

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Historical Resources

RULE CHAPTER TITLE: Historical Museums Grants-in-Aid
RULE CHAPTER NO.: 1A-43

PURPOSE AND EFFECT: The purpose and effect of the proposed changes is to amend the applications incorporated in this rule to obtain more information for each application to streamline application review procedures and to provide for a waiver of financial matching requirements on grants for rural communities.

SUBJECT AREA TO BE ADDRESSED: The Bureau of Historical Museums proposes to amend the applications incorporated by reference into this rule to obtain more information for each application to streamline application review procedures and to provide for a waiver of financial matching requirements on grants for rural communities that have been designated in accordance with section 288.0656, Florida Statutes. Eligible communities applying for historical museum grants must request waiver of matching requirements at the time of grant application.

SPECIFIC AUTHORITY: 231.031 FS.

LAW IMPLEMENTED: 267.0619, 288.0656 FS.

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

TIME AND DATE: 9:00 a.m., October 28, 2002

PLACE: Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)487-1902, Suncom 227-1902

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission - Operational Procedures
RULE CHAPTER NO.: 9B-3

RULE TITLE: State Minimum Building Codes Adopted
RULE NO.: 9B-3.047

PURPOSE AND EFFECT: Amendments to the Florida Building Code adopted by reference in Rule 9B-3.047, F.A.C. Copies of the proposed amendments and comments submitted are available on the Building Code Information System at www.floridabuilding.org.

SUBJECT AREA TO BE ADDRESSED: Amendments to the Florida Building Code.

SPECIFIC AUTHORITY: 553.73(3) FS.

LAW IMPLEMENTED: 553.73(3) FS.

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

TIME AND DATE: 9:00 a.m., October 29, 2002

PLACE: Eden Roc Renaissance Resort, 4525 Collins Avenue, Miami Beach, Florida

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

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

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Electric Utility Procedures for Generating Capacity Shortage Emergencies
RULE NO.: 25-6.0183

PURPOSE AND EFFECT: To adopt the most recent version of the Florida Reliability Coordinating Council's Generating Capacity Shortage Plan.

SUBJECT AREA TO BE ADDRESSED: Plan for electric generating capacity shortage emergencies.

SPECIFIC AUTHORITY: 350.127(2), 366.05 FS.

LAW IMPLEMENTED: 366.04(2)(c),(f),(5) 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Christiana T. Moore, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any

person who is hearing or speech impaired should contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jeanette Sickel, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6461

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.0183 Electric Utility Procedures for Generating Capacity Shortage Emergencies.

The Commission adopts the Florida Reliability Coordinating Council's Florida Electrical Emergency Contingency Plan, Generating Capacity Shortage Plan Element, dated August 2002 ~~July 1997~~ as the Commission's plan to address generating capacity shortage emergencies within Florida. A copy of the Generating Capacity Shortage Plan Element may be obtained from the Director, Division of Economic Regulation Safety & Electric Reliability, Florida Public Service Commission.

Specific Authority 350.127(2) 366.05 FS. Law Implemented 366.04(2)(c),(f),(5) FS. History--New 2-12-91, Amended 3-19-98, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: General and Procedural RULE CHAPTER NO.: 40E-1

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's forms and application processing fees.

SUBJECT AREA TO BE ADDRESSED: Amend the water use compliance forms, water use permit application, and supporting information forms and amend the application processing fees for individual public water supply permits, individual irrigation permits, individual mining (dewatering) permits, individual industrial permits, and minor permit modifications.

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 TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: 10:00 a.m., November 6, 2002 (The workshop previously scheduled for October 22, 2002 and noticed in the October 4, 2002 FAW has been cancelled)

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, Storch Conference Room, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence

upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6294 or (561)682-6294, internet: jjennison@sfwmd.gov

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.

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; including those for the Lower West Coast region; water conservation, water shortage plan; fees and forms. The changes will also correct citations and make changes to clarify language currently in the rule.

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 TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: 10:00 a.m., November 6, 2002 (The workshop previously scheduled for October 22, 2002 and noticed in the October 4, 2002 FAW has been cancelled)

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, Storch Conference Room, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities

or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Regarding procedural questions: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6294 or (561)682-6294 (internet:jjennison@sfwmd.gov); regarding substantive questions: Scott Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 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.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits

RULE CHAPTER NO.: 40E-4

RULE TITLE: Publications, Rules, and Interagency Agreements Incorporated by Reference

RULE NO.: 40E-4.091

PURPOSE AND EFFECT: Paragraph 40E-4.091(1)(a), F.A.C., incorporates by reference the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – June, 2002" (ERP BOR). Included as part of the ERP BOR are Appendices 2, 3, and 6. This rulemaking initiative proposes to amend Appendix 6, entitled "Above Ground Impoundments" by revising the reporting requirements and the typical special condition language.

SUBJECT AREA TO BE ADDRESSED: Appendix 6 of the SFWMD's ERP BOR specifies for the benefit of the regulated community the appropriate criteria applicable to the construction and operation of above ground impoundments associated with surface water management systems. An above ground impoundment is defined in Section 373.403(1), F.S., as a "dam", which means "any artificial or natural barrier, with appurtenant works, raised to obstruct or impound, or which does obstruct or impound, any of the surface waters of the state." Specifically, the proposed revisions to Appendix 6 clarify that inspection reports of the conditions of such above ground impoundments must be retained by the permittee and made available to SFWMD staff upon request. Additionally, the typical special condition for all above ground impoundments sets forth with particularity that permittees must inspect on an annual basis the above ground impoundment, control structure, levee and berm for structural integrity and memorialize the inspection via a report signed

and sealed by a Florida Professional Engineer. In the event that any deficiencies are found which may impact off-site areas, the report must detail proposed techniques and schedules for repairs, as necessary, and be submitted to SFWMD staff.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.416, 373.418, 373.421, 373.426 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 (IF NOT REQUESTED, A WORKSHOP WILL NOT BE HELD).

Although Governing Board meetings, hearings and workshops are normally recorded (in the event that a workshop or workshops are held pursuant to the terms set forth above), 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, SFWMD Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

WRITTEN PUBLIC COMMENTS REGARDING THE PROPOSED RULE DEVELOPMENT MUST BE RECEIVED BY THE SFWMD NO LATER THAN 14 DAYS OF THE PUBLICATION DATE OF THIS NOTICE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) "Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – ~~June 2002~~"

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441, 373.171 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.412, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, _____.

