauma Transport Protocol Manual, July 2002, which is incorporated by reference and available from the department, which include at a minimum:

~~(a) Dispatch procedures which include:~~

~~1. A description of information to be solicited from the individual requesting emergency medical assistance in order to determine the number of patients, location of the incident, and extent and severity of reported injuries;~~

~~2. A description of the method used to ensure that the EMS vehicle most readily available is identified and dispatched to the location of the incident; and~~

~~3. A description of the process used to request assistance from emergency response agencies.~~

~~(b) Prehospital procedures which include:~~

~~1. Procedure which provides that upon arrival at the location of the incident, EMTs and paramedics assess the condition of each trauma patient to determine the transport destination, in accordance with sections 64E-2.017, and 64E-2.0175, F.A.C.;~~

~~2. A description of the methodologies used to assess the condition of and to measure the severity of injury of each adult trauma patient in accordance with section 64E-2.017, F.A.C., and of each pediatric trauma patient in accordance with section 64E-2.0175, F.A.C., to determine their transport destination.~~

~~3. Procedure to be followed by EMTs and paramedics for completion of the patient care record as defined under section 64E-2.001(15), F.A.C., and required under section 64E-2.013, F.A.C., and the trauma information as required under section 64E-2.015(5), F.A.C., and the delivery of such information with the trauma patient to a SATC, SAPTRC, or hospital;~~

~~4. Criteria used to determine when transport assistance shall be requested and the process used for obtaining such assistance. The criteria shall include and differentiate between air and ground ambulance services; and~~

~~5. Procedures for issuing a prehospital trauma alert.~~

~~(c) Transport destination criteria which include:~~

~~1. The criteria and process used to determine the transport destination of trauma alert patients; and~~

~~2. A list of situations, if any, in which it may be in the best medical interest of the trauma alert patient to be transported to a destination other than a SATC or SAPTRC, in accordance with the requirements of this section. Justification to support each situation shall be included.~~

~~(d) The procedures for an emergency inter-hospital transfer of a trauma patient.~~

~~(e) Written documentation that the TTPs submitted by the ALS, BLS or air ambulance provider have been approved by the provider's medical director.~~

~~(f) A list of SATCs, SAPTRCs, and hospitals to which the EMS provider intends to transport trauma alert patients.~~

~~(g) Written documentation that all hospitals, SATCs and SAPTRCs to which the EMS provider routinely transports have been provided a copy of the criteria which the EMS provider will follow to determine trauma transport destinations.~~

~~(8) Any EMS provider located in a trauma service area with a department approved local or regional trauma agency shall submit a copy of proposed or revised TTPs to the agency any time the EMS provider submits an initial or renewal license application, or revised TTPs, to the department. The EMS provider shall ensure that the agency's copy of the proposed or revised TTPs is received on or before the date that the initial or renewal license, or revised TTPs, are due to the department.~~

~~(9) A hospital licensed in another state which meets the criteria provided in section 64E-2.015(3)(e), F.A.C., may be identified in the TTPs as a hospital to which the EMS provider may transport a trauma alert patient, in accordance with the requirements in section 64E-2.015, F.A.C.~~

~~(10) A hospital in another state which has received approval from the appropriate governmental agency in that state to operate as a trauma center may be identified in TTPs as an approved trauma center.~~

Specific Authority 395.4045, 395.405, 401.35 FS. Law Implemented 395.401-395.403, 395.404-395.405, 395.4045, 401.30, 401.35 FS. History—New 8-3-88, Amended 12-10-92, 11-30-93. Formerly 10D-66.100, Amended 8-4-98, 7-14-99, 2-20-00, _____.

64E-2.016 Trauma Transport Protocols Approval and Denial Process.

(1) TTPs shall be approved by the EMS provider's or trauma agency's medical director prior to submission to the department for approval and in accordance with the Trauma Transport Protocol Manual, July 2002, which is incorporated in Rule 64E-2.015, F.A.C.

(2) Revisions to TTPs during the licensure period:

(a) Revisions must be submitted to the department, and to the trauma agency if one exists, for approval at least 60 days prior to the proposed implementation date. Other sections that mandate earlier submission under special circumstances shall take precedence over this 60-day requirement. The department shall, within 30 days of receipt, review the EMS provider's proposed TTPs to determine compliance with section 64E-2.015, F.A.C. The department will also consider the recommendations of the local or regional trauma agency, if one exists, before advising the EMS provider of any errors or

omissions. If there are any errors or omissions, the department shall request corrections or additional information from the EMS provider.

(b) The EMS provider shall submit the requested corrections or additional information within 15 days of receipt of the notice of errors or omissions.

(c) The department shall deem the TTPs complete upon receipt of the corrections or additional information, or upon expiration of the 15-day time period, whichever occurs first.

~~(d) The department shall review the EMS provider's proposed TTPs to determine compliance with section 64E-2.015, F.A.C., and will consider the recommendation of the local or regional trauma agency, within 15 days of receipt of the corrections or additional information, or within 15 days of the TTPs being deemed complete as originally submitted.~~

~~(e) The EMS provider may implement proposed changes to TTPs and submit a request for department approval within 30 days after a change is implemented if a delay in approval would have an adverse impact on the delivery of patient care. Changes in TTPs submitted to the department after implementation by the EMS provider will be reviewed by the department in accordance with paragraphs (2)(a)-(d) of this section.~~

(3) When submitting TTPs for department approval, each EMS provider, or trauma agency that has developed uniform TTPs, shall include a copy of the letters sent to the hospital's chief executive officers as well as documentation received in response from the hospital's chief executive officers indicating whether the hospital complies with 64E-2.015(3)(e), F.A.C.

(4) The department shall issue a letter of approval to the EMS provider upon determination that the TTPs are in compliance with section 64E-2.015, F.A.C.

~~(5) The department shall issue a letter of denial to the EMS provider upon determination that the TTPs are not in compliance with section 64E-2.015, F.A.C. The letter shall specify the deficiencies in the protocols and shall include notification of any right to a section 120.57, FS., hearing.~~

Specific Authority 395.405, 401.35 FS. Law Implemented 395.4045, 395.4015, 401.30, 401.35 FS. History—New 8-3-88, Amended 12-10-92, Formerly 10D-66.101, Amended _____.

64E-2.019 Trauma Agency Formation.

(1) To form a trauma agency, and for submission of the trauma agency 5 year plan update, a county or counties (if regional), or an entity with which the county or counties contract for the purpose of trauma service administration shall:

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

Specific Authority 395.401, 395.405, 401.35 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.405, 401.35 FS. History—New 8-3-88, Amended 12-10-92, Formerly 10D-66.104, Amended _____.

64E-2.020 Trauma Agency Plan Approval and Denial Process.

(1) The department shall, within 30 days of receipt of the formation of a trauma agency and the trauma agency 5 year plan update, review the proposed trauma agency's trauma system plan and notify the proposed trauma agency that the plan is complete, or that there are omissions. If there are omissions, the department shall request the required additional information to be submitted by the proposed trauma agency.

(2) The existing or proposed trauma agency shall submit the requested additional information to the department within 30 days of receipt of the notice of omissions.

(3) through (4) No change.

(5) The department shall issue a letter of approval to the existing or proposed trauma agency upon determination that the plan is in compliance with Chapters 395 and 401, F.S., and Chapters 59A-3 and 64E-2, F.A.C.

(6) The department shall issue a letter of denial to the existing or proposed trauma agency upon determination that the plan is not in compliance with Chapters 395 and 401, F.S., and Chapters 59A-3 and 64E-2, F.A.C. The letter shall specify the deficiencies in the plan and include notification of any right to a hearing pursuant to Section 120.57, F.S.

Specific Authority 395.401, 395.405, 401.35 FS. Law Implemented 395.401, 395.4015, 395.402, 95.4025, 395.405, 401.35 FS. History--New 8-3-88, Amended 12-10-92, Formerly 10D-66.106, Amended _____.

64E-2.021 Trauma Agency Implementation and Operation Requirements.

(1) No change.

(2) through (a) No change.

~~(b) Conduct reviews of proposed or revised TTPs submitted by each EMS provider within the defined geographic area of the trauma agency. Results of each review shall be submitted to the department within 15 days of receipt of the proposed or revised TTPs, in order to be considered by the department.~~

~~(b)(e) Conduct annual performance evaluations of the trauma system and submit the results to the department for approval, as provided in Rule 64E-2.020, F.A.C. The evaluation report shall be submitted by March 1 following the end of the previous calendar year within 60 days after completion of the evaluation. This evaluation shall include at least the following:~~

~~1. through 2. No change.~~

~~3. Collection of data on both prehospital and hospital patient care data, as defined by the trauma agency plan.~~

~~4. Documentation of the continuum of care and quality of medical care for all trauma patients from injury through rehabilitation or death.~~

~~5. Documentation that all state-approved trauma centers in the geographic area of the trauma agency participate in quality improvement process.~~

6. Results of monitoring for compliance with trauma registry reporting requirements.

(3) No change.

Specific Authority 395.405, 401.35 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.405, 401.35 FS. History--New 12-10-92, Formerly 10D-66.1065, Amended 8-4-98, 11-19-01, _____.

64E-2.037 Security of Medications.

(1) Each ALS and air ambulance provider shall develop, implement, maintain, and have available for review by the department written operating procedures approved and signed by the medical director for procuring, storing, handling, dispensing, and disposal of all controlled substances, medications, and fluids. ~~Such operating procedures and any records produced in accordance with such operating procedures shall be made available to the department upon request and retained by the licensee pursuant to section 64E-2.013(1), F.A.C. The provider's written operating procedures addressing controlled substances, medications, and fluids that are kept on-site and on vehicles shall include:~~

~~(a) Storage procedures for controlled substances, medications, and fluids. These procedures must address the provider's method for meeting applicable state and federal requirements, referenced in (2), to ensure safe handling, sanitary storage, and temperature and ventilation regulation of stored controlled substances, medications, and fluids. These procedures must also provide a method of segregating and storing medical supplies to preclude confusion of expired supplies with medical supplies authorized for current use.~~

~~(b) Effective January 1, 2003 emergency medical services providers shall develop and implement operating procedures for regulation of temperature and ventilation of controlled substances, medications and fluids stored on permitted vehicles. Each provider must also maintain and make available to the department copies of all pharmaceutical instructions.~~

~~(b)(e) Security procedures which include the provider's method of ensuring against theft, tampering with or contamination of controlled substances, medications, and fluids and the identities and position titles of employees who have access to controlled substances.~~

~~(c)(d) The amount of each controlled substance, authorized by the medical director, to be carried on board any vehicle and in on-site storage.~~

~~(d)(e) Documentation procedure for the distribution, disposal, and re-supply of controlled substances, medications, and fluids maintained on site, or carried on any vehicle of the provider. This procedure shall address on-site and shift change inventory procedures for all controlled substances stocked by the provider or carried on any vehicle of the provider and identify a record keeping procedure, which includes inventory schedules for stocking of medical supplies and reporting and resolving any discrepancy found during an inventory.~~

(2) No change.

Specific Authority 401.26, 401.35 FS. Law Implemented 401.25, 401.26 FS. History—New 9-3-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Lesley, Management Analyst
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Roger Twitchell, Acting Division Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2002
NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 5, 2002, June 7, 2002
P.O. B00829

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 4-144.002 | Approval Procedures |
| 4-144.005 | Credit for Reinsurance |
| 4-144.010 | Accounting Requirements; Life and Health Reinsurance Agreements |

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 35, on August 31, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing and the rule challenge.

4-144.002 Approval Procedures.

~~(1) A retaliatory application fee shall be submitted pursuant to Section 624.5091, Florida Statutes. The retaliatory fee is the greater of:~~

~~(a) The amount that the applicant's domiciliary state or country would charge a Florida domestic insurer making application in the applicant's state or country of domicile, or~~

~~(b) The Florida application fee pursuant to Section 624.501(20)(e), Florida Statutes.~~

~~(1)(2) An insurer seeking the status of an accredited approved reinsurer pursuant to Section 624.610(3)(b)1. 624.610(2)(a)2., Florida Statutes, shall comply with the instructions contained in Form DI4-923, "Application For Accredited Approved Reinsurer Or Satisfactory Non-Approved Reinsurer Status," rev. 5/02 3/93 and submit the following forms. Forms relating to specific types of insurance are to be submitted only by companies issuing policies relating to the type of insurance specified on the form.~~

~~(a) Form DI4-927, "Application For License To Conduct Business In The State of Florida Accredited Reinsurer Status," rev 5/02 8-91;~~

~~(b) Form DI4-841, "Invoice, Request For Payment of Application Fees," rev. 8-91;~~

~~(b)(e) Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges," rev. 4/97 4/94;~~

~~(c)(d) Form DI4-1524 144, "Uniform Consent to Service of Process" rev. 5/02" Consent and Agreement in Re Service of Process," rev. 11-90;~~

~~(e) Form DI4-514, "Resolution Form," rev. 11-90;~~

~~(f) Form DI4-414, "Paid Representative Registration," rev. 6/01/89;~~

~~(d)(g) Form DI4-516, "Insurance Holding Company System Registration Statement," rev. 4/97 11-90;~~

~~(e)(h) Form DI4-1298 DI4-844, "Management Information Form," rev. 4/97 10-91;~~

~~(f)(i) Form DI4-1423 DI4-422, "Biographical Statement and Affidavit," rev. 5/02 11-90;~~

~~(j) Form DI4-450, "Authority For Release of Information," rev. 8-91;~~

~~(g)(k) Fingerprint cards furnished by the Department of Insurance, according to instructions in Form DI4-938, "Fingerprint Card Instructions," rev. 5/02 4/91;~~

~~(h)(l) The material required by Form DI4-905 "Instructions for Furnishing Background Investigative Reports," rev. 2/01 8/93;~~

~~(m) DI4-904, "Proformas, Life Companies, pages 1-4 (Exhibits 1A, 1B, 2A, and 2B)," rev. 5-91;~~

~~(n) DI4-896, "Proformas, Property and Casualty Companies, pages 1-18," rev. 5-91; and~~

~~(o) DI4-901, "Life, Accident and Health Insurer Lines of Business by Company Code," rev. 5/91.~~

~~(p) DI4-877, "Property and Casualty Insurer Lines of Business by Company Code," rev. 5/91.~~

~~(i) DI4-1464, "FORM AR-1 Certificate of Assuming Insurer", rev. 5/02;~~

~~(j) DI4-1465, "Invoice, Payment of Application Filing Fees," rev. 5/02;~~

~~(k) DI4-1538, "Checklist Verification," rev. 5/02;~~

~~(l)(q) In addition, prior to a final decision on whether to grant accredited approve the reinsurer status, the Department shall request such other information as is necessary, depending on the facts and circumstances of the specific insurer, pursuant to Section 624.610, Florida Statutes, to determine whether the insurer meets the standards and the financial standards to ensure adequate protection for those to whom they owe obligations. The financial standards used in making this determination shall be substantially as high as those applicable to an authorized insurer, as found in Part III of Chapter 624, 628, or Chapter 629, Florida Statutes. The Department shall make no final decision on reinsurer status without complete information.~~

(2) The cost and expenses incurred by the Department to review a reinsurer's request for accreditation shall be charged for and collected from the requesting reinsurer. Costs are defined as the sum of the time spent by Department personnel calculated at payroll rates inclusive of personnel benefit expenses and overhead expenses for each Department employee, and other Department expenses related to processing the application; or, the actual charges incurred by a third party retained to assist in the Department's review of the application. Should it become necessary to hire an outside consultant in the process of the review, the reinsurer shall be contacted in advance to consent to this and agree to the cost. In the event that the Department and the reinsurer agree to utilize the services of an outside consultant to conduct the review the following applies:

(a) The acceptability of a person or firm to the Department shall be determined based on consideration of the person or firm's professional competence, objectivity, and cost.

(b) Consent of the reinsurer shall be demonstrated by written confirmation from an officer of the reinsurer agreeing to an examination or the specific services to be performed by the person or firm, and acknowledgment that the person or firm is acceptable to the reinsurer and that the cost will be paid by the applicant.

(c) All payments for services under this provision shall be made directly to the person or firm in accordance with the rates and terms agreed to by the Department, the insurer, and the person or firm performing the examination.

(3) An insurer seeking the status of a ~~trusteed~~ ~~satisfactory non-approved~~ reinsurer pursuant to Section 624.610, Florida Statutes, shall ~~comply with the instructions contained in Form DI4-1466, "Application for Trusteed Reinsurer Status For Single Assuming Reinsurer", rev. 5/02 and submit the following: submit all of the forms listed in subsection (2)(a)-(m) in addition to all of the items indicated on Page 2 of Form DI4-923, "Satisfactory Non-Approved Reinsurer Status Instructions," rev. 8-91, to the extent not duplicated in subsection (2)(a)-(n), above.~~

(a) A copy of its annual statement with information substantially the same as that required to be filed in and with the National Association of Insurance Commissioners convention blank by authorized insurers in the same format required by such form and including all supporting documents. The blanks are adopted and incorporated by reference in subsection 4-144.005(2) F.A.C.;

(b) A certified copy of the trust agreement and any trust amendments;

(c) A certified copy of the approval of the trust and trust amendments by the commissioner of the state in which the trust is domiciled or of the commissioner of another state who, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust;

(d) A statement from the trustee of the trust to the commissioner having regulatory oversight of the trust certifying the balance of the trust and the trust's investments at the preceding year end with certification that the trust will not expire prior to the following December 31;

(e) Form DI4-1524, "Uniform Consent to Service of Process" rev. 5/02;

(f) Form DI4-1298, "Management Information Form," rev. 4/97;

(g) Form DI4-1423, "Biographical Affidavit," rev. 5/02 for all individuals listed on Form DI4-1298;

(h) Form DI4-1469, rev. 5/02, "Certificate of Assuming Insurer to Submit to Examination and Bear the Cost of Examination";

(i) "Checklist Trust Agreement for Trusteed Reinsurer" is included in Form DI4-1466, rev. 5/02.

(j) Form DI4-1538, "Checklist Verification," rev. 5/02.

(4) All forms listed in subsections ~~(1)-(2)~~ and (3), above, are hereby adopted and incorporated by reference. All forms may be obtained from and shall be submitted to the Applications Coordination Section, Division of Insurer Services, Department of Insurance, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0332. All checks shall be made payable to the Florida Department of Insurance.

Specific Authority 624.308, 624.610(14) FS. Law Implemented 624.307(1), (2), (3), (5), 624.316, 624.317, 624.318, 624.321, 624.324, 624.34, 624.401, 624.404, 624.407, 624.413, 624.424, 624.501(20)(c), 624.5091, 624.610, 628.051, 628.061, 628.801, 629.081 FS. History—New 1-30-91, Formerly 4-108.002, Amended 5-12-94, _____.

4-144.005 Credit for Reinsurance ~~Allowed a Domestic Ceding Insurer.~~

(1) No change.

(2) Credit for reinsurance by a domestic insurer shall be allowed when the reinsurance is ceded to an assuming insurer which is accredited ~~approved~~ as a reinsurer in this state pursuant to Section ~~624.610(3)(b), 624.610(2)(a)2.,~~ Florida Statutes, and Rule 4-144.002, ~~F.A.C. Florida Administrative Code,~~ as of any date on which statutory financial statement credit for reinsurance is claimed. An accredited ~~approved~~ reinsurer pursuant to Section ~~624.610(3)(b), 624.610(2)(a)2.,~~ Florida Statutes:

(a) and (b) No change.

(c) Files annually and quarterly with the Department a copy of its annual and quarterly statements filed on the National Association of Insurance Commissioners convention blanks, which are hereby adopted and incorporated by reference, with the insurance department of its state of domicile or, in the case of a U.S. branch of an alien assuming insurer, with the state through which it is entered and in which it is licensed to transact insurance or reinsurance, and a copy of its most recent audited financial statement and maintains a surplus as regards policyholders in accordance with Section ~~624.610(3)(b)1.d. 624.408,~~ Florida Statutes, and whose

approval has been granted by the Department. If quarterly statements are not required by the state of domicile, quarterly statements shall only be required upon written request of the Department. The following National Association of Insurance Commissioners blanks are hereby adopted and incorporated by reference:

1. NAIC Annual Statement Blank Life/Accident/Health 2001.
2. NAIC Quarterly Statement Blank Life/Accident/Health 2001.
3. NAIC Annual Statement Blank Health 2001.
4. NAIC Quarterly Statement Blank Health 2001.
5. NAIC Annual Statement Blank Property and Casualty 2001.
6. NAIC Quarterly Statement Blank Property and Casualty 2001.

(3)(a) No credit for reinsurance shall be allowed a domestic ceding insurer:

1. If the assuming insurer's approval has been revoked by the Department; or
2. In the case of an assuming insurer that is not a licensed or accredited ~~approved~~ reinsurer, unless the assuming insurer agrees in the reinsurance agreements:

- a.(I) through (II) renumbered a. through b. No change.
- (b) No change.

(4) Credit for Reinsurance – Reinsurers Maintaining Trust Funds.

(a)1. Pursuant to Sections 624.610(3)(c)1. ~~624.610(2)(a)4. and 624.610(2)(b)4.~~, Florida Statutes, the Department shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer which, as of any date on which statutory financial statement credit for reinsurance is claimed, and thereafter for so long as credit for reinsurance is claimed, maintains a trust fund in an amount prescribed below in a qualified financial institution as defined in Section 624.610(5)(b), Florida Statutes ~~bank or trust company that is subject to supervision by any state of the United States or that is a member of the Federal Reserve System,~~ for the payment of the valid claims of its U.S. domiciled ceding insurers, their assigns and successors in interest.

2. through (b)2.a. (II) No change.

(III) In addition to these trusts, the group shall maintain a trustee surplus of which ~~\$100,000,000~~ \$50,000,000 shall be held jointly for the benefit of the U.S. domiciled ceding insurers of any member of the group for all the years of account.

- b. No change.

~~3.a. The trust fund for a group of incorporated insurers under common administration, whose members possess aggregate policyholders surplus of \$10,000,000,000 (calculated and reported in substantially the same manner as prescribed by the Annual Statement Instructions and~~

~~Accounting Practices and Procedures Manual of the NAIC, adopted and incorporated by reference in subsection 4-137.001(4), Florida Administrative Code) and which has continuously transacted an insurance business outside the United States for at least three (3) years immediately prior to making application for accreditation in any state of the United States, shall:~~

~~(I) Consist of funds in trust in an amount not less than the assuming insurers' several liabilities attributable to business ceded by U.S. domiciled ceding insurers to any members of the group pursuant to reinsurance contracts issued in the name of such group; and~~

~~(II) Maintain a joint trustee surplus of which \$50,000,000 shall be held jointly for the benefit of U.S. domiciled ceding insurers of any member of the group; and~~

~~(III) File a properly executed Form AR-1, adopted and incorporated by reference in paragraph (2)(a), as evidence of the submission to this state's authority to examine the books and records of any of its members and shall certify that any member examined will bear the expense of any such examination.~~

~~b. Within ninety (90) days after the statements are due to be filed with the group's domiciliary regulator, the group shall file with the Department an annual certification of each underwriter member's solvency by the member's domiciliary regulators, and financial statements, prepared by independent public accountants, of each underwriter member of the group.~~

- (c)1.a. through 1.c.(V) No change.

(VI) Any amendment to the trust shall be filed with the Department no later than thirty (30) days after approval of the amendment by the commissioner who has the regulatory oversight of the trust.

2. through (d) No change.

(e) Assets deposited in the trust and the trustee surplus of a single assuming insurer shall consist of assets of a quality and limitation substantially similar to that required in Part II of Chapter 625, Florida Statutes and shall be valued according to their fair market value.

(f) Assets deposited in the trust and the trustee surplus of a group including incorporated and individual unincorporated underwriters established to meet the requirements of Section 624.610(3)(c)3.b., Florida Statutes, shall be of the type and subject to limitations of the following:

(e)1. Assets deposited in the trusts established pursuant to Section 624.610(3)(c)3.b., Florida Statutes, and this section shall be valued according to their fair market value and shall consist only of cash in U.S. dollars, certificates of deposit issued by a U.S. Financial institution as defined in Section 624.610(5)(a), Florida Statutes, clean irrevocable, unconditional and "evergreen" letters of credit issued or confirmed by a qualified U.S. financial institution, as defined in Section 624.610(5)(a), Florida Statutes, and investments of the type specified in this subsection.

2. through 5.g. No change.

h. Letters of Credit.

(I) In order for a letter of credit to qualify in funding the trust, the trustee shall have the right and the obligation pursuant to the deed of trust or some other binding agreement (as duly approved by the Department) to immediately draw down the full amount of the letter of credit and hold the proceeds in trust for the beneficiaries of the trust if the letter of credit will otherwise expire without being renewed or replaced.

(II) The trust agreement shall provide that the trustee shall be liable for its negligence, willful misconduct or lack of good faith. The failure of the trustee to draw against the letter of credit in circumstances where such draw would be required shall be deemed to be negligence and willful misconduct.

(5) Trust agreements qualified under Section 624.610(4) ~~624.610(2)(b)2.~~, Florida Statutes.

(a) No change.

(b) Required conditions.

1. The trust agreement shall be entered into between the beneficiary, the grantor and a trustee, which shall be a qualified United States financial institution as defined in Section 624.610(5)(b), Florida Statutes. ~~As used in this subsection (5), a qualified United States financial institution is one which is a member of the Federal Reserve System.~~

2. through 9. No change.

10. The trust agreement shall provide that the trustee shall be liable for its negligence, willful misconduct or lack of good faith. The failure of the trustee to draw against the letter of credit in circumstances where such draw would be required shall be deemed to be negligence and willful misconduct.

11. Notwithstanding other provisions of this rule, when a trust agreement is established to meet the requirements of Section ~~624.610(4)~~ ~~624.610(2)(b)2.~~, Florida Statutes, in conjunction with a reinsurance agreement covering risks other than life, annuities, and accident and health, where it is customary practice to provide a trust agreement for a specific purpose, the trust agreement may provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, only for the following purposes:

a. through c. No change.

12. Notwithstanding other provisions of this rule, when a trust agreement is established to meet the requirements of Section ~~624.610(4)~~ ~~624.610(2)(b)2.~~, Florida Statutes, in conjunction with a reinsurance agreement covering life, annuities, or accident and health risks, where it is customary to provide a trust agreement for a specific purpose, the trust agreement may provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, only for the following purposes:

a. through c. No change.

13. The reinsurance agreement may, but need not, contain the provisions required in ~~(d)1.b.~~ of this subsection (5), so long as these required conditions are included in the trust agreement.

14. No change.

(c) No change.

(d) A reinsurance agreement may contain provisions that stipulate that assets deposited in the trust account shall be valued according to their current fair market value and shall consist only of cash in United States dollars, certificates of deposit issued by a United States bank and payable in United States dollars, and investments permitted by Part II of Chapter 625 of the Florida Insurance Code or any combination of the above, provided investments in or issued by an entity controlling, controlled by or under common control with either the grantor or the beneficiary of the trust shall not exceed five percent (5%) of total investments. The reinsurance agreement may further specify the types of investments to be deposited. Where a trust agreement is entered into in conjunction with a reinsurance agreement covering risks other than life, annuities and accident and health, then the trust agreement may contain the provisions required by this paragraph in lieu of including such provisions in the reinsurance agreement.

(6) Letters of credit qualified under Section ~~624.610(4)(c)~~ ~~624.610(2)(b)3.~~, Florida Statutes.

(a)1. through 5. No change.

6.a. As used in this subsection (6), “beneficiary” means the domestic insurer for whose benefit the letter of credit has been established and any successor ~~of the beneficiary~~ by operation of law of the named beneficiary, including without limitation any liquidator, rehabilitator, receiver or conservator.

b. No change.

(b) through (e) No change.

(f) The letter of credit shall be issued or confirmed by a qualified United States financial institution authorized to issue letters of credit, pursuant to Section 624.610(5)(a), Florida Statutes.

(g) No change.

(7) Credit shall be allowed foreign and alien insurers when the reinsurance is ceded to an assuming insurer which is domiciled or licensed in, or, in the case of a U.S. branch of an alien assuming insurer is entered through, a state which employs standards regarding credit for reinsurance substantially similar to those applicable under these rules, and the assuming insurer and the reinsurance agreement meets the requirements established by this rule and Section 624.610, Florida Statutes. ~~or U.S. branch of an alien assuming insurer.~~

~~(a) Maintains a surplus as regards policyholders in an amount not less than \$2,500,000; and~~

~~(b) Submits to the authority of this state to examine its books and records; provided, however,~~

~~(c) The requirement of paragraph (a), above, does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.~~

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.610 FS. History—New 1-30-91, Formerly 4-108.005, Amended 12-25-97,_____.

4-144.010 Accounting Requirements: Life and Health Reinsurance Agreements.

(1) through (2)(a)7.b. No change.

c. In determining the reserve interest rate adjustment, the formula must reflect the ceding company's investment earnings and incorporate all realized and unrealized gains and losses reflected in the statutory statement. The following is an acceptable formula.

Note that the line references are for the ~~2001~~ 1994 National Association of Insurance Commissioners (NAIC) Annual Statement and are supplied as a convenient reference. Line references may be different in subsequent annual statements.

$$\text{Rate} = 2 * (\text{I} + \text{CG}) \div (\text{X} + \text{Y} - \text{I} - \text{CG})$$

- Where: I is the net investment income (Exhibit 2, Line 16, Column 7)
- CG is capital gains less capital losses (Exhibit 3, Line ~~10~~ 9, Column 4 plus Exhibit 4, Line 9 ~~10~~, Column 4)
- X is the current year cash and invested assets (Page 2, Line ~~11~~ ~~10A~~, Column 1) plus investment income due and accrued (Page 2, Line ~~18~~ ~~16~~, Column 1) less borrowed money (Page 3, Line 22, Column 1)
- Y is the same as X but for the prior year

8. through (5) No change.

Specific Authority 624.308(1), 624.424(1), 624.610(12),~~(14)~~ FS. Law Implemented 624.307(1), 624.424(1), 624.610(4),(6),(10),(11),(12), 625.012(8), 626.9641(1)(d),(h), 631.051, 631.061, 631.071, 631.081 FS. History—New 1-30-91, Formerly 4-108.010, Amended 3-28-96,_____.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.: 41-2.012
 RULE TITLE: Coordinating Board Structure and Duties

NOTICE OF PUBLIC HEARING

The Commission for the Transportation Disadvantaged hereby gives notice of a public hearing, by telephone conference call in Tallahassee, Florida on the above-referenced rule to be held on September 12, 2002, at 9:00 a.m., or as soon thereafter as can be heard. Interested parties may participate by calling (850)921-5230 or by dialing a toll free number, 1(888)816-1123. The hearing is being held in response to

several requests for a public hearing. The rule was originally published in Vol. 28, No. 23, of the June 7, 2002, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, Mail Station 49, 605 Suwannee Street, Tallahassee, Florida 32399-0450. Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER NO.: 60BB-4
 RULE CHAPTER TITLE: Florida Partnership for School Readiness

NOTICE OF PUBLIC HEARING

The Agency for Workforce Innovation announces a public hearing.

DATE AND TIME: 9:00 a.m. – completion, Tuesday, September 17, 2002

PLACE: United Way of Miami-Dade, Ryder Conference Room, 3250 S. W. 3rd Avenue, Miami, Florida 33129, (305)646-7220

GENERAL SUBJECT MATTER TO BE CONSIDERED: To develop rules to address definitions, eligibility and the waiting list for the school readiness programs, Rule 60BB-4. Refer to the Notice of Proposed Rulemaking published in Vol. 28, No.34, August 23, 2002, issue of the Florida Administrative Weekly for additional information regarding the proposed rules.

A copy of the agenda may be obtained by contacting: Alex Amengual, (850)488-7699.

DEPARTMENT OF HEALTH

Board of Dentistry

| | |
|-------------|---|
| RULE NOS.: | RULE TITLES: |
| 64B5-14.001 | Definitions |
| 64B5-14.002 | Prohibitions |
| 64B5-14.003 | Training, Education, Certification, and Requirements for Issuance of Permit |
| 64B5-14.004 | Additional Requirements |
| 64B5-14.005 | Application for Permit |
| 64B5-14.006 | Reporting Adverse Occurrences |
| 64B5-14.007 | Inspection of Facilities |
| 64B5-14.009 | Parenteral Conscious Sedation |

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Dentistry hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on September 20, 2002, at 2:00 p.m. or as soon thereafter as possible, at The University of Florida Hotel and Conference Center, 1714 S. W. 34th Street, Gainesville, FL 32607, (352)371-3600. The rule was originally published in Vol. 28, No. 24, of the June 14, 2002, Florida Administrative Weekly. **THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Sue Foster, Executive Director, Board of Dentistry, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-1.003 **RULE TITLE:** Probable Cause Determination

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 19, May 10, 2002, issue of the Florida Administrative Weekly. The change is in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on August 2, 2002.

Subsection (2) of the rule shall now read as follows:

(2) The Chair of the Board shall appoint no more than three people to the probable cause panel and shall designate its chair. The appointed members shall be either current members of the Board or a former member of the Board pursuant to section 456.073(4), F.S. No more than one member of the panel may be a former board member.

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.001 **RULE TITLE:** Licensure as a Physical Therapist by Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule is being withdrawn. This rule was noticed in the Florida Administrative Weekly, Vol. 28, No. 22 issue on May 31, 2002.