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.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: General Water Use Permits
 RULE CHAPTER NO.: 40E-20

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 plans.

SUBJECT AREA TO BE ADDRESSED: Conditions for permit issuance, conditions for permit modifications, conditions for dewatering permits, and permit durations. The changes will also correct citations and make changes to clarify language currently in the rule.

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 TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: 10:00 a.m., November 6, 2002 (The workshop previously scheduled for October 22, 2002 and noticed in the October 4, 2002 FAW has been cancelled)

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, Storch Conference Room, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6294 or (561)682-6294, jjennison@sfwmd.gov

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.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Water Shortage Plan
 RULE CHAPTER NO.: 40E-21

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend and update Chapter 40E-21, F.A.C., relating to the Water Shortage Plan.

SUBJECT AREA TO BE ADDRESSED: Water Shortage Restrictions and water shortage basin boundaries. The changes will also correct citations and make changes to clarify language currently in the rule.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.54, 373.026, 373.042, 373.0421, 373.103, 373.119, 373.175, 373.246, 373.603, 373.609 FS.

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

DATE AND TIME: 10:00 a.m., November 6, 2002 (The workshop previously scheduled for October 22, 2002 and noticed in the October 4, 2002 FAW has been cancelled)

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, Storch Conference Room, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6294 or (561)682-6294, jjennison@sfwmd.gov

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.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Regional Water Shortage Plans
 RULE CHAPTER NO.: 40E-22

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend and update the Regional Water Shortage Plans.

SUBJECT AREA TO BE ADDRESSED: Basin specific water shortage criteria for aquifers in the Lower West Coast region and basin boundaries for the Lake Istokpoga/Indian Prairie Area.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.54, 373.026, 373.042, 373.0421, 373.103, 373.119, 373.175, 373.246, 373.603, 373.609 FS.

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

DATE AND TIME: 10:00 a.m., November 6, 2002 (The workshop previously scheduled for October 22, 2002 and noticed in the October 4, 2002 FAW has been cancelled)

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, Storch Conference Room, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS:

Regarding procedural questions: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6294 or (561)682-6294, jjennison@sfwmd.gov; regarding substantive questions: Scott Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 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.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Town Center at Palm Coast Community Development District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Town Center at Palm Coast Community Development District	42II-1
RULE TITLES:	RULE NOS.:
Creation	42II-1.001
Boundary	42II-1.002
Supervisors	42II-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (CDD), the Town Center at Palm Coast Community Development District

("District"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Florida Landmark Communities, Inc., and Mardem, LLC, requests that the Commission establish by rule the Town Center at Palm Coast CDD in Flagler County. The land to be served by the District consists of approximately 1,600 acres generally bounded on the north by a major drainage canal; bounded on the south by State Road 100; bounded on the west by Belle Terre Parkway; and bounded on the east by Interstate 95. The Petitioner has written consent to establish the District from the owner of 100% of the real property located within the proposed District. The proposed District is designed to provide community infrastructure, services, and facilities along with certain ongoing operations and maintenance. The development plan for the proposed lands within the District includes the construction of approximately 2,500 single family and multi-family residential dwelling units, 1,460,000 square feet of office space, 2,400,000 square feet of retail space, 1,400,000 square feet of non-retail commercial space, and 625,000 square feet of institutional space (a movie theater, lodging units and nursing home).

SUBJECT AREA TO BE ADDRESSED: Establishment of the Town Center at Palm Coast Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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. – 12:00 Noon, Monday, October 28, 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 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: Michael D. Chiumento, III, Chiumento & Associates, 4 Old Kings Road North, Suite B, Palm Coast, Florida 32137, (386)445-8900 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Part I, Hospital and Other Licensed Facilities	59A-3

PURPOSE AND EFFECT: The proposed Rule reorganizes Chapter 59A-3, F.A.C., to present a more logical flow of the licensing requirements and creates sections from numerous subsections in the existing Rule for easier location and use.

Rules 59A-3.007-.081, F.A.C., proposed Rule development adds sections dealing with failure and external emergency communications; revises references to codes and standards for the review of freestanding emergency facilities; revises documentation for plans submission and the restrictive location of ambulatory surgical centers and other medical facilities attached to hospitals; deletes all design and construction requirements for hospitals buildings; and, revises code and reference standards for the review of intensive residential treatment facilities.

Rules 59A-3.201 through 59A-3.232, F.A.C., proposed Rule development deletes definitions not used in the Rule; corrects definition citations; clarifies the hospital licensing procedures and imposes financial penalty for late filing of a renewal application; expands infectious diseases control, prevention and surveillance; adds criteria when a full licensing survey will be conducted; provides for a plan of correction on areas of non-compliance; provides that the agency shall have full access to patient medical records and the right to review all hospital employee and contract personnel files, including board certified personnel with hospital privileges; deletes the quarterly report on organ donation requests; replaces the existing Patient Rights and Care with a new section; adds off-site emergency department criteria; adds a requirement to update the emergency services inventory at renewal; requires resubmission of an approved exemption request biennially; breaks out the Departments and Services section into separate sections for each department and service; adds processes to the nutritional care plan; clarifies Pharmacy and Medication Services; adds disaster and emergency recovery requirements to Health Information Management; eliminates agency assistance with training for organ procurement organizations, tissue and eye banks, and the requirement that copies of ACHA Form 3130-8006 be forwarded to the agency; and, adds adult to the requirement to report abuse and neglect.

The proposed Rule combines the intensive residential treatment facility sections into one area of the Rule and adds to the staffing requirements.

SUBJECT AREA TO BE ADDRESSED: Hospitals and other licensed facilities.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 395 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., Thursday, October 24, 2002

PLACE: AHCA, 2727 Mahan Drive, Building 3, Rooms C and D, Tallahassee, Florida

THE PERSONS TO BE CONTACTED REGARDING PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT ARE: Plans & Construction, Rules 59A-3.007-.081, F.A.C. – Skip Gregory, AHCA, 2727 Mahan Drive, Bldg. 1, First Floor, Mail Stop #24, Tallahassee, Florida 32308; Hospital and Outpatient Services, Rule 59A-3.201 and .232, F.A.C. – Laura MacLafferty, AHCA, 2727 Mahan Drive, Bldg. 1, Second Floor, Mail Stop #31, Tallahassee, Florida 32308

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE:

RULE NO.:

Long-Term Care Hospital Beds

59C-1.045

PURPOSE AND EFFECT: The agency is developing 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. At a minimum, the new rule will describe 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. A preliminary draft of the rule is included in this Notice.