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.001 **RULE TITLE:** Licensure as a Physical Therapist Assistant by Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule is being withdrawn. This rule was noticed in the Florida Administrative Weekly, Vol. 28, No. 22 issue on May 31, 2002.

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

DEPARTMENT OF HEALTH

Board of Speech Language-Pathology and Audiology

RULE NO.: 64B20-2.002 **RULE TITLE:** Educational Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 46, November 16, 2001 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Speech Language-Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256
The rule shall now read:

64B20-2.002 Educational Requirements.

(1) Candidates for licensure or provisional licensure as a speech-language pathologist or audiologist shall submit to the Board an official transcript or transcripts to evidence the receipt of a master's degree or doctoral degree with a major emphasis in speech-language pathology or Audiology from an institution of higher learning which, at the time the applicant was enrolled and graduated, was accredited by an accrediting agency recognized by the Council for Higher Education Accreditation or a regionally accredited institution or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. If the transcript submitted pursuant to this section does not, at the time it is submitted, reflect that the applicant has the required master's degree, the Board will not accept the transcript as evidence of such degree unless it is accompanied by Form SPA-2D, Certification of Conferral of Master's Degree, which is incorporated herein by reference, effective March 16, 1994, and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of

Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256. An applicant who graduated from a program at a university or college outside of the United States or Canada shall present documentation of the determination of equivalency to programs accredited by the council on post-secondary accreditation in order to qualify.

(2) An applicant who graduates from a program approved by the Council on Academic Accreditation (CAA) of the American Speech-Language-Hearing Association (ASHA) will meet the educational requirements pursuant to this section.

(3) Any applicant meeting the equivalent educational and program requirements of the Council on Academic Accreditation (CAA) of the American Speech-Language-Hearing Association will meet the necessary educational requirements.

Specific Authority 468.1135(4) FS. Law Implemented 468.1155, 468.1185 FS. History—New 3-14-91, Formerly 21LL-2.002, Amended 11-15-93, 3-16-94, Formerly 61F14-2.002, 59BB-2.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language and Audiology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2001, August 20, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2001

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.015
RULE TITLE: Licensing, Application, Permitting
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 26, June 28, 2002 issue of the Florida Administrative Weekly. The changes are in response to written comments submitted to the department and comments received at the public hearing held on July 23, 2002.

The rule shall now read as follows:

64F-12.015 Licensing, Application, Permitting.

This section addresses the application and permitting requirements of persons regulated under Part I of Chapter 499, F.S.

- (1) No change.
- (2) A permit is valid only for the name and address to which it is issued. The name in which a permit is issued will be changed, at no cost, upon notification to the department.
 - (a) through (b) No change.
- (c) A person must be available for inspection at the permitted address during the ~~normal~~ business hours identified on the application form, holidays excluded. Permanent changes

to these business hours must be communicated to the department in writing. At a minimum, these business hours must meet the following standards:

1. For an establishment applying for a permit or permitted as a prescription drug wholesaler or prescription drug wholesaler – broker only, the establishment must designate a minimum of 20 hours weekly between the hours of 8:00 a.m. and 5:00 p.m. EST., Monday through Friday, and at least one day of the week provide for fours consecutive hours.

2. For an establishment applying for a permit or permitted only as a medical oxygen retailer and which does not transfill medical oxygen containers at the permitted establishment, the establishment must designate a minimum of four (4) hours weekly between the hours of 8:00 a.m. and 5:00 p.m. EST., Monday through Friday, and at least one day of the week provide for two consecutive hours. Furthermore if less than 10 hours weekly are designated, a medical oxygen retailer must be available by telephone between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, to schedule an appointment within 24 hours of the department’s telephone call for an inspection during non-designated business hours.

3. Other applicants and permitted establishments must designate a minimum of 10 hours weekly between the hours of 8:00 a.m. and 5:00 p.m. EST., Monday through Friday, and at least one day of the week provide for two consecutive hours. These standards set forth minimum business hours and agents of the Department of Health and the Department of Law Enforcement may inspect, monitor, and investigate during other hours as authorized by law.

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History—New 12-12-82, Amended 7-8-84, 1-30-85, Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-18-01, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us.fl.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 452,
“GOLDEN BINGO.”
RULE NO.: 53ER02-44

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 452, “GOLDEN BINGO” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule

sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-44 Instant Game Number 452, "GOLDEN BINGO."

(1) Name of Game. Instant Game Number 452, "GOLDEN BINGO."

(2) Price. GOLDEN BINGO lottery tickets sell for \$2.00 per ticket.

(3) GOLDEN BINGO lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning GOLDEN BINGO lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any GOLDEN BINGO lottery ticket, or as to the prize amount, the Void if Removed Number under the latex shall prevail over the bar code.

(4) The "CALLER'S CARD" play symbols are as follows:

INSERT SYMBOLS

(5) The player's cards play symbols are as follows:

INSERT SYMOBLS

(6) Determination of Prize Winners.

(a) There are four player's cards numbered 1 through 4 and one Caller's Card on each GOLDEN BINGO ticket. A "FREE" space will appear in the center of each player's card. A "FREE" space can substitute as a number in a pattern of which it is a part.

(b) A ticket whose numbers on one of the player's cards match the Caller's Card numbers in one of the following patterns shall entitle the claimant to the prize shown for that pattern on that card:

1. Horizontal line of five numbers (or four numbers and one "FREE" space).

2. Vertical line of five numbers (or four numbers and one "FREE" space).

3. Diagonal line of four numbers and one "FREE" space.

4. Four corners (consisting of four numbers).

5. "X" (consisting of eight numbers and one "FREE" space). Prizes that appear in the player's cards area are: FREE TICKET, \$3, \$10, \$25, \$50, \$100, \$150, \$200, \$250, \$500, \$20,000. Prize amounts for a particular pattern are different on each player's card.

(7) Players may win on one or more player's cards per ticket; however, players may not win more than one prize on each player's card.

(8) A claimant who is entitled to a prize of a "FREE TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a GOLDEN BINGO lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 452 are as follows:

| GAME PLAY | WIN | ODDS OF 1 IN | NUMBER OF WINNERS IN 84 POOLS OF PER POOL |
|---|-------------------|--------------|---|
| LINE - CARD 1 | \$2 TICKET | 15.00 | 672,000 |
| LINE - CARD 2 | \$3 | 12.50 | 806,400 |
| LINES - CARD 1, 2 | \$3 + \$2 TICKET | 37.50 | 268,800 |
| LINE - CARD 3 | \$10 | 25.00 | 403,200 |
| LINES - CARD 1, 3 | \$10 + \$2 TICKET | 75.00 | 134,400 |
| 4 CORNERS - CARD 1 | \$25 | 222.22 | 45,360 |
| LINE - CARD 4 | \$25 | 222.22 | 45,360 |
| LINES - CARD 1, 2, 4 | \$28 + \$2 TICKET | 7,500.00 | 1,344 |
| LINES - CARD 1, 2, 3, 4 | \$38 + \$2 TICKET | 7,500.00 | 1,344 |
| 4 CORNERS - CARD 2 | \$50 | 800.00 | 12,600 |
| 4 CORNERS - CARD 3 | \$100 | 77,538.46 | 130 |
| "X" - CARD 1 | \$150 | 336,000.00 | 30 |
| 4 CORNERS - CARDS 1, 3 + LINE - CARD 4 | \$150 | 336,000.00 | 30 |
| 4 CORNERS - CARD 2 + "X" - CARD 1 | \$200 | 1,008,000.00 | 10 |
| 4 CORNERS - CARD 4 | \$200 | 1,008,000.00 | 10 |
| 4 CORNERS - CARDS 1, 2, 3 + LINE - CARD 4 | \$200 | 1,008,000.00 | 10 |
| "X" - CARD 2 | \$250 | 630,000.00 | 16 |
| "X" - CARD 3 | \$500 | 1,008,000.00 | 10 |
| "X" - CARD 4 | \$20,000 | 2,520,000.00 | 4 |

(10) The estimated overall odds of winning some prize in Instant Game Number 452 are 1 in 4.22. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 452, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a GOLDEN BINGO lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for GOLDEN BINGO lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 8-16-01.

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

EFFECTIVE DATE: August 16, 2002

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs has issued a Denial of Petition for Waiver in response to the request received on July 23, 2002, from the City of Midway. The petitioner sought 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 Section 120.542, Fla. Stat., and Rule 28-104.004, Fla. Admin. Code.

A copy of the Denial of Petition, which was 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 BellSouth Telecommunications, Inc.'s petition for waiver request for Rules 25-4.107, 25-4.108 and 25-4.113, Florida Administrative Code, filed January 10, 2000, in Docket No. 000028-TP was approved with conditions by the Commission by Order No. PSC-02-00874-FOF-TP, issued June 28, 2002. The rules require a Local Exchange Company (LEC) to assist any customer or applicant in obtaining telephone service adequate to his communication needs, to

provide service, and limit circumstances under which a LEC may refuse telephone service. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on January 28, 2000.

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, (850)413-6770.

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Tampa Electric Company in Docket No. 020725-EQ, seeking waiver from subparagraph 25-17.0832(4)(e)7., Florida Administrative Code. A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services. The rule addresses the requirement that a standard offer contract have a minimum term of ten years.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

For additional information, please contact Ralph Jaeger, Office of the General Counsel, at the above address or telephone (850)413-6199.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-117 DAO-ROW), dated August 15, 2002 to HydroMentia, Inc. on behalf of Rio Ranch Corporation.

The petition for waiver was received by the SFWMD on June 5, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 25 on June 21, 2002. No public comment was received. This Order provides a waiver to allow proposed placement of a primary pump at the top of bank within the north right of way of L-62 located west of S.W. 87th Terrace in conjunction with the construction of the District's Joint Venture Project, Section 21, Township 37 South, Range 34 East, Okeechobee 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 semi-permanent above-ground facilities within 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 is necessary to prevent HydroMentia, Inc. from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone (561)682-6299 or by e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-118 DAO-ROW), dated August 15, 2002 to Charles S. Loper.

The petition for waiver was received by the SFWMD on May 2, 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 an existing dock and fence to remain within the north right of way of C-17 at the rear of 404 Anchorage Lane, Section 16, Township 42 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 governs the placement of permanent and semi-permanent above-ground facilities within 40' of the top of the canal bank and establishes a minimum elevation for pile-supported docking facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Charles S. Loper 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, (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 2002-116 DAO-ROW), dated August 15, 2002 to Kenneth Salvucci.

The petition for waiver was received by the SFWMD on May 25, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 24 on June 16, 2000. No public comment was received. This Order provides a waiver to allow an existing

dock to remain within the west right of way of C-51, Section 5, Township 44 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 governs the minimum low member elevation of pile-supported docking facilities within Works and Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Kenneth Salvucci from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680 telephone (561)682-6299 or e-mail jsluth@sfwmd.gov.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP received on June 24, 2002, a petition from Chevron Products Company (Chevron Facility #47890) for a waiver pursuant to Section 376.3071(12)(k)5., F.S., of certain record keeping requirements under Section 376.3071(12)(e), F.S. On August 9, 2002, the Department partially granted and partially denied 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 State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Variance on June 20, 2002 from District Board of Trustees of Valencia Community College.

Applicable Rule: Subparagraph 64E-2.004(4)(k)6., Florida Administrative Code

Nature of Rule: Requires the medical director of an approved EMS Training Center to be available for four hours per month for EMS provider field time and to participate as a crew member on an EMS vehicle for a minimum of ten hours per year.

Date and Place of Notice: Notice was published on July 5, 2002 in the Florida Administrative Weekly.

Date of Order: August 6, 2002

Basis for Agency Decision: The Department approved the petition for a period of one year from the date of the order on the basis that the petitioner established that the purpose of the underlying statute could be achieved by other means and that substantial hardship would result if the petitioner complied with the current rule.

A copy of the Order may be obtained by submitting a written request to Pam Lesley, Management Analyst, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

P.O. B00829

NOTICE IS HEREBY GIVEN THAT the Board of Dentistry issued a Notice of Intent to Grant Waiver on August 8, 2002 in response to the Petition for Variance and Waiver received from Raed Aloul on May 29, 2002, published in Vol. 28, No. 27 of the July 5, 2002 Florida Administrative Weekly, seeking a waiver of subsection 64B5-2.0146(2), F.A.C., with respect to Licensure Requirements for Applicants from Non-Accredited Schools and Colleges. The Board determined Petitioner presented facts to demonstrate the underlying purpose of Section 466.003(3), Florida Statutes, and is therefore able to engage in the general practice of dentistry.

A copy of the Notice of Intent to Grant Waiver can be obtained from Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on August 19, 2002, by Thomas P. Trevisani, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on August 19, 2002, by Leonard J. Levine, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on August 15, 2002, by Carlos Spera, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on August 14, 2002, on behalf of Charles E. Graper, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Psychology hereby gives notice that it has received a petition from Cherry Lynn Greenling dated August 13, 2002 seeking a waiver or variance of paragraphs 64B19-11.001(4)(b) and (c), F.A.C., with regard to additional time to complete the requirements for licensure.

Comments on this petition should be filed with the Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For additional information or for a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at above address or telephone (850)245-4374.

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on August 14, 2002, by C. Randall Harrell, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Joe M. Herrera, M.D. The Board considered the Petition at its meeting held on July 20, 2002, in Coral Gables, Florida. The Board's Order, filed on August 8, 2002, grants the petition for waiver. The Board finds that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Nizarali K. Visram, M.D. The Board considered the Petition at its meeting held on August 3, 2002, in Orlando, Florida. The Board's Order, filed on August 8, 2002, denies the Petition for waiver, finding that the Petitioner did not establish that the implementation of the rule violates the principles of fairness, or causes a substantial hardship, or that the underlying purpose of the statute was met. A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on August 14, 2002, Florida Housing Finance Corporation received a Petition for Waiver from Deercreek, LLC. Petitioner is requesting a waiver of paragraph 67-47.090(3)(a), F.A.C., which establishes the maximum purchase price of a unit to be \$121,296 (2000). The waiver is requested to bring the purchase price up to the 2002 standard price of \$144,336.

A copy of the Petition can be obtained from: Sherry Green, 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

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces the following public meeting to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: Tuesday, September 17, 2002, 10:00 a.m.

PLACE: Martin County Health Department, Conference Room, 620 South Dixie Highway, Stuart, FL 34994, (561)221-4037

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Proposal Meeting to review and discuss final proposals for Art in State Buildings Project No. DOH 9843/7400, Martin County Health Department, Stuart.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext. 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Valerie Ohlsson, (850)487-2980, Ext. 117. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Executive Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

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

The Florida **Commission on the Status of Women** will hold meetings on:

DATES AND TIMES: Thursday, September 12, 2002, 1:00 p.m. – 5:00 p.m.; Friday, September 13, 2002, 9:00 a.m. – 1:00 p.m.

PLACE: Barry University, Lehman Hall, Room 313, 11300 Northeast 2nd Avenue, Miami Shores, FL 33161, (305)899-6000. 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, PL-01, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **State Fair Authority** announces a meeting of the Finance, Long Range Planning and Marketing Committees.

DATE AND TIME: Wednesday, September 18, 2002, 10:30 a.m.

PLACE: The Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss old and new business of the Finance, Long Range Planning and Marketing Committees.

AGENDA: A copy of the agenda 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.

The Florida **State Fair Authority** announces a meeting of the Full Authority to which all persons are invited.

DATE AND TIME: Wednesday, September 18, 2002, 1:00 p.m.

PLACE: The Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Reports: Finance, Long Range Planning and Marketing; Status of Amphitheater Negotiations; Acquisition of Ferman Property.

AGENDA: A copy of the agenda 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.

DEPARTMENT OF EDUCATION

The Florida **Department of Education** announces a meeting of the Partnership for School Safety and Security to which all persons are invited.

DATE AND TIME: September 12, 2002, 10:00 a.m. – 5:00 p.m.

PLACE: Ocala Hilton, 3600 S. W. 36th Avenue, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Partnership for School Safety and Security Members appointed by Governor Jeb Bush in October 2002. The Partnership for School Safety and Security welcomes participation from any interested members of the public.

Any persons requiring special accommodation at this meeting because of a disability or physical impairment should contact Felicia Williams-Elliott, Office of Safe Schools, (850)414-7777, at least five calendar days prior to the meeting. Additional information may be obtained by writing: Department of Education, Office of Safe Schools, 325 West Gaines Street, Room 301, Tallahassee, FL 32399-0400.

The Education Commissioner Charlie Crist announces the fall adoption meetings of the **State Instructional Materials Committees**. The Committees will evaluate instructional materials that were submitted for consideration by publishers in June of 2002, and will recommend titles to be placed on the state-adopted list of instructional materials for use by public schools beginning with the 2003-2004 school year.

AGRIBUSINESS AND NATURAL RESOURCES, 6-12

DATES AND TIME: October 8-9, 2002, 8: 30 a.m.

PLACE: Embassy Suites, Lake Buena Vista Resort, 8100 Lake Avenue, Orlando, FL

SAFETY AND DRIVER EDUCATION, 9-12

DATE AND TIME: October 15, 2002, 8:30 a.m.

PLACE: Adams Mark Hotel, 100 North Atlantic Avenue, Daytona Beach, Florida

MUSIC, K-12

DATES AND TIME: November 6-7, 2002, 8:30 a.m.

PLACE: Embassy Suites, Lake Buena Vista, 8100 Lake Avenue, Orlando Florida

INTEGRATED SCIENCES, 9-12

DATES AND TIME: November 19-20, 2002, 8:30 a.m.

PLACE: Embassy Suites, Lake Buena Vista, 8100 Lake Avenue, Orlando, Florida

LITERATURE, 6-12

DATES AND TIME: December 3-5, 2002, 8:30 a.m.

PLACE: Embassy Suites, Lake Buena Vista Resort, 8100 Lake Avenue, Orlando, Florida

The meetings are open to the public. Copies of the agenda and committee rosters, and further information about the meetings may be obtained by contacting the Department of Education's Instructional Materials Office, (850)487-8791.

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows. Contact person for the meeting is Dr. Robert L. McSpadden, president.

DATE AND TIME: September 12, 2002, 10:00 a.m. (CDT)

PLACE: Gardner Seminar Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

The **Florida Higher Education Facilities Financing Authority** will hold a telephone conference on:

DATE AND TIME: Wednesday, September 18, 2002, 2:00 p.m.

PLACE: Call (850)681-3188 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of bond documentation concerning Saint Leo University bond project, Series 2002, and to conduct regular board business.

For more information or to obtain a copy of the agenda, please contact: Jennifer Mock, Independent Colleges and Universities of Florida, 111 South Monroe St., Ste. 2000A, Tallahassee, Florida 32301, (850)681-3188.

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 Jennifer Mock, (850)681-3188.

The **Florida Community College System** announces a conference call/meeting of the Employment Equity Accountability Task Force to which all persons are invited.

DATE AND TIME: September 20, 2002, 11:00 a.m. – 1:00 p.m.

PLACE: Conference Call: (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Employment Equity Accountability Task Force.

The **Commission for Independent Education** announces a public meeting to which all persons are invited.

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

PLACE: Renaissance Hotel, Orlando (near Airport), 5445 Forbes Place, Orlando, Florida 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider licenses for appropriate institutions, cases for licensure as specified in the agenda, Commission Committee meetings, and other general Commission business.

Any person who decides to appeal a decision of the Commission with respect to any matter considered at this meeting or hearing 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.

A copy of the agenda may be obtained by writing: Commission for Independent Education, Department of Education, Florida Education Center, Tallahassee, Florida 32399.

The **Florida Rehabilitation Council for the Blind** announces the following meeting.

DATES AND TIMES: September 20, 2002, 8:30 a.m. – 5:00 p.m.; September 21, 2002 8:30 a.m. – 12:00 Noon

PLACE: Crowne Plaza, 7800 Universal Blvd., Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Phyllis Dill, The Division of Blind Services, 7201 N. 9th Avenue, Suite A-11, Pensacola, FL 32504, (850)484-5030 or through the Florida Telephone Relay System 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting of the State Energy Program (SEP) Clean Fuel Florida Advisory Board (CFF) to which all interested parties are invited.

SEP CFF Meeting

DATES AND TIME: September 4-5, 2002, 9:00 a.m. – 4:30 p.m.

PLACE: University of South Florida, Center for Urban Transportation Research, Room CUT – 100, 4202 East Fowler Avenue, Tampa, Florida 33620-5375

ACTIONS TO BE TAKEN: The CFF will consider the following items:

1. Report on State Energy Initiatives.
2. Legislative Outreach Committee Report.
3. Education and Outreach Program.
4. State/Regional/National Transportation Meetings Being Hosted in Florida.
5. CFFAB "Cornerstone" Report.

APPEAL INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting he or she may need a record of transcript of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record may include testimony and evidence relevant to the appeal.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Essie Turner, Administrative Assistant, Department of Community Affairs, 2255 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2475.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces public meetings to which all persons are invited.

DATE AND TIME: September 9, 2002, 2:00 p.m. – 5:00 p.m.

PLACE: Department of Transportation, District 6, Executive Conference Room, 2nd Floor, 1000 N. W. 111th Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Briefing of the Florida Transportation Commission.

DATE AND TIME: September 10, 2002, 8:00 a.m. – 2:00 p.m.

PLACE: Department of Transportation, District 6, District Auditorium, 1000 N. W. 111th Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, MS #9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting Cathy Goodman, (850)414-4105.

The **Department of Transportation**, Florida's Turnpike announces a Public Hearing to which all persons are invited.

DATE AND TIMES: September 26, 2002, Open House 6:00 p.m.; Formal Presentation 6:30 p.m.

PLACE: Palm Beach Gardens High School, Cafeteria, 4245 Holly Drive, Palm Beach Gardens, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with Federal-Aid Highway Act of 1968, as amended, 23 U.S.C. 128, 40 C.F.R., 1500-1508 C.F.R. 771, and Section 339.155 Florida Statutes, and is also consistent with the Americans With Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as

amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed project Financial Project Number 232074 2 32 01 4 0 otherwise known as the design of the new State Road 710 Interchange with Florida's Turnpike, with project limits from south of State Road 710 to Northlake Boulevard. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988. A Toll Rate Public Hearing will be held as part of this Design Public Hearing to allow the public an opportunity to comment on the development of proposed toll rates for the SR 710/Northlake Boulevard Turnpike interchange.

Anyone needing project or public hearing information may contact: Mr. Tim Linder, P.E., Project Manager, Florida's Turnpike Enterprise, Post Office Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Extension 3432.

Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact Catherine Bradley, P.E., Florida's Turnpike Enterprise, Post Office Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Extension 3802. Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Tim Linder, P.E., Project Manager, Florida's Turnpike Enterprise, Post Office Box 613069, Ocoee, Florida 34761-3069.

In the unlikely event that an emergency or act of nature should cause the hearing to be rescheduled, the new date would be October 10, 2002.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Fresh Grapefruit Advisory Council to which all persons are invited.

DATE AND TIME: Wednesday, September 11, 2002, 10:00 a.m.

PLACE: Indian River Citrus League, 7925 20th Street, Vero Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will consider additional marketing programs to fully develop a marketing plan for the 2002-2003 domestic fresh grapefruit season, and any other business that might come before the Council for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson by telephone at (863)499-2510.

The **Department of Citrus** announces a public meeting of the Fresh Orange and Specialty Advisory Council to which all persons are invited.

DATE AND TIME: Monday, September 9, 2002, 1:00 p.m.
 PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will consider additional marketing programs to fully develop a marketing plan for the 2002-2003 domestic fresh orange and specialty fruit season, and other business that might come before the council for consideration.
 In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

The **Department of Citrus** announces a public meeting of the Medical and Nutritional Research Advisory Council to which all persons are invited.

DATE AND TIME: Wednesday, September 11, 2002, 9:30 a.m.
 PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: There will be a meeting to review completed 2001-2002 research, and consider new project(s) for 2002-2003. The Council will also discuss any other issues that may properly come before the Council.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

OFFICE OF THE EXECUTIVE GOVERNOR

The **Office of Film and Entertainment** and the Florida Film and Entertainment Advisory Council will convene in a meeting of the Council. This is a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 13, 2002, 2:00 p.m.
 PLACE: Hilton Jacksonville Waterfront, Amelia Room, 1201 Riverplace Boulevard, Jacksonville FL 32207, (904)398-8800
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To review projects, discuss committee tasks, legislative issues and related general administrative matters of the Council.

A copy of the agenda may be obtained by writing: Mrs. Rebecca Dirden Mattingly, Commissioner, Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Room 2002, The Capitol, Tallahassee, Florida 32399-0001 or calling (850)410-4765.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Chapter 286.26, Florida

Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

REGIONAL TRANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited.

PUBLIC HEARING

DATE AND TIME: September 15, 2002, 5:30 p.m.
 PLACE: County Center, Planning Commission Board Room, 18th Floor, 601 E. Kennedy Boulevard, Tampa, Florida
 PURPOSE: Regularly Scheduled Board Meeting.
 AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order.
2. Approval of Minutes.
3. Introductions, Recognition and Awards.
4. Consumer Advisory Committee Report.
5. Public Comment on Action Items.
6. Consent Action Items.
7. Other Action Items.
8. Chairman's Report.
9. Reports from HART Representatives.
10. HART Committee Reports.
11. Other Board Member's Report.
12. Executive Director's Report.
13. Employee Comment.
14. General Public Comment.
15. Discussion and Presentations.
16. Monthly Information Reports.
17. Other Information Items.
18. Other Business.

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 900, Tampa, FL 33602, (813)223-6831, Ext. 2111.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that 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.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should

contact Lauren Skiver, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces the following field trip and public hearing to which all interested persons are invited.

DATE AND TIME: Thursday, September 12, 2002, 1:00 p.m. (CDT)

PLACE: Field Trip to Begin at Eden Gardens State Park, Point Washington, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Field Trip on the Choctawhatchee River.

DATE AND TIME: Thursday, September 12, 2002, 5:05 p.m. (CDT)

PLACE: DeFuniak Springs City Hall, Chautaugua Building, Museum Room, 96 Circle Drive, DeFuniak Springs, FL 32435

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Adoption of Proposed Millage Rate for FY 2002-2003 and Consideration of Adoption of the District's FY 2002-2003 Proposed Tentative Budget.

A copy of this agenda can be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999.

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

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: September 10, 2002, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

A copy of the agenda may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, FL 32060.

DATE AND TIME: September 10, 2002, following the Board Meeting

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Public Hearing on FY 2002-2003 budget and proposed millage rate.

A copy of the agendas may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

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 M. Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following Projects and Land Committee meeting and tour.

PROJECTS AND LAND COMMITTEE PUBLIC MEETING OVERVIEW OF THE INDIAN RIVER LAGOON PROJECTS

DATE AND TIME: September 5, 2002, 6:00 p.m.

PLACE: Atlantic Center for the Arts, 1414 Art Center Avenue, New Smyrna Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Projects and Land Committee business meeting.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Sonia Kuecker, BRS IV/Water Resources, (904)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

The **St. Johns River Water Management District** announces the following Projects and Land Committee meeting and tour.

PROJECTS AND LAND COMMITTEE HELICOPTER TOUR OF THE INDIAN RIVER LAGOON

DATE AND TIME: September 6, 2002, 8:00 a.m.

PLACE: Leaving from and returning to the New Smyrna Beach Airport

BUSINESS MEETING OF THE SAME COMMITTEE

DATE AND TIME: September 6, 2002, 10:30 a.m.

PLACE: Atlantic Center for the Arts, 414 Art Center Avenue, New Smyrna Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Project tour and committee business meeting.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Sonia Kuecker, BRS IV/Water Resources, (904)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

The **St. Johns River Water Management District** announces the following public meetings and hearings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

MEETING OF GOVERNING BOARD CHAIR AND COMMITTEE CHAIRS

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

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE MEETING

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

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance, Facilities/Planning/Construction, Information Technology and Personnel agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted FY 2001-2002 budget.

REGULATORY COMMITTEE MEETING

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

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

BUDGET, GOVERNING BOARD, AND REGULATORY MEETINGS AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, September 10, 2002, 1:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of budget information for Fiscal Year 2002-2003. Discussion and consideration of District business including regulatory and non-regulatory matters.

RECONVENE RULE PUBLIC HEARING

DATE AND TIME: Tuesday, September 10, 2002, following the regularly scheduled Regulatory meeting which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District, Headquarters, 4049 Reid Street, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to Chapters 40C-4, 40C-41, 40C-42 and 40C-44, F.A.C., and associated Applicant's Handbooks: Management and Storage of Surface Waters, Regulation of Stormwater Management Systems, and Agricultural Surface Water Management Systems, regarding phosphorus limitations for Lake Apopka.

PUBLIC HEARING ON TENTATIVE MILLAGE RATE AND BUDGET FOR FY 2002-2003

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

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the tentative FY 2002-2003 millage rate and budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

GOVERNING BOARD MEETING

DATE AND TIME: Wednesday, September 11, 2002, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of other District business including regulatory and non-regulatory matters.

NOTE: In the event of a declared emergency or emergency conditions due to an imminent tropical storm or hurricane, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429. Any item which appears on the agenda for the Governing Board, Regulatory, and/or Committee meetings may be considered on day one or day two. The order of items appearing on the agenda is subject to change during the meetings.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or

hearing by contacting Ann Freeman, (386)329-4101. If you are hearing or speech impaired, please contact the District by calling (386)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** announces a Northern Region Recreation Advisory Council Meeting to which all persons are invited.

MEETING: Northern Region Recreation Advisory Council
DATE AND TIME: Tuesday, September 17, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Island House at Pellicer Creek Conservation Area and Princess Place Preserve, Located 5 miles north of Palm Coast on Old Kings Road off of US 1, Flagler County, FL. Call (386)329-4404 for further directions, if needed.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Northern Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

The **St. Johns River Water Management District** (SJRWMD) announces the following public meeting, to which all persons are invited.

MEETING: Indian River Lagoon Surface Water Improvement and Management Plan Update
DATE AND TIME: Tuesday, September 17, 2002, 6:00 p.m.

PLACE: SJRWMD, Palm Bay Service Center, 525 Community College Parkway, S. E., Palm Bay, FL 32909

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss and receive comments on the proposed revisions to the Surface Water Improvement and Management Plan for the Indian River Lagoon.

Anyone requiring a special accommodation to participate in this meeting is requested to advise the District at least 48 hours before the meeting by contacting Kathy Recore, (321)984-4950 or (321)984-5368 (TDD).

The **St. Johns River Water Management District** announces the following public meetings and hearings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

MEETING: BUDGET, GOVERNING BOARD, REGULATORY AND PUBLIC HEARING

DATE AND TIME: Wednesday, September 25, 2002, 2:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff will recommend approval of external budget amendments that may affect current adopted budget. Discussion and consideration of other District business including regulatory and non-regulatory matters.

PUBLIC HEARING ON THE FINAL MILLAGE RATE AND BUDGET FOR FY 2002-2003

DATE AND TIME: Wednesday, September 25, 2002, 5:05 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the final FY 2002-2003 millage rate and budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

NOTE: In the event of a declared emergency or emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to permit maximum participation of the Governing Board.

A copy of the agenda may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** announces the following public meeting which may be attended by one or more Governing board members. All persons are invited.

FLORIDA'S 27TH ANNUAL CONFERENCE ON WATER MANAGEMENT

DATES AND TIME: Wednesday, October 2, 2002, 10:30 a.m. through Friday, October 4, 2002

PLACE: Hyatt Regency Miami Hotel, 400 Southeast Second Avenue (downtown on Miami River), Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference will provide a forum for water managers, elected officials, industry leaders, environmentalists, farmers, and other interested parties to discuss water supply and water management issues.

NOTE: A copy of the agenda for these meetings may be obtained by writing: McRae and Company, Inc., Post Office Box 12187, Tallahassee, FL 32317-2187 or contacting conference management, (850)906-0099.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate is requested to advise conference management at least 48 hours before the meeting by phone call (850)906-0099.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

JOINT GOVERNING BOARD/TAMPA BAY WATER BOARD OF DIRECTORS WORKSHOP

DATE AND TIME: Friday, September 6, 2002, 9:00 a.m.

PLACE: Bayfront Center, Sun Pavilion Room, 400 1st Street, South, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Future partnership, desalination and regional reclaimed water issues.

LAKE PANASOFFKEE RESTORATION COUNCIL MEETING

DATE AND TIME: Monday, September 9, 2002, 5:00 p.m.

PLACE: Sumter County Courthouse, 209 North Florida Street, Bushnell, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Council business.

GOVERNING BOARD TENTATIVE BUDGET HEARING

DATE AND TIME: Tuesday, September 10, 2002, 5:01 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board adoption of tentative millage rate and budget for FY 2003.

GOVERNING/BASIN BOARDS WORKSHOP

DATE AND TIME: Friday, September 13, 2002, 9:00 a.m.

PLACE: Starkey Environmental Education Center, New Port Richey, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water management policy issues of mutual concern.

SWFWMD AND CITRUS COUNTY COMMISSION MEETING

DATE AND TIME: Monday, September 16, 2002, 1:00 p.m.

PLACE: Masonic Building, 3rd Floor, Commission Chambers, 111 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of water supply issues and ways to increase water supply.

BASIN BOARD EDUCATION COMMITTEE

DATE AND TIME: Tuesday, September 17, 2002, 9:30 a.m.

PLACE: Lettuce Lake Park, 6920 Fletcher Avenue, East, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business.

GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS

DATE AND TIME: Tuesday, September 24, 2002, 8:30 a.m. (NOTE: This is a change of time from the originally published calendar.)

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting, public hearing and committee meetings.