A previous version of the proposed rule, published on August 30, 2002, has been withdrawn. The Notice of Withdrawal appears elsewhere in this edition of the F.A.W.

SUBJECT AREA TO BE ADDRESSED: Specific requirements for certificate of need review of proposed long-term care hospital beds.

SPECIFIC AUTHORITY: 408.15(8), 408.034(6) FS.

LAW IMPLEMENTED: 408.036(1)(a),(b),(c),(d),(g) 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., October 29, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.045 Long-Term Care Hospital Beds.

(1) Agency Intent. This rule implements the provisions of Section 408.034(3), and Section 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. Long-term care hospitals do not provide a tertiary health service as defined in Section 408.032(17), Florida Statutes, and are not subject to review under Section 408.036(1)(h), Florida Statutes.

(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 200 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) “District.” A district of the agency defined in Section 408.032(5), Florida Statutes.

(e) “Freestanding Facility.” For purposes of this rule, a long-term care hospital that is not the hospital within hospital described in paragraph (2)(g).

(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.

(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 25 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. 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 and approved long-term care hospital beds in the applicable district, and the licensed acute care beds, comprehensive medical rehabilitation beds, hospital-based skilled nursing unit beds, and nursing home beds in that district. The applicant proposing a new long-term care hospital shall provide documentation that the other licensed inpatient beds in the district 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 district during a review cycle. No additional long-term care hospital will be approved for a district 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 average 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. For the purpose of calculating occupancy under this paragraph, the 12-month total of patient days shall be divided by 365 to determine an average daily census, and the average daily census shall then be divided by the facility's total of licensed and approved beds as of the end of the 12-month period.

(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 an applicant who agrees that award of a CON will be predicated on one or more of the following conditions that are subject to annual monitoring under subsection 59C-1.013(4), F.A.C.:

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.

(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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Inspectors and Administrators

RULE TITLE: Definitions
RULE NO.: 61G19-1.009

PURPOSE AND EFFECT: The Board proposes to review the existing text to see if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 468.606, 468.607 FS.

LAW IMPLEMENTED: 468.603 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: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Administrators and Inspectors

RULE TITLE: Application for Provisional Certification
RULE NO.: 61G19-6.0035

PURPOSE AND EFFECT: The Board proposes to review the existing text to see if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Application for Provisional Certification.

SPECIFIC AUTHORITY: 468.606, 468.609(7)(a) FS.

LAW IMPLEMENTED: 468.609(7)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Administrators and Inspectors

RULE TITLE: Application for Standard Certification
RULE NO.: 61G19-6.008

by Examination; Reexamination
PURPOSE AND EFFECT: The Board proposes to review the existing text to see if additional amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Application for Standard Certification by Examination; Reexamination.

SPECIFIC AUTHORITY: 468.606, 468.609 (1),(2),(3) FS.

LAW IMPLEMENTED: 468.609 (1),(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Administrators and Inspectors

RULE TITLE: Florida Principles and Practice
RULE NO.: 61G19-6.0085

PURPOSE AND EFFECT: The Board proposes to review the existing text to see if additional amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Florida Principles and Practice.

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 455.217(7), 468.609(5) 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: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-46R

RULE CHAPTER TITLE: Domestic Wastewater Residuals
 RULE CHAPTER NO.: 62-640

The Department announces rule development for the above rule chapter. On November 21, 2002, the Department of Environmental Protection will hold a Rule Development Workshop on potential regulatory changes to Chapter 62-640, F.A.C. This rulemaking activity will address concerns with the land application of domestic wastewater residuals. The Department will be taking public input on permitting of residuals land application sites and other potential regulatory concepts that may reduce related public concerns and improve program management such as further requirements on all residuals including minimum treatment to Class A pathogen reduction standards.

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," under the wastewater program area. For information on this workshop call Maurice Barker at telephone number (850)245-8614.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Continuing Professional Education
 RULE NO.: 64B13-5

PURPOSE AND EFFECT: The Board proposes to review this chapter to determine whether any amendments and/or new rules are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Professional Education.

SPECIFIC AUTHORITY: 463.005(1), 463.007(3),(4), 456.013(7) FS.

LAW IMPLEMENTED: 463.007, 456.013(7) FS.

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

TIME AND DATE: 3:00 p.m., November 6, 2002

PLACE: Double Tree Suites, 3050 North Rocky Point Drive, West, Tampa, FL 33607, (813)888-8800

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 Optometry/MQA, 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 Optometry

RULE TITLE: Fees
 RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to remove paragraphs (1) and (10) as the Board no longer has the responsibility for setting the examination and re-examination fees. By statute this responsibility is now delegated to the Department.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 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: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) ~~The examination or reexamination fee shall be \$325.00.~~

(2) through (9) renumbered (1) through (8) No change.

(10) ~~The examination fee for certification as a certified optometrist shall be \$250.00.~~

(11) through (22) renumbered (9) through (20) No change.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02,_____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Nursing Scholarship Program
 RULE CHAPTER NO.: 64E-24

PURPOSE AND EFFECT: To implement 2002 statutory amendments requiring changes to rules and forms to administer the Nursing Scholarship Program (NSP) and to amend current rules to change the timeframe for return of NSP Agreements to the Department of Health.

SUBJECT AREA TO BE ADDRESSED: Nursing Scholarship Program.

SPECIFIC AUTHORITY: 1009.67 FS.

LAW IMPLEMENTED: 1009.67 FS.