GOVERNING BOARD FINAL BUDGET HEARING

DATE AND TIME: Tuesday, September 24, 2002, 5:01 p.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board adoption of final millage rate and budget for FY 2003.

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, September 25, 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 the following public meetings and hearings, which may be conducted by means of or in conjunction with communications technology, to which all persons are invited.

DATE AND TIME: September 11, 2002, 9:00 a.m.

PLACE: Harborside Convention Center, 1375 Monroe Street, Ft. Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.

DATE AND TIME: September 12, 2002, 8:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, including public hearings.

An Audit Committee meeting will begin at 8:00 a.m.

NOTE: Except for public hearings, any item which appears on the agenda for any of the Governing Board meetings that appear in this notice may be discussed and considered at any of the Governing Board Meetings that appear in this notice. The order of items appearing on the agendas is subject to change during the meetings.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680, or may be acquired via the SFWMD Web Site at <http://www.sfwmd.gov/agenda.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Deputy District Clerk, (561)682-6447, at least two business days in advance to make appropriate arrangements.

NOTE: All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board Members.

Any item which appears on the agenda for the Governing Board Workshop/Meeting or Regular Meeting may be considered at the October 9, 2002 Workshop Meeting or October 10, 2002, Regular Meeting of the Governing Board.

The order of items appearing on the Agenda is subject to change during the meeting and is at the discretion of the Chair(s) and Governing Board(s). Except for Governing Board hearings that involve the issuance of final orders based on recommended orders received from the Florida Division of Administrative Hearings, public comment will be taken after each presentation and before any Governing Board action(s).

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: Wednesday, September 11, 2002, at or after 9:00 a.m.

PLACE: Harborside Convention Center, 1375 Monroe Street, Ft. Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in Miccosukee Tribe of Indians of Florida, v. South Florida Water Management District and Sam Poole, and Friends of Everglades v. South Florida Water Management District, United States Court of Appeals Eleventh Circuit, Case No. 00-15703; Friends of the Everglades Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 02-80309; and Florida Wildlife Federation v. South Florida Water Management District, United States District Court, Middle District of Florida, Case No. 2:02-cv-340-FtM-29DNF. ATTENDEES: Governing Board Members T. Williams, P. Brooks-Thomas, M. Collins, H. English, G. Fernandez, P. Gleason, N. Gutiérrez, L. Lindahl, H. Thornton; Executive Director H. Dean; District attorneys J. Fumero, S. Glazier, D. MacLaughlin, J. Nutt and K. Burns.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: 1) District website <http://www.sfwmd.gov/agenda.html> or 2) by writing to the South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: Wednesday, September 11, 2002, at or after 9:00 a.m.

PLACE: Harborside Convention Center, 1375 Monroe Street, Ft. Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in South Florida Water Management District v. Daiagi, District Court of Appeal of Florida, Fourth District, Case No. 4D01-1918.

ATTENDEES: Governing Board Members T. Williams, P. Brooks-Thomas, M. Collins, H. English, G. Fernandez, P. Gleason, N. Gutiérrez, L. Lindahl, H. Thornton; Executive Director H. Dean; District attorneys J. Fumero, S. Glazier, R. Panse, N. Gregoire and R. Woulfe.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: 1) District website <http://www.sfwmd.gov/agenda.html> or 2) by writing to the South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited.

DATE AND TIME: September 11, 2002, 10:00 a.m. – 12:00 Noon

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD Budget and finance-related matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or wishing to submit written or physical evidence may contact Marcie Daniel, Budget Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: September 12, 2002, 8:30 a.m.

PLACE: District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, conduct meeting of the Audit Committee, including public meetings, adopt a resolution amending the FY 2001-02 Budget as follows:

Proposed FY2001-02 Budget Amendment

| | General Fund | Special Revenue Funds | Capital Projects Funds | Internal Service Fund | Total |
|--|----------------------|-----------------------|------------------------|-----------------------|----------------------|
| FY2001-02 Amended Revenues & Balances | \$93,047,026 | \$214,508,045 | \$418,624,887 | \$3,432,616 | \$729,612,574 |
| Amendments: | | | | | |
| Bank Loan Proceeds | | | 9,000,000 | | 9,000,000 |
| Investment Income | | 111,833 | 46,165 | | 157,998 |
| Other Income | 720,000 | | 45,336 | | 765,336 |
| Intergovernmental Revenue | | 18,524,095 | 124,480,768 | | 143,004,863 |
| Operating Transfers In | | 627,877 | (3,565,695) | | (2,937,818) |
| Operating Transfers Out | 2,935,673 | 688,862 | (686,717) | | 2,937,818 |
| Undesignated Fund Balance | | (33,719,649) | (135,279,400) | | (168,999,049) |
| Total Amended Revenues and Balances | 96,702,699 | 200,741,063 | 412,665,344 | 3,432,616 | 713,541,722 |
| Reserved for Encumbrances | 16,425,818 | 39,754,700 | 47,413,565 | 36,271 | 103,630,354 |
| Total Amended Sources | \$113,128,517 | \$240,495,763 | \$460,078,909 | \$3,468,887 | \$817,172,076 |
| | | | | | |
| FY2001-02 Amended Appropriations | \$93,047,026 | \$214,508,045 | \$418,624,887 | \$3,432,616 | \$729,612,574 |
| Amendments: | | | | | |
| Contractual Services | 612,149 | (7,572,026) | (535,673) | | (7,495,550) |
| Personnel Services | 3,043,524 | 908,043 | (2,979,000) | | 972,567 |
| Reserves | | (7,045,528) | (335,060) | | (7,380,588) |
| Operating Expenditures | | (13,333) | (58,840) | | (72,173) |
| Capital Operating Services | | (44,138) | | | (44,138) |
| Capital Construction | | | (2,050,970) | | (2,050,970) |
| Total Amended Appropriations | 96,702,699 | 200,741,063 | 412,665,344 | 3,432,616 | 713,541,722 |
| Reserved for Encumbrances | 16,425,818 | 39,754,700 | 47,413,565 | 36,271 | 103,630,354 |
| Total Amended Appropriations & Encumbrances | \$113,128,517 | \$240,495,763 | \$460,078,909 | \$3,468,887 | \$817,172,076 |

This amendment is composed of a series of transactions relating to:

1. Reducing available fund balances and budgeted expenditures to correctly align funds with actual revenues received.
2. Reducing external grant/mitigation budget authority to reflect more accurate grant projections since budget adoption.
3. Recognizing additional revenue from bank loan proceeds, investment income, intergovernmental revenue and other miscellaneous income.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

Persons with disabilities who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact Garrett Wallace, District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a private closed door attorney-client session in the event this subject matter is not reached as noticed for September 11, 2002, in the Friday, August 30, 2002 issue of the Florida Administrative Weekly.

DATE AND TIME: Thursday, September 12, 2002, at or after 8:30 a.m.

PLACE: South Florida Water Management District, Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in Miccosukee Tribe of Indians of Florida, v. South Florida Water Management District and Sam Poole, and Friends of Everglades v. South Florida Water Management District, United States Court of Appeals, Eleventh Circuit, Case No. 00-15703; Friends of the Everglades Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 02-80309; and Florida Wildlife Federation v. South Florida Water Management District, United States District Court, Middle District of Florida, Case No. 2:02-cv-340-FtM-29DNF.

ATTENDEES: Governing Board Members T. Williams, P. Brooks-Thomas, M. Collins, H. English, G. Fernandez, P. Gleason, N. Gutiérrez, L. Lindahl, H. Thornton; Executive Director H. Dean; District attorneys J. Fumero, S. Glazier, D. MacLaughlin, J. Nutt and K. Burns.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained at the Martin/St. Lucie Service Center or by writing: South Florida Water Management District, Martin/St. Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994.

A copy of the agenda may be obtained: 1) District website <http://www.sfwmd.gov/agenda.html> or 2) by writing to the South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a private closed door attorney-client session in the event this subject matter is not reached as noticed for September 11, 2002, in the Friday, August 30, 2002 issue of the Florida Administrative Weekly.

DATE AND TIME: Thursday, September 12, 2002, at or after 8:30 a.m.

PLACE: South Florida Water Management District Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in South Florida Water Management District v. Daiagi, District Court of Appeal of Florida, Fourth District, Case No. 4D01-1918.

ATTENDEES: Governing Board Members T. Williams, P. Brooks-Thomas, M. Collins, H. English, G. Fernandez, P. Gleason, N. Gutiérrez, L. Lindahl, H. Thornton; Executive Director H. Dean; District attorneys J. Fumero, S. Glazier, R. Panse, N. Gregoire and R. Woulfe.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: 1) District website <http://www.sfwmd.gov/agenda.html> or 2) by writing to the South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: September 18, 2002, 8:30 a.m. – 5:00 p.m.

PLACE: The Blake Library, 2351 S. E. Monterey Blvd., Stuart, FL 34996

GENERAL SUBJECT MATTER TO BE CONSIDERED: The St. Lucie River Issues Team will be evaluate and rank projects for funding recommendation in FY 2004.

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: Patricia K. Goodman, Martin/St. Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994, 1(800)250-4100, Ext. 3604.

The South Florida Water Management District announces a public meeting to which all interested parties are invited.

DATE AND TIME: Monday, September 23, 2002, 2:00 p.m.

PLACE: Northern Palm Beach County Improvement District, Auditorium, 357 Hiatt Drive, Palm Beach Gardens, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 4770, 210 Atlanta Avenue, Stuart, Florida 34994.

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 Kathy LaMartina, Martin/St. Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994, (772)223-2600, Ext. 3603.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Conference Committee Meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 17, 2002, 10:00 a.m. – Until completion

PLACE: Rhyne Building, Suite 1A, 2740 Centerview Drive, Tallahassee, FL, (850)410-5700. Conference Call: (850)922-2903, Suncom 292-2903 or 1(800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss plans for 2003 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450,

(850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited.

DATE AND TIME: Monday, September 16, 2002, 10:00 a.m.

PLACE: Tampa Bay Water, Suite 211-A, 2535 Landmark Drive, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Thursday, September 19, 2002, 10:00 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, Bldg. 3, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: AHCA will consider recommendations for a plan to reduce Medicaid-funded nursing home bed days, such as looking at other home and community-based alternatives, as part of legislative mandate, SB 1276.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Lori Parham, (850)414-2841, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Lori Parham, Government Analyst II, Agency for Health Care Administration, Medicaid Bureau of Research, Bldg. 3, Room 2335A, Mail Stop #48, 2727 Mahan Drive, Tallahassee, FL 32308-5403.

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Tuesday, September 17, 2002, 8:00 a.m. – 5:00 p.m.

PLACE: Meet-me number: 1(800)416-4132 or (850)922-7892, Local (Tallahassee)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to discuss the daily functions and activities of the Commission.

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: Monday, September 30, 2002, 9:00 a.m. (EST)

PLACE: To be held as a telephone conference call. The number to call at 9:00 a.m. is: (850)488-5776, Suncom 278-5776

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 Florida **Board of Funeral Directors and Embalmers** announces the following meeting to be held by telephone conference call, to which all parties are invited to attend.

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

PLACE: Call: (850)414-1706, Suncom 994-1706

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Landscape Architecture** announces the following meeting, to be held by telephone conference call to which all persons are invited to attend.

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

PLACE: Call: (850)488-0979, Suncom 278-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Landscape Architecture, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 11, 2002, 6:00 p.m.

PLACE: Guana Tolomata Matanzas National Estuarine Research Reserve, 9741 Ocean Shore Blvd., Town of Marineland, St. Augustine, Florida 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group (MAG) for the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) meets regularly on the second Wednesday of the third month of each quarter. The MAG is composed of ten citizens appointed by the three state legislators with overlapping jurisdictions within the reserve boundaries, ten representatives of the local, state and federal government entities with authority and responsibility in the reserve, and one member of the Friends of Guana River State Park (FroG), a private non-profit Citizen Support Organization. The government entities are the National Park Service; the Florida Park Service; the Florida Fish and Wildlife Conservation Commission; the St. Johns River Water Management District; the Florida Inland Navigation District; the Flagler County Board of County Commissioners; the St. Johns County Board of County Commissioners; the St. Augustine Port, Waterway and Beach Authority; the City of St. Augustine; and the Town of Marineland. The MAG provides advisory input to the Office of Coastal and Aquatic Managed Areas for the management of the GTMNERR.

The meeting agenda will include MAG member reports, and progress reports on a variety of GTMNERR activities including the planned construction of an environmental education center at the Guana River State Park.

A copy of the agenda may be obtained by contacting: Mr. Kenneth Berk, GTMNERR, 9741 Ocean Shore Blvd., St. Augustine, Florida 32080, (904)461-4054.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

The **Department of Environmental Protection** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, September 17, 2002, 10:00 a.m.

PLACE: City of Pensacola, Hagler-Mason Room, 2nd Floor, 180 Governmental Center (street), (brick building across from the DEP building; enter parking lot either from Reus Street or Spring Street; park in "visitors" area), Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the second public workshop to continue discussion and receive public comments on proposed rule amendments that will implement the environmental resource permit (ERP) program under Part IV of Chapter 373 of the Florida Statutes within the geographic limits of the Northwest Florida Water Management District. These rules will regulate construction, alteration, operation, removal and abandonment of structures and systems in uplands, wetlands, and other surface waters, and will replace the existing Chapters 62-25 and 62-312, F.A.C., for activities subject to regulation under the new ERP program.

CONTACT: Jeanese McCree, Bureau of Beaches and Wetland Resources, Tallahassee, FL, (850)921-9901, Facsimile (850)488-6579 or e-mail: jeanese.mccree@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

The 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."

The **Department of Environmental Protection, Division of Air Resource Management** announces a series of three public workshops (40 CFR 51.102 hearings) to which all persons are invited.

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

PLACE: Safety Harbor Resort, Harbor Room, 105 North Bayshore Drive, Safety Harbor, FL 34695

DATE AND TIME: October 8, 2002, 1:30 p.m.

PLACE: Department of Planning and Environmental Protection, Cypress Room, 2nd Floor, 218 S. W. 1st Avenue, Fort Lauderdale, FL 33301

DATE AND TIME: October 10, 2002, 1:30 p.m.

PLACE: City Hall at St. James, Council Committee Room B, 117 West Duval Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department will hear comments on its proposal to submit to the U.S. Environmental Protection Agency, as proposed revisions to the State Implementation Plan (SIP), revised ozone air quality maintenance plans for the Tampa Bay area (Hillsborough and Pinellas counties), the Southeast Florida area (Dade, Broward and Palm Beach counties), and Duval County. The revised plans, applicable for the years 2005 to 2015, update the previous plans by using updated emission factors, provide for new projections of emissions, and explicitly define motor vehicle emissions budgets in support of the transportation conformity regulations. The basic premise and commitments of the revised maintenance plans remain the same as the previous plans.

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

The Florida **Department of Health**, Office of Rural Health announces a meeting of the Critical Access Hospitals Advisory Team to which all persons are invited.

DATE AND TIME: September 19, 2002, 10:00 a.m. (EDT)
 PLACE: Southwood Office Complex, Room 320N, 4025 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss activities and policy related to the Medicare Rural Hospital Flexibility Grant Program.

A copy of the agenda may be obtained by writing: Office of Rural Health, 4052 Bald Cypress Way, BIN #C-15, Tallahassee, FL 32399-1735 or by calling Bob Pannell, (850)245-4340, Ext. 2705.

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 Bob Pannell, (850)245-4340, Ext. 2705. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Department of Health, Division of Medical Quality Assurance** announces a meeting to which all persons are invited.

DATE AND TIMES: September 27, 2002, 9:30 a.m. or soon thereafter – 4:30 p.m. Registration beginning at 9:00 a.m.

PLACE: Tallahassee Regional Airport, Dale Mabry Conference Center, Tallahassee, Florida, (850)891-7800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long Range Planning Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C00, Tallahassee, Florida 32399-3255 or by calling (850)245-4224.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting (850)245-4224. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Department with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Medicine**, Finance Committee announces a telephone conference call to be held via meet me number.

DATE AND TIME: Monday, September 9, 2002, 8:00 p.m.

PLACE: Contact Florida Board of Medicine, (850)245-4131 for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: September 20, 2002, 2:00 p.m.

PLACE: Meet Me Number: (850)488-8295, Suncom 278-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, September 21, 200, 8:30 a.m. or soon thereafter

PLACE: The Hilton Miami Airport, 5101 Blue Lagoon Drive, Miami, FL 33126, (305)262-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, September 13, 2002, 1:00 p.m. or soon thereafter

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, FL 33607, (813)877-6688

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Margaret Anglin, Regulation Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record or the proceeding is made, which record includes the testimony and evidence upon which is to be based.

NOTICE OF CORRECTION – The **Department of Health** and the **Board of Occupational Therapy Practice** announces a Conference Call to which all persons are invited.

DATE AND TIME: September 9, 2002, 9:00 a.m. or soon thereafter

PLACE: Call: (850)488-5778 Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Osteopathic Medicine** will hold the following meeting to which all persons are invited.

DATES AND TIMES: Friday, September 13, 2002, 6:00 p.m.; Saturday, September 14, 2002, 9:00 a.m. or shortly thereafter

PLACE: Tradewinds on St. Pete Beach, 6000 Gulf Blvd., St. Petersburg Beach, FL 33706, (727)360-5551

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 or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Karen Eaton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Board of Osteopathic Medicine** announces a meeting.

DATE AND TIME: September 27, 2002, 9:00 a.m. or soon thereafter

PLACE: Hilton Ft. Lauderdale Airport, 1870 Griffin Road, Dania Beach, FL 33004, (954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Richard Shoop, Senior Attorney, Agency for Health Care Administration, General Counsel, Palmer Building, Post Office Box 14229, Tallahassee, FL 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at Post Office Box 14229, Tallahassee, FL 32317-4229, (850)414-8126, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

The **Department of Health, Board of Physical Therapy Practice** announces a conference call to which all persons are invited.

DATE AND TIME: October 3, 2002, 8:30 a.m. or soon thereafter

PLACE: Call: (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: Education Committee Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Psychology** announces a meeting to which all persons are invited.

DATES AND TIME: November 15-16, 2002, 8:00 a.m. or soon thereafter

PLACE: The Homewood Suites Hilton Hotel, 2987 Apalachee Parkway, Tallahassee, FL 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by contacting the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD). Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Respiratory Care** announces meetings to which all persons are invited.

DATE AND TIMES: October 11, 2002, Probable Cause Panel, 8:00 a.m. or soon thereafter; General Board Meeting, 9:15 a.m. or soon thereafter

PLACE: The Embassy Suites, 555 North Westshore Blvd., Tampa, FL 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel and General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD). Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that

a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Community Hospital Education Council** and the Graduate Medical Education Committee announces a joint meeting to be held, to which all persons are invited.

DATE AND TIME: September 9, 2002, 3:00 p.m. – 5:00 p.m. (EST)

PLACE: Orlando Regional Medical Center, Thorsen Board Room, 65 West Sturtevant Street, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the council and committee.

A copy of the agenda may be obtained by writing: Winona Dallis, Office of Community Health Resources, 4052 Bald Cypress Way, BIN #C15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 3504.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Office of Community Health Resources, (850)245-4440, Ext. 3504, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Office of Community Health Resources using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Pursuant to Section 381.90, F.S., the Florida **Health Information Systems Council** will hold a joint telephone conference call and meeting to facilitate the identification, collection, standardization, sharing and coordination of health-related data among federal, state, local, and private entities.

DATE AND TIME: September 24, 2002, 2:00 p.m. – 4:00 p.m.
PLACE: Call: (850)921-2470 or Suncom 291-2470

NOTE: The following location has been reserved to provide a common site for the meeting/conference call. Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, FL 32399.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces a meeting of the Hernando County Community Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, September 11, 2001, 10:00 a.m.
PLACE: Career Central, 7347 Forest Oaks Blvd., Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Lake County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, September 18, 2002, 12:00 Noon

PLACE: Public Safety Complex, Room 302, 12900 Lane Park Cutoff Road, Tavares, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Shared Services Alliance to which all persons are invited.

DATE AND TIME: Thursday, September 26, 2002, 8:30 a.m.
PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Shared Services Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, September 26, 2002, 10:00 a.m.
PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The **Council on Homelessness** announces a conference call meeting of its Discharge Committee, to which all persons are invited.

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

PLACE: Call: (850)488-5778 or Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will take place to begin to develop tasks and strategies for implementing the Council's objective on reducing discharges to homelessness by 25%.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness (850)922-4691, at least 48 hours in advance of the meeting.

NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces the following Board of Commissioners meeting to which all interested parties are invited.

DATE AND TIME: Friday, September 6, 2002, 4:00 p.m.

PLACE: Venice City Hall, 401 West Venice Avenue, Venice, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District, with the First Public Hearing at 5:01 p.m. on the proposed budget for FY 2002/2003.

A copy of the agenda for this meeting may be obtained by writing: WCIND, P. O. Box 1845, Venice, FL 34284.

No verbatim record will be made of this meeting. Any person wishing to appeal decisions made at this meeting may need to ensure that a verbatim record is made.

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 6, 2002, 8:00 a.m.

PLACE: The Sailfish Marina and Resort, 98 Lake Drive, Palm Beach Shores, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Personnel, Manatee Sign and Land Acquisition and Management Committees will meet.

Please contact the District Office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for

such purposes, they 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 based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

SENATE JUDICIARY COMMITTEE

The **Study Committee on Public Records** will hold the following two public meetings:

DATE AND TIME: Friday, August 23, 2002, 10:00 a.m. – 4:00 p.m.

PLACE: The Knott Building, Room 412, 111 St. Augustine Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct initial meeting of the committee including introduction of members, discussion and resolution of procedural issues, presentations regarding the charge of the committee, appointment of subcommittees, discussion of agendas and meetings for committee and subcommittees, overview of the public records law regarding records maintained by the clerks of the court, and presentation by the clerks of the court regarding the application and implementation of the public records law as to the information and records they maintain.

DATE AND TIME: Friday, September 6, 2002, 10:00 a.m. – 4:00 p.m.

PLACE: The Knott Building, Room 412, 111 St. Augustine Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To complete unfinished business of first meeting, to hear presentations by users of information in court records, official records and public records held by the clerks of the court, and to hear public testimony.

For more information or to obtain a copy of the agenda, please contact: Brenda Williams, Senate Judiciary Committee, 515 Knott Building, 404 S. Monroe Street, Tallahassee, Florida 32399-1100, (850)487-5198 or via e-mail at williams.brenda@leg.state.fl.us.

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 (850)487-5224.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces a public meeting to which all persons are invited.

SERVICING CARRIER PROCESSING REVIEW COMMITTEE

DATE AND TIME: Thursday, September 5, 2002, 1:00 p.m. – 5:00 p.m.

PLACE: Holiday Inn Select, T. G. Lee Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Follow up on changes recommended at the January 8, 2002, meeting and any other matters that may come before the committee.

Additional information may be obtained from: Lisa Blackwell Stoutamire, FAJUA, 1113 East Tennessee Street, Suite 401, Tallahassee, FL 32308, (850)681-2003, fajua@aol.com.

FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST

The Board of Trustees for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: September 13, 2002, 8:00 a.m.

PLACE: Hilton Hotel, Hilton Jacksonville Riverfront, Amelia Room, 1201 Riverplace Blvd., Jacksonville, FL 32207

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: the Trust's Administrator, FACC Service Corporation, (850)921-0808.

ENTERPRISE FLORIDA

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

Meeting: Enterprise Florida Small Business Council

DATE AND TIME: Friday, September 13, 2002, 3:00 p.m. – 4:00 p.m.

PLACE: Via Teleconference Call-In Number: 1(877)546-1568, Passcode: 32462, Leader: Lynda Keever

If an accommodation is needed for a disability or physical impairment, please contact Mary Delamar, (407)316-4617, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office** announces two meetings of its Executive Committee via teleconference, to which all interested parties are invited.

DATES AND TIME: Tuesday, September 24, 2002; Wednesday, September 25, 2002, 10:00 a.m.

PLACE: Florida Surplus Lines Service Office, 114 S. Duval Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget Issues.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, Ext. 19.

The **Florida Surplus Lines Service Office** announces three meetings of its Board of Governors' via teleconference, to which all interested parties are invited.

DATES AND TIMES: Wednesday, September 25, 2002, 2:00 p.m.; Monday, September 30, 2002, 10:00 a.m.; Monday, September 30, 2002, 2:00 p.m.

PLACE: Florida Surplus Lines Service Office, 114 S. Duval Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget Issues.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, Ext. 19.

The **Florida Surplus Lines Service Office, Board of Governors'** announces a public meeting to which all interested parties are invited.

BOARD OF GOVERNORS' QUARTERLY MEETING

DATE AND TIME: Wednesday, October 23, 2002, 9:00 a.m.

PLACE: World Golf Village, 500 South Legacy Trail, St. Augustine, Florida 32092

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, Ext. 19.

STATE COURTS SYSTEM

The **Florida State Courts System** announces a public hearing to which all persons are invited:

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

PLACE: Supreme Court Building – Judicial Meeting Room, 500 South Duval Street, Tallahassee, Florida 32399-1900

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Office of the State Courts Administrator will present an overview of the State Courts System's 2003-2004 legislative budget request to the Legislature followed by a time for public questions and comments.

AUTHORITY: Section 216.131, Florida Statutes
 Persons wishing to testify are requested to contact Ms. Lisa Goodner, Deputy State Courts Administrator, by September 6, 2002, 10:00 a.m., at the address above. Written comments may be submitted to the hearing officer at the proceeding or mailed to the Office of the State Courts Administrator at the above address.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact Ms. Lisa Goodner, Deputy State Courts Administrator, no later than September 6, 2002, 10:00 a.m., by phone (850)488-9922 or in person at the Supreme Court Building, Room 332.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed August 4, 2002, by JSS International, Inc. The Petition is seeking the Department's interpretation of NFPA 96.

Specifically, petitioner requests a declaratory statement on the following question:

Does an electrical portable grill in a small cafe used to cook such things as scrambled eggs require the installation of a hood and duct system for vapor extraction?

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 Florida Building Commission received a Petition for Declaratory Statement on August 7, 2002, from Renna Enterprises, Inc. The petition requests an interpretation of the application of the \$5,000.00 threshold in section 104.4.1.3(5) of the Florida Building Code, Building Volume; specifically whether such threshold applies to commercial kitchen exhaust hoods. It has been assigned number DCA02-DEC-224.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on August 9, 2002, from Gene and Janet Rodriguez. The petition requests an interpretation of section 2603.3, Standard Building Code, and its requirement for separation of insulating material from the interior of a residence by a thermal barrier. It has been assigned the number DCA02-DEC-226.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on August 15, 2002, from Ward Gould, Go-Bolt, Inc. The Petition requests that the Commission determine that the Florida Building Code requires corrosion resistant anchors and fasteners for wood frame construction. It has been assigned the number DCA02-DEC-233.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on August 16, 2002, from James E. Agen, Wilson Window Glass and Mirror. The Petition requests an interpretation of the application of section 1606.1.6 – Protection of Openings, Florida Building Code, Building Volume, to the enclosure of an existing screen porch on an existing single family residence with operable sliding glass panels in an area which requires wind-bourne debris protection. It has been assigned the number DCA02-DEC-235.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on August 19, 2002, from AAA Roofing Corporation. The petition requests an interpretation of the applicability of the flashing options in Roofing Application, Standard No. 115, Florida Building Code, Test Protocols for High Velocity Hurricane Zones Volume. It has been assigned the number DCA02-DEC-236.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT the Public Employees Relations Commission has received and will consider the following Petition for Declaratory Statement:

Case No.: DS-2002-001

In Re: Petition for Declaratory Statement of The School Board of Monroe County, Florida.

The Big Pine Neighborhood Charter School, Inc. is petitioning the Public Employees Relations Commission to issue a Declaratory Statement concerning the following issues:

Issues: The Big Pine Neighborhood Charter School, Inc. (BPNCS) is a "conversion" charter school established pursuant to Chapter 228, Florida Statutes, converting an existing public school pursuant to an agreement between the BPNCS and the School Board of Monroe County, Florida. BPNCS has chosen to become a "public employer", has sought to have its employees "remain public employees for all purposes", has sought to have its employees become a "covered group" under the Florida Retirement System, and has sought to have its employees become part of the School Board "collective bargaining unit" as contemplated by Section 228.056, Florida Statutes (2002). Under Section 447.203(2), Florida Statutes (2002), the "public employer" is defined as "the district school board... with respect to all employees of the school board". The issue for resolution is whether the BPNCS will become the public employer of the charter school employees?

A copy of the petition may be obtained by writing: Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Tallahassee, Florida 32399-0950. Any person desiring to submit a statement regarding the petition may do so by filing such statement at the above address with 20 days of the date of this publication.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement In Re: Petition for Declaratory Statement, John J. Johnson, Unit Owner, Baywatch Condominium, Petitioner; Docket Number CD2002-025.

The declaratory statement provided, in summary, that Baywatch Condominium Association is required to prepare reviewed financial statements annually pursuant to Section 718.111(13)(a),(2), F.S., unless a majority of the unit owners vote to prepare a report of cash receipts and expenditures or compiled financial statements, and because the association's bylaws exceed the statutory requirement by mandating audited financial statements, which is permitted by Section 718.111(13),(1)(c)3., F.S., the owners may waive the higher reporting standard in the bylaws if the bylaws allow.

A copy of the declaratory statement 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.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on August 13, 2002, the Board of Chiropractic Medicine received a Petition for Declaratory Statement from Roderic Lacey, D.C. and the Florida Chiropractic Physician's Association, Inc. The Petition seeks the agency's opinion regarding the effect of Rule 64B2-17.0025, F.A.C., and paragraph 460.403(9)(c), Florida Statutes, upon the petitioners with regard to the dispensing of proprietary drugs.

A copy of the Petition for Declaratory Statement may be obtained by writing: Joe R. Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, Department of Health, 4052 Bald Cypress Way, BIN #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT the Board of Dentistry has received a Petition for Declaratory Statement with regard to Section 456.054, Florida Statutes or Rule 64B5-17.003(1), F.A.C., which was filed August 9, 2002 on behalf of Lawrence B. Kawa, D.D.S. Petitioner requests a declaratory statement from the Board on what practices involving patient referrals might subject Petitioner to disciplinary proceedings. This matter will be addressed during the regularly scheduled Board meeting on September 21, 2002, 11:00 a.m., or shortly thereafter, at The University of Florida Hotel and Conference Center, 1714 S. W. 34th Street, Gainesville, Florida 32607, (352)371-3600.

A copy of the Petition for Declaratory Statement before the Department of Health, Board of Dentistry may be obtained by writing: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT the Board of Massage Therapy has partially granted and otherwise DENIED a petition for declaratory statement received from Robert A. Poulin. The final order was filed on August 14, 2002 and was given the number DOH-02-1240-DS-MQA. No comments were received.

Petitioner requested the declaratory statement, which asked whether dedicated rooms within the common areas of a condominium and dedicated rooms within the common areas of a homeowners association development are the "residence of a client" within the meaning of Section 480.046(1)(n), Florida Statutes. The Board's Final Order advised Petitioner that the Petition was partially granted and the dedicated rooms

within the common areas of the condominium are the “residence of a client” within the meaning of Section 480.046(1)(n), Florida Statutes. Otherwise, the petition was denied due to the Board’s opinion that dedicated rooms within common areas of a homeowners association development are not the “residence of a client” within the meaning of Section 480.046(1)(n), Florida Statutes.

A copy of the Petition for Declaratory Statement and Final Order may be obtained by writing: Amy Thomas, Deputy Clerk, Department of Health, 4052 Bald Cypress Way, BIN #C01, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN THAT the Board of Physical Therapy Practice rendered a Final Order disposing of a Petition for Declaratory Statement from Tammy King, PT, asking for an interpretation of Section 486.021(11), Florida Statutes, with regard to her sending a licensed physical therapist to remove an indwelling pain catheter or pump. The Petition was filed with the Board on July 5, 2002, and noticed in the Florida Administrative Weekly on July 19, 2002, Vol. 28, No. 29 issue. No public comments were received.

The Final Order, which was filed on August 15, 2002, provides in summary that Petitioner is authorized to send a licensed physical therapist to remove the pump provided that certain conditions are met. Accordingly, the Petition for Declaratory Statement has been GRANTED.

A copy of the Final Order may be obtained from: Amy Thomas, Deputy Agency Clerk, Department of Health, Division of Medicaid Quality Assurance, BIN #C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251, (850)245-4121.

The Board of Psychology hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Richard S. Tallarigo, Sr. The petition seeks the Board’s interpretation of Section 490.003(4), Florida Statutes and Section 490.014, Florida Statutes. The petition specifically seeks approval of his providing testing and assessment services as a consultant to businesses and organizations consistent with his training in industrial and organizational psychology and human resources management.

Comments on this petition should be filed with the: Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For additional information or for a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at above address or telephone (850)245-4374.