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

TIME AND DATE: 9:00 a.m., October 28, 2002

PLACE: Department of Health, 4025 Esplanade Way, Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Caroline Roth, Program Administrator, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin C-15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 2711

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

P.O. B00829

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Reef Fish	68B-14
RULE TITLES:	RULE NOS.:
Purpose and Intent, Repeal of Section 370.11(2)(a)8., F.S., Designation as Protected Species, Designation as Restricted Species	68B-14.001
Definitions	68B-14.002
Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper	68B-14.0035
Size Limits for Importation and Sale	68B-14.00355
Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/ Retail Purchase Exemption	68B-14.0036
Commercial Harvest Requirements; Licenses, Seasonal Closures, Special Restrictions	68B-14.0045
Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation, Black Sea Bass Traps	68B-14.005

PURPOSE AND EFFECT: The purpose of this rule development effort is to implement minimum size limits for the possession and sale of imported reef fishes, and to develop consistent minimum size limits for red snapper and scamp caught in state and federal waters of the Gulf of Mexico. The effect will be to clarify existing regulations regarding the possession of imported fish that are less than state and/or federal minimum size limits and to develop minimum size limits that are consistent with federal regulations.

SUBJECT AREA TO BE ADDRESSED: Minimum size limits for the possession of imported reef fishes. Size limit changes for Gulf of Mexico red snapper and scamp. State water closure notices. Possession limits for mutton snapper, red porgy, and amberjack during commercial trips. Technical and organizational changes to the rule.

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Shrimp	68B-31
RULE TITLE:	RULE NO.:
Northwest Region Food Shrimp Production Gear Specifications	68B-31.010

PURPOSE AND EFFECT: The purpose of this rule development effort is to allow the use of skimmer trawls throughout the northwest shrimp harvesting region. The effect will be to expand the area in which skimmer trawls may be deployed from a specified location in Apalachicola Bay to all inshore waters of the region where shrimp trawling is now permitted.

SUBJECT AREA TO BE ADDRESSED: Shrimping in the Northwest Region.

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting

by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-31.010 Northwest Region Food Shrimp Production Gear Specifications.

Each person harvesting shrimp in the Northwest Region as a food shrimp producer shall comply with the requirements specified in this rule.

(1) Allowable Gear – No person shall harvest shrimp in the nearshore and inshore Florida waters of the region as a food shrimp producer with any type of gear other than:

(a) A roller frame trawl meeting the following specifications:

1. Neither the upper nor lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length.

2. The vertical bars shielding the trawl opening are spaced no further than 3 inches apart.

3. No more than two such trawls, unconnected, shall be towed by a single vessel at any time.

4. The netting of the trawl shall be no larger in mesh area than specified by subsection 68B-31.0035(2), F.A.C.

(b) No more than two unconnected otter trawls, each with a perimeter around the leading edge of the net not greater than 66 feet and a net no larger in mesh area than specified by Rule 68B-31.0035(2), F.A.C. The two otter trawls allowed in the nearshore and inshore Florida waters of this region shall include any try net being towed.

(c) ~~No Only in the area of the Northwest Region specified herein, no~~ more than two unconnected skimmer trawls meeting the following specifications:

1. The perimeter around the leading edge of any skimmer trawl shall not exceed 56 feet.

2. No more than two skimmer trawls, unconnected other than being attached to the same vessel, shall be deployed from a single vessel at any time.

3. The netting of a skimmer trawl shall be no larger in mesh area than specified by subsection 68B-31.0035(2), F.A.C.

4. ~~No skimmer trawl shall be used to harvest shrimp except in the following described area in Apalachicola Bay in the Northwest Region: All waters of Apalachicola Bay in Franklin County bounded on the north by the John Gorrie Memorial Bridge, on the west by the Apalachicola Shipping Channel to Channel Marker No. 2, on the south by ICWW Channel, and on the east by the Bryant Patton Bridge.~~

(2) No trawl shall be used for food shrimp production in the inshore waters of the Northwest Region that has a mesh size less than 3/4 inch bar measurement in the body of the net and 5/8 inch bar measurement in the cod end. In any trawl with a rigid turtle excluder device (TED), the section of netting surrounding the device shall have a mesh size no smaller than 1/2 inch bar measurement and shall be no more than 50 meshes in total length.

(3) No otter or skimmer trawl shall be used for food shrimp production in the Northwest Region that is not in compliance with Rule 68B-31.004, F.A.C.

(4) In the Northwest Region, no person harvesting shrimp as a food shrimp producer shall operate or fish any otter or skimmer trawl, or possess any otter or skimmer trawl that is rigged for fishing aboard any vessel, which trawl does not have a bycatch reduction device (BRD) installed therein meeting the requirements of Rule 68B-31.0045, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 1-1-96, 8-17-98, 6-1-99, Formerly 46-31.010, Amended 5-2-01.

Section II
Proposed Rules

DEPARTMENT OF INSURANCE

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Actuarial Opinion and Memorandum	4-138 III
RULE TITLES:	RULE NOS.:
Purpose	4-138.040
Scope	4-138.041
Definitions	4-138.042
General Requirements	4-138.043
Required Opinions	4-138.044
Statement of Actuarial Opinion Not Including An Asset Adequacy Analysis	4-138.045
Statement of Actuarial Opinion Based on Asset Adequacy Analysis	4-138.046
Description of Actuarial Memorandum Including an Asset Adequacy Analysis and Regulatory Asset Adequacy Issues Summary	4-138.047
Additional Considerations for Analysis	4-138.048
PURPOSE, EFFECT AND SUMMARY: To adopt the same changes made by the NAIC: the elimination of non-asset adequacy opinions, greater reliance on revised actuarial standards of practice and guidelines to permit an alternative to a state of filing opinion.	
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), 625.121(3), 625.121(3)(a) FS.

LAW IMPLEMENTED: 624.307(1), 624.316(1)(c), 624.424(1), 625.121, 625.121(3), 632.627 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: 10:00 a.m., Tuesday, November 5, 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: Kerry Krantz, L & H Insurer Solvency, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0327, (850)413-5038

THE FULL TEXT OF THE PROPOSED RULE IS:

4-138.040 Purpose.

The purpose of this part is to prescribe:

(1) ~~Requirements~~ Guidelines and standards for statements of actuarial opinion ~~that which~~ are to be submitted in accordance with subsection (3) of the Standard Valuation Law, and for supporting memoranda;

~~(2) Guidelines and standards for statements of actuarial opinion which are to be submitted when a company is exempt from subsection (3)(b) of the Standard Valuation Law; and~~

~~(2)(3) Rules applicable to the appointment of an appointed actuary and~~

(3) Guidance as to the meaning of "adequacy of reserves."

Specific Authority 624.308(1), 625.121(3)(a) FS. Law implemented 624.307(1), 625.121(3), 632.627 FS. History—New 5-18-93, Amended _____.

4-138.041 Scope.

(1) This part shall apply to all life and health insurance companies and fraternal benefit societies doing business in this state, and to all life insurance companies and fraternal benefit societies that are authorized to reinsure life insurance, annuities, or accident and health insurance business in this state. This part shall be applied in a manner that allows the appointed actuary to utilize his or her professional judgment in performing the asset analysis and developing the actuarial opinion and supporting memoranda, consistent with relevant actuarial standards of practice. However, the Department shall

have the authority to specify specific methods of actuarial analysis and actuarial assumptions when these specifications are necessary for an acceptable opinion to be rendered relative to the adequacy of reserves and related items shall be applicable to all annual statements filed with the Department beginning with the annual statement for calendar year 1993, due on March 1, 1994.

~~(2) This rule shall be applicable to all annual statements filed with the Department after the effective date of this rule. Except with respect to companies which are exempted pursuant to rule 4-138.044 of this part, a A statement of opinion on the adequacy of the reserves and related actuarial items based on an asset adequacy analysis in accordance with Rule 4-138.046 of this part, and a memorandum in support thereof in accordance with Rule 4-138.047 of this part, shall be required each year. Any company so exempted must file a statement of actuarial opinion pursuant to rule 4-138.045 of this part.~~

~~(3) Notwithstanding the foregoing, the Department shall require any company otherwise exempt pursuant to this part to submit a statement of actuarial opinion and to prepare a memorandum in support thereof in accordance with rules 4-138.046 and 4-138.047 of this part if the Department makes a specific finding that such opinion and memorandum are necessary in order for the Department to determine that the life and health insurer or the fraternal benefit society is in compliance with chapters 624, 625, 626, 627, or 632 of the Insurance Code; or the Department has reason to believe that the financial statement upon which the calculations are based is incomplete, inaccurate, or otherwise not in compliance with Rule 4-137.001, Florida Administrative Code; or the company is using such methods and practices in the conduct of its business as to render its further transaction of insurance in this state hazardous or injurious to the policyholders or to the public.~~

Specific Authority 624.308(1), 625.121(3)(a) FS. Law implemented 624.307(1), 624.316(1)(c), 624.424(1), 625.121(3) FS. History—New 5-18-93, Amended 2-16-94, _____.

4-138.042 Definitions.

(1) "Actuarial Opinion" means the opinion of an appointed actuary regarding the adequacy of the reserves and related actuarial items based on an asset adequacy analysis in accordance with Rule 4-138.046, F.A.C., and with applicable actuarial standards of practice.

~~(2)(+)~~ "Actuarial Standards Board" means is the board established by the American Academy of Actuaries to develop and promulgate standards of actuarial practice.

~~(3)(2)~~ No change.

~~(4)(3)~~ An "Appointed Actuary" is a qualified actuary who is appointed or retained, either directly by or by the authority of the board of directors through an executive officer

of the company other than an officer who is the qualified actuary, to prepare the statement of actuarial opinion as required by subsection (3) of the Standard Valuation Law.

(4) through (6) renumbered (5) through (7) No change.

~~(7) "Medium to Lower Quality Obligations" are those designated as classes 3, 4, 5 or 6 by the NAIC Securities Valuation Office.~~

(8) through (9) No change.

(10) "Qualified Actuary" means any individual who meets the criteria specified in paragraph Rule 4-138.043(2)(b), F.A.C.

(11) No change.

Specific Authority 625.121(3)(a) FS. Law implemented 625.121(3) FS. History—New 5-18-93, Amended.

4-138.043 General Requirements.

(1) Submission of Statement of Actuarial Opinion.

(a)1. Included on or attached to Page 1 of the annual statement for each year, beginning with the year in which this part becomes effective, shall be the statement of an appointed actuary, entitled "Statement of Actuarial Opinion," setting forth an opinion relating to reserves and related actuarial items held in support of policies and contracts, in accordance with Rule 4-138.046, F.A.C. of this part.

~~2. Any company exempted pursuant to rule 4-138.044 of this part from submitting a statement of actuarial opinion in accordance with rule 4-138.046 of this part shall include on or attach to Page 1 of the annual statement a statement of actuarial opinion rendered by an appointed actuary in accordance with rule 4-138.045 of this part.~~

~~(b) If in the previous year a company provided a statement of actuarial opinion in accordance with rule 4-138.045 of this part, and in the current year fails the exemption criteria as stated in paragraph 4-138.044(3)(a), (3)(b), or (3)(c) to again provide an actuarial opinion in accordance with rule 4-138.045, the statement of actuarial opinion in accordance with rule 4-138.046 shall not be required until August 1 following the date of the annual statement. In this instance, the company shall provide a statement of actuarial opinion in accordance with rule 4-138.045 with appropriate qualification noting the intent to subsequently provide a statement of actuarial opinion in accordance with rule 4-138.046.~~

~~(c) In the case of a statement of actuarial opinion required to be submitted by a foreign or alien company, the Department may accept the statement of actuarial opinion filed by the company with the insurance supervisory official of another state if the Department determines that the opinion reasonably meets the requirements applicable to a company domiciled in this state.~~

~~(b)(d)~~ Upon written request by the company, the Department has the authority to ~~may~~ grant an extension of the date for the submission of the statement of actuarial opinion.

(2) Qualified Appointed Actuary.

(a) No change.

(b) Any appointed actuary will be considered to be a "Qualified Actuary" if he ~~is an individual who~~:

1. Is a member in good standing of the American Academy of Actuaries; ~~and~~

2. Is qualified to sign statements of actuarial opinion for life and health insurance company annual statements in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements; ~~and~~

3. Is familiar with the valuation requirements applicable to life and health insurance companies; ~~and~~

4. Has not been found by the Department (or if so found has subsequently been reinstated as a qualified actuary), following appropriate notice and hearing, to have:

a. Violated any provision of, or any obligation imposed by, the Insurance Code or other state or federal law relating to insurance in the course of his or her dealings as a qualified actuary; ~~or~~

b. Been found guilty of or pleaded guilty or nolo contendere to fraudulent or dishonest practices without regard to whether a judgment of conviction has been entered by the court having jurisdiction in such case; ~~or~~

c. Demonstrated his or her incompetency, lack of cooperation, or untrustworthiness to act as a qualified actuary; ~~or~~

d. Submitted to the Department during the past ~~five~~ (5) years, pursuant to this part, an actuarial opinion or memorandum that the Department rejected because it did not meet the provisions of this part including standards set by the Actuarial Standards Board; or

e. Resigned or been removed as an appointed actuary within the past ~~five~~ (5) years as a result of acts or omissions indicated in any adverse report on examination or as a result of failure to adhere to generally acceptable actuarial standards; and

5. Has not failed to notify the Department of any action taken by any insurance supervisory official of any other state similar to that under subparagraph 4-138.043(2)(b)4. above.