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:

Florida Home Builders Association, Inc., Florida A.G.C. Council, Inc. and Wackenhut Corrections Corporation vs. Department of Revenue; Case No.: 02-3146RP; Rule No.: 12A-1.094(1)-(4)

International Consultants of Delaware vs. Department of Health, Board of Physical Therapy Practice; Case No.: 02-3147RP; Rule Nos.: 64B17-3.001, 64B17-4.001

RHC and Associates, Inc. vs. Hillsborough County School Board; Case No.: 02-3138RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Hannover Ruckvericherongs-Aktiengesellschaft vs. Department of Insurance and Treasurer; Case No.: 01-3903RP; Rule No.: 4-144.005(4)(e); Dismissed

Florida Home Builders Association, Florida A.G.C. Council, Inc. and Parrish Group, Inc. vs. Department of Insurance, Division of Workers’ Compensation; Case No.: 02-3096RP; Rule No.: 4L-6.020; Dismissed

Section IX Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

The University of Florida Board of Trustees announces that construction management services will be required for the project listed below:

Projects: UF-150, Legal Information Center; UF-128, Phase II Law Building

Location: University of Florida, Gainesville, Florida

This solicitation combines the execution of two distinct facilities programs for the Levin College of Law at the University of Florida. Phase I includes a 57,500 GSF addition to the existing Legal Information Center (law library), while Phase II includes a 48,000 GSF multi-purpose facility with classroom and office space, plus renovations in one or both of the existing College of Law buildings. Because both are fully funded, options for a single facility will also be considered.

The individual construction budgets are estimated to be approximately \$10,333,000 for Phase I and \$9,360,000 for Phase II, but the Owner seeks to garner savings in overall time and cost by merging the two projects. Basic LEED (Leadership in Energy and Environmental Design) accreditation by the US Green Building Council is mandatory. The Construction Manager shall, therefore, include consideration of this objective throughout the pre-construction phase and shall incorporate LEED and other environmental best management practices in the execution of construction and management of the jobsite.

The contract for construction management services will consist of two phases, pre-construction and construction. Pre-construction services involve team-oriented participation in programming, master planning, and design efforts with the Owner and architect/engineer, including production of cost studies and estimates for both new construction and renovation; value engineering; analysis of constructability, detailing, materials, and systems; development of the construction schedule; and production of detailed jobsite management plans. One or more Guaranteed Maximum Price (GMP) proposals shall be submitted at either the 60% or 100% Construction Documents phase. If the GMP proposal is accepted and executed, the construction phase will be implemented. In this phase, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement, may result in the termination of the construction manager's contract.

Selection will be made on the basis of the construction manager's qualifications, experience, past performance, references, and other detailed criteria as outlined in the CM Project Fact Sheet and the project-specific University of Florida Construction Manager Qualifications Supplement (UF-CMQS).

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a proposal only after becoming familiar with the site and thoroughly reviewing the (2) facilities programs, the CM and A/E Project Fact Sheets, and other background information. The entire proposal shall be limited to 60 single-sided, consecutively numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the Owner's intent, the scope of services, and other goals and considerations as outlined in the facilities programs, the Fact Sheets, and this advertisement.
2. A completed, project-specific UF-CMQS form and its required attachments. Applications on any other form will not be considered.
3. Current resumes for all staff and consultants proposed for this project.
4. A copy of the applicant's current State of Florida license, corporate charter (if applicable), and joint venture agreement (if applicable).
5. Proof of the firm's ability to be bonded for up to \$20 million.

Submit five (5) copies of this data, bound in the order listed above. Proposals that do not comply with the above instructions may be disqualified.

Submittals must be received in the UF Facilities Planning and Construction Division office by 3:00 p.m. (Local Time), Tuesday, October 15, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

UF, Facilities Planning and Construction
232 Stadium/P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)392-1256
FAX: (352)392-6378

The (2) facilities programs, forms and instructions, the CM Project Fact Sheet, and other project information can be found at the UF, Facilities Planning and Construction website, www.facilities.ufl.edu. Interested firms are encouraged, though not required, to formally register on the website.

STIPULATIONS

Application materials will not be returned. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial, or financial affiliation with the selected architect/engineer involved with this project. Applicants must be licensed to practice as general contractors

in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

INVITATION TO BID

The Florida State University F O & M Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
 F O & M Maintenance, Purchasing
 114F Mendenhall, Building A
 Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: F O & M 34-2
 Purchasing Agent: B. J. Lewis, F O & M
 MANDATORY PRE-BID: September 16, 2002, 10:00 a.m.
 LOCATION: Central Utility Plant
 Woodward Street, Room 144
 Public Bid Opening: September 23, 2002, 2:00 p.m.
 FSU-F O & M Maintenance
 Central Utility Plant
 Woodward Street, Room 144
 Tallahassee, Florida 32306-4150

Bid Documents: The Florida State University is inviting qualified firms to bid on providing boiler services on water tube boiler located at the Central Utilities Plant Building #30, located on the University main campus. The objective of this bid is to have qualified services. Personnel, dealing with high-pressure water tube boilers, change out defective high pressure fitting on boiler steam and mud drums. Project will consist of changing out all controls related cross, tees, on the front of each

boiler. Where space is available, unions will be changed out to flanges. Specific details are within document. Vendor must treat bid as a turnkey type project.

Project Manager: Russell Hurst, (850)644-3884

DEPARTMENT OF TRANSPORTATION

INVITATION TO BID

Sealed bids will be received by the Florida Department of Transportation, District Three, in the Administration Building, Procurement Services Conference Room of the District Office Complex, Department of Transportation, 1074 Highway 90, Chipley, Florida. Bids will be publicly opened and read aloud on:

DATE AND TIME: Thursday, September 19, 2002, 1:30 p.m. (Local Time)

PLACE: Florida Department of Transportation, Procurement Services Conference Room, Room 230 of the District Office Complex, 1074 Highway 90, Chipley, Florida 32428.

FINANCIAL ITEM NO.: 22297565201

PROJECT NAME AND LOCATION: General Renovation District Three Design Structures Building

General contractor services will be required for renovation at the Florida Department of Transportation, District Three Design Structures Building 3231 in Chipley, Florida. The project consist of interior renovation work, minor exterior work, new HVAC system, and electrical work to support modifications. Specific work includes selective interior and exterior demolition, new interior walls, new metal roofing with metal fascia, new windows and doors, new floor and ceiling finishes, new light fixtures and phone/data outlets. Contract No. E3C21 – 180 days. Approved budget for this project is \$135,000.00.

NOTE: A Mandatory Pre-Bid Conference will be held for Financial Item No. 22297565201 on Thursday, September 12, 2002, 9:30 a.m. (Local Time), in the Administration Building, Procurement Services Conference Room, of the District Office, Florida Department of Transportation, Chipley, Florida.

NOTICE: Attendance at the Mandatory Pre-Bid Conference is required to bid on this project.

Drawings and specifications may be purchased by payment of printing and handling cost at the rate of \$50.00 per set. No sales tax is required. Checks should be made payable to the Florida Department of Transportation. No Refunds will be made. Orders for drawings, specification, and/or bid documents should be directed to Starsky Harrell, Professional Services Office, 1074 Highway 90, Chipley, Florida 32428, (850)638-0250, Ext. 224. Proposal documents will not be issued after 1:30 p.m. (Local Time), Wednesday, September 18, 2002. Bids must be submitted in full accordance with the

requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained from the Professional Services Office.

*New or first time bidders with the Florida Department of Transportation can request a bid process orientation meeting by calling (850)638-0250, Ext. 224 or by writing the Florida Department of Transportation, Attention: Starsky Harrell, 1074 Highway 90, Chipley, Florida 32428.

MINORITY PROGRAM: The Department encourages Minority Business Enterprise (MBE) firms to compete for Department contracts, and also encourages non-MBE firms to use MBE firms as sub-contractors. However, the use of MBE sub-contractors is not mandatory and no goals have been established for MBE participation for this project.

Requirements for the projects noted above:

1. **PREQUALIFICATION:** Each bidder shall submit a current applicable State Contractor's license issued by State of Florida and, if a Corporation, a copy of the Corporate Charter as prequalification of their eligibility to submit bids prior to the Department releasing the Bid Proposal package. After the bid opening, the lowest responsible bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Bid Proposal package.

2. **BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with the bid, a good faith deposit in the amount of 5% of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as surety, a certified check made payable to the Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check or draft in an amount less than five per cent (5%) of the actual bid will invalidate the bid. Bid bonds shall conform to the furnished proposal forms.

3. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount of the contract is required.

4. **BID POSTING:** Unless otherwise notified in writing, the Summary of Bids and Notices of Intent will be posted at the Professional Services Office, Florida Department of Transportation, Room 250, 1074 Highway 90, Chipley, Florida 32428 on October 3, 2002. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail or express delivery, return receipt requested. Information concerning the posted project can be obtained by calling the Professional Services Office, (850)638-0250, Ext. 224, during the posting period. The right is reserved to reject any or all bids.

5. **BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS:** Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by

the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Sections 120.57(3), Florida Statutes, and DOT Rule 14-25 (FAC). The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0458, (850)414-5393. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Richard Norris

District Contracts Administrator

REGIONAL PLANNING COUNCILS

REQUEST FOR MINI GRANT APPLICATIONS FISCAL YEAR 2003 WORKPLAN ACTIVITIES

CHARLOTTE HARBOR

NATIONAL ESTUARY PROGRAM

The Charlotte Harbor National Estuary Program must receive mini-grant applications by 5:00 p.m. (Local Time), Friday, October 25, 2002. The Charlotte Harbor National Estuary Program reserves the right to reject any or all applications.

OBJECTIVE: The Charlotte Harbor National Estuary Program is considering mini-grant applications for fiscal year 2003. Greater consideration will be given to projects that have long-term applicability, serve as models for addressing environmental education and resource management issues, and help fulfill the program's Comprehensive Conservation and Management Plan. Further, it is an objective of the program to inform and educate as many segments of the public as possible; therefore, education is an important component of all projects.

INVITATION TO APPLY: The program hereby solicits applications for mini-grant projects. Successful applications must advance the goals of the program. Any Florida resident, organization, business, government agency, school, college or university can submit an application. More than one application may be submitted for each entity but each application must be submitted separately and must follow the instructions and requirements. The project must be located within the program's study area.

Mini-grant funding will not exceed \$3,000.00 per project. Matching funds or in-kind match is recommended but not required of mini-grant projects.

REQUESTS FOR INFORMATION AND INSTRUCTION: All requests for information, instructions, and applications for submitting an application must be directed to: Ms. Maran Hilgendorf, (239)995-1777, mhilgendorf@swfrpc.org.

HOW TO APPLY: The document "Requests for Mini-Grant Applications" may be obtained by contacting Ms. Maran Hilgendorf, Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers FL 33917, (239)995-1777. The document is also available on the program's website at www.charlotte-harbornep.org. Applications for mini-grants must be received by the Charlotte Harbor National Estuary Program by 5:00 p.m. (Local Time) Friday, October 25, 2002. Finalists will be notified in writing in February 2003.

**REQUEST FOR RESEARCH AND RESTORATION
PARTNERS PROJECT PROPOSALS – FISCAL YEAR 2003
WORKPLAN ACTIVITIES – CHARLOTTE HARBOR
NATIONAL ESTUARY PROGRAM**

"Research and Restoration Partners" project proposals must be received by the Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, by 5:00 p.m. (Local Time), Friday, October 25, 2002. "Research and Restoration Partners" project proposals are required to demonstrate a minimum of 50% matching funds from the applicant. The Charlotte Harbor National Estuary Program reserves the right to reject any or all proposals.

OBJECTIVE: The Charlotte Harbor National Estuary Program is considering innovative research and restoration project proposals for fiscal year 2003 (October 1, 2002 – September 30, 2003). Projects must have long-term applicability, transferability, and serve as models for addressing NEP priority actions, such as hydrologic and habitat restoration. The following are examples of projects that the program will consider:

- Restoration of the hydrologic and natural habitat conditions of the study area by such methods as the backfilling of ditches, removal of spoil piles, exotic species removal, planting of native vegetation, mangrove restoration, etc.;
- Assess the cumulative impact of septic tank systems and take corrective action;
- Reduce non-point source pollutants associated with stormwater runoff; and
- Restoration of Old Mined Lands (non-mandatory reclamation lands) in the Peace River watershed and/or re-establish, where practical, surface flows from sub-basins that do not currently contribute to their historic hydrologic connections.

Projects must advance program goals and address program priority problems as described in the proposal instructions. All restoration projects must develop and implement a post restoration management plan. All data collection efforts must obtain a federally-approved Quality Assurance Project Plan.

INVITATION TO PROPOSE: The program hereby solicits proposals for "Research and Restoration Partners" projects. Any organization or individual can submit a proposal. You or your organization may submit more than one preliminary proposal, but each proposal must be submitted separately and must follow the proposal instructions and requirements. The project must be located within the program's study area. The program strongly recommends applicants to attend a "Question-and-Answer" session on December 3, 2002.

These grants are for proposal requests for the management conference's guideline of \$20,000 per financially supporting partner. "Research and Restoration Partners" project proposals are required to demonstrate a minimum of 50% in-kind or cash match from the applicant.

REQUESTS FOR INFORMATION AND INSTRUCTION: All requests for information, instructions, and applications for submitting an application must be directed to: Ms. Catherine Corbett, (239)995-1777, email: ccorbett@swfrpc.org.

HOW TO APPLY: The document "Requests for Research and Restoration Partners Proposals" may be obtained by contacting Ms. Catherine Corbett, Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, (239)995-1777 or email: ccorbett@swfrpc.org. The Charlotte Harbor National Estuary Program will receive project proposals for "Research and Restoration Partners" grants until 5:00 p.m. (Local Time), Friday, October 25, 2002. Those submitting proposals are strongly recommended to attend a "Question-and-Answer" session on December 3, 2002.

EXPRESSWAY AUTHORITIES

NOTICE TO PROFESSIONAL CONSULTANTS

The Orlando-Orange County Expressway Authority (Authority) requires the services of a consultant in connection with Construction Engineering and Inspection (CEI) services. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority, and who have been prequalified by FDOT to perform the indicated Types of Work.

TYPES OF WORK: Group 10.1, Roadway Construction Engineering and Inspection; Group 10.2, Major Bridge Construction Engineering Inspection; and Group 10.3, Construction Materials Inspection. Consultant must be prequalified in these work groups.

DESCRIPTION: The work consists of providing CEI services related to construction of Authority Project No. 252A, S.R. 408 Widening from Tampa Avenue to I-4. Construction activities will include, but are not necessarily limited to, widening S.R.

408 roadway and associated bridges, drainage, utility relocations, signage, striping, lighting and incidentals necessary for the proposed roadway improvements.

SUBMITTAL REQUIREMENTS: Interested consultants shall submit five (5) sets of a Letter of Interest package indicating their desire to be considered. The letter shall be no more than ten pages, exclusive of resumes and project experience list, and divided as follows:

- Section 1. **Similar Project Experience:** Provide CEI project experience on current/completed projects within the past 5 years. Indicate project name, location, services provided and accurate reference names with phone numbers. All references will be checked.
- Section 2. **Project Approach:** Provide a 5 page (maximum) narrative describing the firm’s approach to delivering the CEI services; a proposed project organization chart including subconsultant personnel; a matrix summarizing proposed personnel experience on similar projects including registrations/certifications; detailed resumes identifying relevant experience on similar projects. Resumes shall include client/owner references for all proposed personnel for the past 5 years and availability date for each individual.
- Section 3. **Certifications:** Provide copies of FDOT certifications in the work groups identified above and Florida Department of Professional Regulation registration for prime consultant and subconsultants.
- Section 4. **Current and Projected Workload:** Indicate ability of staff to manage a CEI assignment and indicate, as a percentage, the current/projected workload of current staff. Indicate the total number of the firm’s professional, technical and administrative personnel by discipline, location and office responsible for administering the contract.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, sex, national origin, age, religion and disability. The Authority hereby notifies all Proposers and individuals that it requires and encourages equal employment opportunity for minority and women as employees in the workforce.

MINORITY/WOMEN/DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: The Orlando-Orange County Expressway Authority hereby notifies all Proposers and individuals that it will require affirmative efforts be made to ensure participation of local minority and women business enterprises on contracts awarded by the Authority.

NON-SOLICITATION PROVISION: From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

LETTER OF RESPONSE DEADLINE: September 16, 2002, 12:00 Noon, Orlando local time.

SELECTION/NEGOTIATIONS: Three (3) firms will be shortlisted on September 20, 2002. Shortlisted firms will be notified as to the date and time that each will be required to make an oral presentation to the Authority’s Selection Committee.

AUTHORITY CONTACT PERSON:

Ben Dreiling, P.E.
Director of Construction and Maintenance
Telephone: (407)316-3800
Fax: (407)316-3801

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority
525 S. Magnolia Avenue
Orlando, FL 32801

Re: CEI Services

Project No. 252A

ORLANDO-ORANGE COUNTY EXPRESSWAY
AUTHORITY

Ben Dreiling, P.E.