(c) Once notice is furnished, no further notice is required with respect to this person provided the company shall give the Department written notice in the event the actuary ceases to be appointed or retained as an appointed actuary or to meet the requirements set forth in paragraph subsection 4-138.043(2)(b), F.A.C. Notice must be prior to or concurrent with the termination of the actuary's appointment or retention, or upon discovery that the actuary no longer meets the requirements set forth in paragraph subsection 4-138.043(2)(b), F.A.C.

(d) No change.

(3) No change.

(4) Liabilities to be Covered.

(a) Under authority of subsection (3) of the Standard Valuation Law, Section 625.121, Florida Statutes, the statement of actuarial opinion shall apply to all in-force business on the statement date regardless of when or where issued, e.g., reserves of Exhibits ~~5~~ 8, ~~6~~ 9, and ~~7~~ 10, and claim liabilities in Exhibit ~~8~~ 11, Part I of the Annual Statement, and equivalent items in the separate account statement or statements.

(b) No change.

~~(c) For years ending prior to December 31, 1995, the company may, in lieu of establishing the full amount of the additional reserve in the annual statement for that year, set up an additional reserve in an amount not less than the following:~~

~~1. For the year ending on December 31, 1993, the additional reserve divided by three.~~

~~2. For the year ending on December 31, 1994, two times the additional reserve divided by three.~~

~~(c)(d)~~ Additional reserves established under paragraphs (b) ~~or (c)~~ above and deemed not necessary in subsequent years may be released. Any amounts released shall ~~must~~ be disclosed in the actuarial opinion for the applicable year. The release of such reserves will not be deemed an adoption of a lower standard of valuation.

Specific Authority 624.308(1), 625.121(3)(a) FS. Law implemented 624.307(1), 624.316(1)(c), 624.424(1), 625.121(3) FS. History—New 5-18-93, Amended 2-16-94, _____.

4-138.044 Required Opinions.

Specific Authority 624.308(1), 625.121(3)(a) FS. Law implemented 624.307(1), 624.316(1)(c), 624.424(1), 625.121(3) FS. History—New 5-18-93, Amended 2-16-94, 4-9-97, 4-4-99, 11-30-99, Repealed.

4-138.045 Statement of Actuarial Opinion Not Including an Asset Adequacy Analysis.

Specific Authority 624.308(1), 625.121(3)(a) FS. Law implemented 624.307(1), 624.316(1)(c), 624.424(1), 625.121(3) FS. History—New 5-18-93, Amended 2-16-94, Repealed.

4-138.046 Statement of Actuarial Opinion Based on an Asset Adequacy Analysis.

(1) General Description. The statement of actuarial opinion submitted in accordance with this section shall consist of:

(a) through (d) No change.

(e) One or more additional paragraphs will be needed in individual company cases as follows:

1. No change.

~~2. If the appointed actuary must disclose the method of aggregation for reserves of different products or lines of business for asset adequacy analysis;~~

~~3. If the appointed actuary must disclose reliance upon any portion of the assets supporting the Asset Valuation Reserve (AVR), Interest Maintenance Reserve (IMR), or other mandatory or voluntary statement reserves for asset adequacy analysis;~~

4. through 6. renumbered 2. through 4. No change.

(2) Recommended Language. The following paragraphs are to be included in the statement of actuarial opinion. Language is that which in typical circumstances shall be included in a statement of actuarial opinion. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary shall use language that ~~which~~ clearly expresses his or her professional judgment, and retains all pertinent aspects of the language provided in this section.

(a) The opening paragraph shall indicate the appointed actuary's relationship to the company and his or her qualifications to sign the opinion.

1. For a company actuary, the opening paragraph of the actuarial opinion shall include a statement such ~~read~~ as follows:

"I, (name), am (title) of (insurance company name) and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the Board of Directors of said insurer to render this opinion as stated in the letter to the Department of Insurance dated (insert date). I meet the Academy qualification standards for rendering the opinion, and am familiar with the valuation requirements applicable to life and health insurance companies."

2. For a consulting actuary, the opening paragraph shall contain a sentence such as:

"I, (name), a member of the American Academy of Actuaries, am associated with the firm of (name of consulting firm). I have been appointed by, or by the authority of, the Board of Directors of (name of company) to render this opinion as stated in the letter to the Department of Insurance dated (insert date). I meet the Academy qualification standards for rendering the opinion, and am familiar with the valuation requirements applicable to life and health insurance companies."

(b) The scope paragraph shall include a statement such as the following:

"I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, 2019. Tabulated below are those reserves and related actuarial items which have been subjected to asset adequacy analysis.

Asset Adequacy Tested Amounts – Reserves and Liabilities					
Statement Item	Formula Reserves (1)	Additional Actuarial Reserves (2) Note (i) below	Analysis Method Note (ii) below	Other Amount (3)	Total Amount (1)+(2)+(3) (4)
Exhibit 5					
A Life Insurance					
B Annuities					
C Supplementary Contracts Involving Life Contingencies					
D Accidental Death Benefit					
E Disability – Active					
F Disability – Disabled					
G Miscellaneous					
Total (Exhibit 5 Item 1, Page 3)					
Exhibit 6					
A Active Life Reserve					
B Claim Reserve					
Total (Exhibit 6 Item 2, Page 3)					
Exhibit 7					
Premium and Other Deposit Funds (Column 5, Line 14)					
Guaranteed Interest Contracts (Column 2, Line 14)					
Other (Column 6, Line 14)					
Supplemental Contracts and Annuities Certain (Column 3, Line 14)					
Dividend Accumulations or Refunds (Column 4, Line 14)					
Total Exhibit 7 (Column 1, Line 14)					
Exhibit 8 Part 1					
1 Life (Page 3, Line 4.1)					
2 Health (Page 3, Line 4.2)					
Total Exhibit 8, Part 1					

Separate Accounts (Page 3 of the Annual Statement of the Separate Accounts, Lines 1, 2, 3.1, 3.2, 3.3)					
TOTAL RESERVES					

IMR (General Account, Page Line) (Separate Accounts, Page Line)	
AVR (Page Line)	Note (iii) below
Net Deferred and Uncollected Premium	

Note (i): The additional actuarial reserves are the reserves established under paragraphs (b) and (e) of subsection 4-138.043(4), F.A.C.