Director of Construction and Maintenance

**REVERSIBLE EXPRESS LANE ITS DESIGN AND
INTEGRATION – REQUEST FOR LETTERS OF
INTEREST AND QUALIFICATIONS**

The Tampa-Hillsborough County Expressway Authority (“Authority”) requests Letters of Interest and Qualifications from professionals interested in performing the Final Design and Integration for the ITS operational components of the Expressway Authority’s Reversible Express Lane Project. The design and integration project will include but not be limited to these general categories of work:

- D. Design and integration of VMS signage and sign locations
- E. Design and integration of Types of protective gates and gate locations
- F. Integration of impenetrable barrier system (Dragnets)
- G. Design and integration of traffic detection equipment (including type and locations)
- H. Design and integration of CCTV cameras and mounting equipment (including locations)
- I. Design and integration of communications for all devices (primary and backup)

- J. Design and integration of reversible lane operational controls into a TMC environment
- K. Testing of all reversible lane operational controls and devices
- L. Development of device-associated functional and performance specifications
- M. Assistance with selection of installation contractor(s)

Shortlisting: Submittals will be evaluated by an Authority technical review committee. It is anticipated that at least three (3) design/integration firms will be shortlisted.

Scoping: Shortlisted firms will attend a scoping meeting at which time they will receive a copy of the Authority's ITS Concept Plan and Technical Memorandum and a presentation will be made related to the proposals and presentations that will be required for this selection.

Letter of Interest/Qualification Submittals: Qualification submittals shall include the following information:

- A. Cover Page:
 - D. The following notation: "Letter of Interest for Reversible Lane ITS Project" Project
 - E. Consultant's name and address
 - F. Contact person, phone and fax numbers, Email address
- B. Cover Letter: (2 page maximum)
 - D. Statement of Qualifications
- C. Organizational Chart/Personnel Summary: (3 page maximum)
 - D. Project roles of specified personnel
 - E. Statement regarding qualifications of consultants in type of work
 - F. Identification of key personnel to be assigned to the project
 - D. Organizational and Technical Approach to project: (2 page maximum)

Identify the basic approach to organizing the design and integration including elements such as a team organization chart and utilization of any existing software, hardware, operational controls and testing systems.
- E. Representative Experience and References: (10 page maximum)

Submittals should include information related to general project experience with the design and integration of all types of ITS components. Specific experience should include projects involving the operation of reversible travel lanes, High Occupancy Vehicle (HOV) lanes and/or High Occupancy Toll (HOT) lanes.

- F. Resumes of Key Personnel: (maximum of 1 page each)

An original and ten copies of the Letter of Interest and Qualifications must be received by mail or hand delivery by 12:00 Noon, September 18, 2002 (subject to any extension of the deadline as provided for in this RFQ).

Submittals received after that time, or extended deadline, will be not be accepted. Address responses to: Contracts Administrator, Tampa-Hillsborough County Expressway Authority, 412 East Madison Street, Suite 800, Tampa, FL 33602.

The Authority has a policy of providing equal opportunities to all responsible and eligible businesses, regardless of size, to participate in its contract activities. The Authority's policy requires non-discrimination on the basis of race, color, gender, and national origin. All firms contracting with the Authority shall have or adopt a similar non-discrimination policy.

CONTRACT: #53.31.01
 Reversible Express Lane ITS Design and Integration

DESCRIPTION: This project involves design and integration of ITS components for the operation of the Lee Roy Selmon Crosstown Expressway Reversible lanes between TownCenter Boulevard in Brandon and Twiggs Street in Downtown Tampa, the Brandon Parkway Gateway project in Brandon and the Meridian Gateway project in the Channelside District of Downtown Tampa.

SPECIAL NOTES: In accordance with the requirements of Section 287.055, F.S., firms will be shortlisted based on the company's understanding of the project, demonstrated ITS design and integration experience with an emphasis on the operational requirements of reversible lanes and the firm's level of available resources.

Details of the requirements for proposals and presentations will be provided at a scoping meeting to be held after the shortlist is announced.

RESPONSE DEADLINE: September, 18, 2002 (12:00 Noon)

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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Service of Record Storage and Information Management
for District 7 Offices in

Brevard, Orange, Seminole and Osceola Counties

The State of Florida Department of Children and Family Services, District 7 is soliciting requests for proposals for Service of Record Storage and Information Management for District 7 Offices in Brevard, Orange, Seminole and Osceola Counties. Copies of the Request for Proposal GS-082102 are available from: John P. LeGrande, Administrative Services Contract Manager, 400 West Robinson Street, Suite 730, Orlando, Florida 32801, beginning August 21, 2002.

The Department must receive all notices of intent to submit a proposal by 5:00 p.m., September 9, 2002, and must receive all proposals by September 20, 2002. Certified Minority Business Enterprises are encouraged to participate.

OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY

NOTICE OF REQUEST FOR PROPOSALS

Statement of Work: The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) is requesting a proposal for a Best Financial Management Practices Review to be conducted as described in the Sharpening the Pencil Act (Chapter 2001-86, Laws of Florida) passed by the 2001 Florida Legislature.

The purpose of Best Financial Management Practices Review is to improve Florida school district management and use of resources and to identify cost savings. The review must: 1) determine whether the district is using the best practices adopted by the Florida Commissioner of Education; 2) identify opportunities for the district to save funds, improve management, and increase efficiency and effectiveness; and, 3) develop recommendations and detailed action plans to improve district operations within two years.

Proposals: Proposals must be submitted in accordance with the content set forth in the "Request for Proposals for a Best Financial Management Practices Review of the Duval County School District," dated August 30, 2002. Copies of these documents are available from the contact person.

Firms that have already registered with OPPAGA to receive the RFPs for each Best Financial Management Practices Review will receive the document without an additional request. Firms that have not registered with OPPAGA may do so on-line at the following Internet address: http://www.oppaga.state.fl.us/school_districts/contractorlist.html.

Contact Person: Ms. Melissa Crawford, Office of Program Policy Analysis and Government Accountability, 111 West Madison Street, Suite 312, Tallahassee, Florida 32399-1475, telephone number (850)488-0021.

Dates: All interested consultants are required to submit a mandatory but non-binding letter of intent to propose, which must be received by OPPAGA no later than 3:30 p.m. (Eastern Time), September 10, 2002. OPPAGA will have further communications after that date only with those persons who indicate their initial intent to submit a proposal on the project. The closing date and time to receive proposals is 3:30 p.m. (Eastern Time), September 26, 2002. The contact person must receive the written proposal prior to the closing date and time. Proposals that for any reason are not so received will not be considered. OPPAGA reserves the right to reject any and all proposals. Unless all proposals are rejected, it is anticipated the contract will be awarded in October 2002.

WALTON COUNTY BOARD OF COUNTY COMMISSIONERS

PROPOSAL NO. #02-024

The Board of County Commissioners, Walton County, Florida (the "County") is seeking proposals from qualified vendors for services for Workers Compensation Risk. Packages can be obtained from:

Central Purchasing Office
176 Montgomery Circle
DeFuniak Springs, Florida 32433
(850)892-8176, Ext.242
email: johglyndol@co.walton.fl.us
website: www.co.walton.fl.us and click on "Doing Business with Us"

Three copies of proposal must be submitted on the prescribed form. Proposer must reference proposal number, opening date and time on outside of proposal package to insure proper acceptance.

Deadline: September 6, 2002, by 4:00 p.m.

Opening: September 10, 2002, 9:00 a.m.

LATE PROPOSALS RECEIVED AFTER DEADLINE, EITHER BY MAIL OR OTHERWISE WILL NOT BE ACCEPTED.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

The Division of Historical Resources announces that it is soliciting applications for State and Federal grant-in-aid assistance for historic preservation projects.

Approximately \$2 million will be available for acquisition and development, survey and planning, and community education projects.

The deadline for filing applications is December 16, 2002 and applications must be delivered to the Bureau of Historic Preservation office by 5:00 p.m. that day or clearly postmarked or show evidence of submission to an express mail service on or before that date.

Further information may be obtained from: the Grants and Education Section, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or call (850)487-2333.

The Department of State, Division of Cultural Affairs, announces the grant deadline for the Regional Cultural Facilities Program.

APPLICATION DEADLINE

All applications for Regional Cultural Facilities Program (RCF) funding shall be received by the Division of Cultural Affairs offices before 5:00 p.m. (EST), October 15, 2002.

Applications received by the Division after the October 15, 2002 deadline or personally delivered to the Division offices after the deadline are ineligible and shall be returned to the applicant.

MAILING PROCEDURES

1. Label the original application packet "ORIGINAL" and place on top of fourteen (14) additional, collated application packets.
2. Send the original application packet with the 14 additional collated sets to:

MAILING ADDRESS:

Regional Cultural Facilities Program
 Division of Cultural Affairs
 1001 DeSoto Park Drive
 Tallahassee, Florida 32301

FOR INFORMATION CALL:

Donald R. Blancett
 Division of Cultural Affairs
 (850)487-2980

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications. 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., September 20, 2002):

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: 1st Priority Bank, Lot 1, 64 Center-State Road 64 East, Bradenton, Florida 34208

Correspondent: George W. Najmy, 3803 Bayside Drive, Bradenton, Florida 34210

Received: August 19, 2002

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Gateway American Bank of Florida, Ft. Lauderdale, Florida 33309

Proposed Purchaser: P.C.B. Bancorp, Inc., Largo, Florida 33770

Received: August 16, 2002

The Department of Banking and Finance has received a request by credit unions to expand it's field of membership. Specific information regarding the expansion can be found at <http://www.dbf.state.fl.us/banking.html>.

Name and Address of Applicant: City-County Employees Credit Union, 719 South Missouri Avenue, Clearwater, Florida 33756-5916

Expansion Includes: One select employee group located in Pinellas County.

Received: August 15, 2002

Name and Address of Applicant: Central Florida Postal Credit Union, Post Office Box 568765, Orlando, Florida 32856-8765

Expansion Includes: Two select employee groups located in Seminole and Brevard Counties.

Received: August 16, 2002

Name and Address of Applicant: OMNI Community Credit Union, Post Office Box 23045, Jacksonville, Florida 32241-3045

Expansion Includes: Geographic area located in the counties of Duval and St. Johns.

Received: August 19, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-603-005 and
BLIM-603-001
DATE RECEIVED: August 19, 2002
DEVELOPMENT NAME: FLORIDA CENTER
DEVELOPER/AGENT: Windrush-REO
DEVELOPMENT TYPE: 28-24.020, 28-24.026,
28-24.023, F.A.C.
LOCAL GOVERNMENT: Orange County

**NOTICE OF WITHDRAWAL OF APPROVAL
FOR FLORIDA FOREVER FUNDS**

Notice is hereby given that the Notice of Approval for Florida Forever Funds published in the Vol. 28, No. 30, July 26, 2002, issue of the Florida Administrative Weekly has been withdrawn for the following project:

Project: 01-037-FF1/Acreage Pines Natural Area
Grantee: Palm Beach County
Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$462,576.70
The remainder of the notice reads as previously published.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
VEHICLES**

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, American Suzuki Motor Corporation, intends to allow the establishment of King Motor Company of Coconut Creek, Ltd. d/b/a King

Suzuki as a dealership for the sale of Suzuki Motor Vehicle Products, at 4950-4980 North State Road 7, Coconut Creek (Broward County), Florida 33073-3302, on or after November 1, 2002.

The name and address of the dealer operator(s) and principal investor(s) of King Motor Company of Coconut Creek Ltd. d/b/a King Suzuki are dealer operator(s): A. Edward Appleby, 4950-4980 North State Road 7, Coconut Creek, FL 33073; principal investor(s): A. Edward and Linda K. Appleby, 4950-4980 North State Road 7, Coconut Creek, FL 33073 and LWK of Coconut Creek, Inc., 4950-4980 North State Road 7, Coconut Creek, FL 33073.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Chris White, National Dealer Development Manager, 3251 E. Imperial Hwy., P. O. Box 1100, Brea, CA 92822-1100.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF FINAL ORDER ADOPTING 2002 VERIFIED LIST OF IMPAIRED WATERS, GROUP 1 BASINS

The Department of Environmental Protection gives notice of the adoption by Secretarial Final Order of the 2002 VERIFIED LIST OF IMPAIRED WATERS, GROUP 1 BASINS, as authorized under Section 403.067, Fla. Stat., and Chapter 62-303, F.A.C. Copies of the final order may be requested from, Daryll Joyner, Program Administrator, Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Watershed Management, MS #3510, Tallahassee, Florida 32399-2400, or by calling (850)488-0780.

The full text of the final order is published on the Internet at the DEP homepage at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices."

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION SOUTH WALTON UTILITY CO., INC. AND DESTIN WATER USERS, INC.

The Florida Department of Environmental Protection has determined, under the State Revolving Fund program, that the South Walton Utility Co., Inc. and Destin Water Users, Inc.'s water system improvements project will not adversely affect the environment.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." For more information, call Bob Holmden, (850)488-8163.

NOTICE OF PUBLIC OPPORTUNITY TO COMMENT ON A PLAN OF EXPLORATION PROPOSED IN THE EASTERN GULF OF MEXICO

On August 15, 2002, the DEP Office of Intergovernmental Programs received a proposed Initial Plan of Exploration for the Raptor Prospect by Marathon Oil Company, 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".

NOTICE OF PUBLIC OPPORTUNITY TO COMMENT ON A PLAN OF EXPLORATION PROPOSED IN THE EASTERN GULF OF MEXICO

On August 15, 2002, the DEP Office of Intergovernmental Programs received a proposed Initial Plan of Exploration for the West Raptor Prospect by Marathon Oil Company, 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".

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted the following new policy for review and comment on MyFlorida.com at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>. The department-wide policy (type A) addresses the following issue: Juvenile Correctional Officer and Juvenile Probation Officer Certification Program and Re-Certification Program – establishes a statewide policy for the Department to implement procedures governing the certification of Juvenile Correctional and Juvenile Probation Officers. Based on policy type, this policy is posted for a single 20 working day review and comment period. Please submit comments to the contact person identified on the above Website. The closure date for submission of comments is September 17, 2002. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of a review period at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policycomments.html>.

DEPARTMENT OF HEALTH

On August 19, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Megan Marie O’Hara,

license number RN 9164216. O’Hara’s last known address is 4087 Kent Ave., Lake Worth, Florida 33461. This Emergency Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 14, 2002, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of James D. Zebranek, D.O., license number OS 5033. This Emergency Suspension Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN August 12, 2002
 and August 16, 2002

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

| | | | | |
|-----------|---------|--------|-------|--|
| 5F-11.002 | 8/13/02 | 9/2/02 | 28/25 | |
| 5F-11.012 | 8/13/02 | 9/2/02 | 28/25 | |
| 5F-11.028 | 8/13/02 | 9/2/02 | 28/25 | |
| 5F-11.043 | 8/13/02 | 9/2/02 | 28/25 | |
| 5F-11.045 | 8/13/02 | 9/2/02 | 28/25 | |

DEPARTMENT OF EDUCATION

Florida State University

| | | | | |
|-----------|---------|--------|-----------|--|
| 6C2-2.024 | 8/13/02 | 9/2/02 | Newspaper | |
|-----------|---------|--------|-----------|--|

Gulf Coast University

| | | | | |
|------------|---------|--------|-----------|--|
| 6C10-8.001 | 8/15/02 | 9/4/02 | Newspaper | |
| 6C10-8.004 | 8/15/02 | 9/4/02 | Newspaper | |

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

| | | | | |
|-----------|---------|--------|-------|--|
| 61-11.007 | 8/12/02 | 9/1/02 | 28/26 | |
|-----------|---------|--------|-------|--|

Board of Professional Engineers

| | | | | |
|--------------|---------|--------|-------|-------|
| 61G15-22.010 | 8/15/02 | 9/4/02 | 28/20 | 28/29 |
| 61G15-22.011 | 8/15/02 | 9/4/02 | 28/20 | 28/29 |

DEPARTMENT OF HEALTH

Board of Medicine

| | | | | |
|-------------|---------|--------|-------|--|
| 64B8-11.001 | 8/12/02 | 9/1/02 | 28/20 | |
|-------------|---------|--------|-------|--|

FLORIDA HOUSING FINANCE CORPORATION

| | | | | |
|-----------|---------|--------|-------|-------|
| 67-50.001 | 8/16/02 | 9/5/02 | 28/22 | 28/30 |
| 67-50.005 | 8/16/02 | 9/5/02 | 28/22 | |
| 67-50.010 | 8/16/02 | 9/5/02 | 28/22 | 28/30 |
| 67-50.020 | 8/16/02 | 9/5/02 | 28/22 | |
| 67-50.030 | 8/16/02 | 9/5/02 | 28/22 | |
| 67-50.040 | 8/16/02 | 9/5/02 | 28/22 | |
| 67-50.050 | 8/16/02 | 9/5/02 | 28/22 | |
| 67-50.060 | 8/16/02 | 9/5/02 | 28/22 | 28/30 |
| 67-50.070 | 8/16/02 | 9/5/02 | 28/22 | 28/30 |
| 67-50.080 | 8/16/02 | 9/5/02 | 28/22 | 28/30 |
| 67-50.090 | 8/16/02 | 9/5/02 | 28/22 | |
| 67-50.100 | 8/16/02 | 9/5/02 | 28/22 | |