Note (ii): The appointed actuary shall indicate the method of analysis, determined in accordance with the standards for asset adequacy analysis referred to in subsection 4-138.043(3), F.A.C. of this part, by means of symbols which shall be defined in footnotes to the table.

Note (iii): Allocated amount of Asset Valuation Reserve (AVR).

Statement Item	Reserves and Liabilities				Total Amount (1)+(2)+(3) (4)
	Asset Adequacy Tested Amounts				
	Formula Reserves (1)	Additional Actuarial Reserves (2)	Analysis Method (3)	Other Amount (4)	
	(1)	(2)	(3)	(4)	

- Exhibit 8**
- A Life Insurance
 - B Annuities
 - C Supplementary Contracts Involving Life Contingencies
 - D Accidental Death Benefit
 - E Disability – Active
 - F Disability – Disabled
 - G Miscellaneous

Total (Exhibit 8 Item 1, Page 3)

- Exhibit 9**
- A Active Life Reserve
 - B Claim Reserve

Total (Exhibit 9 Item 2, Page 3)

Exhibit 10

- 1 Premiums and Other Deposit Funds
- 1.1 Policyholder Premiums (Page 3, Line 10.1)
- 1.2 Guaranteed Interest Contracts (Page 3, Line 10.2)
- 1.3 Other Contract Deposit Funds (Page 3, Line 10.3)
- 2 Supplementary Contracts Not Involving Life Contingencies (Page 3, Line 3)
- 3 Dividend and Coupon Accumulations (Page 3, Line 5)

Total Exhibit 10 Exhibit 11 Part 1

- 1 Life (Page 3, Line 4.1)
- 2 Health (Page 3, Line 4.2)

Total Exhibit 11, Part 1

Separate Accounts
(Page 3, Line 27)

TOTAL RESERVES

IMR (Page _____ Line _____)

AVR (Page _____ Line _____)

(c)1.a. If the appointed actuary has relied on other experts to develop certain portions of the analysis, the reliance paragraph shall include a statement such as the following:

“I have relied on [name], [title] for [e.g., “anticipated cash flows from currently owned assets, including variations in cash flows according to economic scenarios” or “certain critical aspects of the analysis performed in conjunction with forming my opinion”], as certified in the attached statement. I have reviewed the information relied upon for reasonableness.”~~“I have relied on (name), (title) for (e.g., anticipated cash flows from currently owned assets, including variations in cash flows according to economic scenarios) and, as certified in the attached statement, . . .”~~

or

~~“I have relied on personnel as cited in the supporting memorandum for certain critical aspects of the analysis in reference to the accompanying statement.”~~

b. Such a statement of reliance on other experts shall be accompanied by a statement by each of such experts of the form prescribed by subsection 4-138.046(5), F.A.C.

2. If the appointed actuary has examined the underlying asset and liability records, the reliance paragraph shall ~~also~~ include a statement such as the following:

“My examination included such review of the actuarial assumptions and actuarial methods and of the underlying basic asset and liability records and such tests of the actuarial calculations as I considered necessary.”

3.a. If the appointed actuary has not examined the underlying records, but has relied upon data: (e.g., listings and summaries of policies in force ~~and/or~~ asset records) prepared by the company ~~or a third party~~, the reliance paragraph shall include a statement sentence such as:

“In forming my opinion on [specify types of reserves] I relied upon data prepared by [name and title of company officer certifying in force records or other data] as certified in the attached statements. I evaluated that data for reasonableness and consistency. I also reconciled that data to [exhibits and schedules to be listed as applicable] of the company’s current annual statement. In other respects, my examination included review of the actuarial assumptions and actuarial methods used and tests of the calculations I considered necessary.”

~~“I have relied upon listings and summaries (of policies and contracts, of asset records) prepared by (name and title of company officer certifying in force records) as certified in the attached statement. In other respects my examination included such review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary.”~~

or

~~“I have relied upon (name of accounting firm) for the substantial accuracy of the in force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination included review of the actuarial assumptions and actuarial methods and tests of the actuarial calculations as I considered necessary.”~~

b. Such a section ~~shall~~ must be accompanied by a statement by each person relied upon of the form prescribed by subsection 4-138.046(5), F.A.C.

(d) The opinion paragraph shall include a statement such as the following:

“In my opinion the reserves and related actuarial values concerning the statement items identified above:”

- 1. No change.
- 2. Are based on actuarial assumptions ~~that~~ which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;
- 3. No change.
- 4. Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end (with any exceptions noted below); and
- 5. Include provision for all actuarial reserves and related statement items which ought to be established.

“The reserves and related items, when considered in light of the assets held by the company with respect to such reserves and related actuarial items including, but not limited to, the investment earnings on the such assets, and the considerations anticipated to be received and retained under the such policies and contracts, make adequate provision, according to presently

accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the company.

“The actuarial methods, considerations and analyses used in forming my opinion conform to the appropriate Standards of Practice as promulgated by the actuarial Standards Board which form the basis of this statement of opinion.”

“To the best of my knowledge, there have been no material changes from the applicable date of the annual statement to the date of the rendering of this opinion which shall be considered in reviewing this opinion.”

or

“The following material change(s) which occurred between the date of the statement for which this opinion is applicable and the date of this opinion shall be considered in reviewing this opinion: (describe the change or changes.)”

NOTE: Choose one of the above two paragraphs, whichever is applicable.

The impact of unanticipated events subsequent to the date of this opinion is beyond the scope of this opinion. The analysis of asset adequacy portion of this opinion shall be viewed recognizing that the company’s future experience may not follow all the assumptions used in the analysis.

Signature of Appointed Actuary

Address of Appointed Actuary

Telephone Number of Appointed Actuary

Date”

(3) Assumptions for New Issues. The adoption for new issues or new claims or other new liabilities of an actuarial assumption ~~that which~~ differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of this Rule 4-138.046, F.A.C.

(4) No change.

(5) Reliance on Information ~~Data~~ Furnished by Other Persons.

(a) If the appointed actuary relies on the certification of others on matters concerning the accuracy or completeness of any data underlying the actuarial opinion, or the appropriateness of any other information used by the appointed actuary in forming the actuarial opinion, the actuarial opinion should indicate the persons the actuary is relying upon and a precise identification of the items subject to reliance.

(b) The persons on whom the appointed actuary relies shall provide a certification that precisely identifies the items on which the person is providing information and a statement as to the accuracy, completeness, or reasonableness, as applicable, of the items. The certification shall include the

signature, title, company, address, and telephone number of the person rendering the certification, as well as the date on which it is signed.

~~If the appointed actuary does not express an opinion as to the accuracy and completeness of the listings and summaries of policies in force and/or asset oriented information, there shall be attached to the opinion the statement of a company officer or accounting firm who prepared such underlying data similar to the following:~~

~~“I (name of officer), (title), of (name of company or accounting firm), hereby affirm that the listings and summaries of policies and contracts in force as of December 31, 19__, and other liabilities prepared for and submitted to (name of appointed actuary) were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.~~

Signature of the Officer of the Company or Accounting Firm

Address of the Officer of the Company or Accounting Firm

Telephone Number of the Officer of the Company or Accounting Firm”

and/or

~~“I, (name of officer), (title) of (name of company, accounting firm, or security analyst), hereby affirm that the listings, summaries and analyses relating to data prepared for and submitted to (name of appointed actuary) in support of the asset-oriented aspects of the opinion were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.~~

Signature of the Officer of the Company, Accounting Firm or Security Analyst

Address of the Officer of the Company, Accounting Firm, or Security Analyst

Telephone Number of the Officer of the Company, Accounting Firm, or Security Analyst”

(6) Alternate Option

(a) The Standard Valuation Law gives the Department broad authority to accept the valuation of a foreign insurer when that valuation meets the requirements applicable to a company domiciled in this state in the aggregate. As an alternative to the requirements of subparagraph 4-138.046(2)(d)3., F.A.C., the Department shall make one or more of the following additional approaches available to the opining actuary:

1. A statement that the reserves “meet the requirements of the insurance laws and regulations of the State of [state of domicile] and the formal written standards and conditions of this state for filing an opinion based on the law of the state of domicile.”

a. Under this alternative, a formal written list of standards and conditions shall be made available.

b. If a company chooses to use this alternative, the standards and conditions in effect on July 1 of a calendar year shall apply to statements for that calendar year, and they shall remain in effect until they are revised or revoked. If no list is available, this alternative is not available.

2. A statement that the reserves “meet the requirements of the insurance laws and regulations of the State of [state of domicile] and I have verified that the company’s request to file an opinion based on the law of the state of domicile has been approved and that any conditions required by the Department for approval of that request have been met.”

a. Under this alternative, a formal written statement of such allowance shall be issued no later than March 31 of the year it is first effective. It shall remain valid until rescinded or modified by the Department. Such rescission or modifications shall be issued no later than March 31 of the year they are first effective.

b. Subsequent to that statement being issued, if a company chooses to use this alternative, the company shall file a request to do so, along with justification for its use, no later than April 30 of the year of the opinion to be filed.

c. The request shall be deemed approved on October 1 of that year if the Department has not denied the request by that date.

3. A statement that the reserves “meet the requirements of the insurance laws and regulations of the State of [state of domicile] and I have submitted the required comparison as specified by this state.”

a.(I) Under this alternative, a formal written list of products (to be added to the table in Item b below) for which the required comparison shall be provided will be published.

(II) If a company chooses to use this alternative, the list in effect on July 1 of a calendar year shall apply to statements for that calendar year, and it shall remain in effect until it is revised or revoked. If no list is available, this alternative is not available.

b. If a company desires to use this alternative, the appointed actuary shall provide a comparison of the gross nationwide reserves held to the gross nationwide reserves that would be held under NAIC codification standards. Gross nationwide reserves are the total reserves calculated for the total company in force business directly sold and assumed, indifferent to the state in which the risk resides, without reduction for reinsurance ceded. The information provided shall be at least:

(1) Product Type	(2) Death Benefit or Account Value	(3) Reserves Held	(4) Codification Reserves	(5) Codification Standard

c. The information listed shall include all products identified by either the state of filing or any other states subscribing to this alternative.

d. If there is no codification standard for the type of product or risk in force or if the codification standard does not directly address the type of product or risk in force, the appointed actuary shall provide detailed disclosure of the specific method and assumptions used in determining the reserves held.

e. The comparison provided by the company is to be kept confidential to the same extent and under the same conditions as the actuarial memorandum.

4. Notwithstanding the above, if the state of domicile opinion and the additional information provided to the Department is not sufficient to demonstrate that the opinion complies with the laws and regulations of this state, the Department shall reject this alternative and require an opinion based on the laws and regulations of this state. If a company is unable to provide the opinion within 60 days of the request or such other period of time determined by the Department after consultation with the company, the Department may contract an independent actuary at the company’s expense to prepare and file the opinion.

Specific Authority 625.121(3)(a) FS. Law implemented 625.121(3) FS. History—New 5-18-93, Amended _____.

4-138.047 Description of Actuarial Memorandum Including an Asset Adequacy Analysis and Regulatory Asset Adequacy Issues Summary.

(1) General

(a)1. In accordance with subsection (3) of the Standard Valuation Law, the appointed actuary shall prepare a memorandum to the company describing the analysis done in support of his or her opinion regarding the reserves ~~under a rule 4-138.046 opinion.~~

2. The memorandum shall be made available for examination by the Department upon its request. Any memorandum in support of the opinion, and any other material provided by the company to the Department in connection therewith, is confidential and exempt from the provisions of Section s. 119.07(1), Florida Statutes, as provided in Section s- 625.121(3)(a)10., Florida Statutes ~~F.S.~~

(b) In preparing the memorandum, the appointed actuary may ~~rely on, and~~ include as a part of his or her own memorandum, memoranda prepared and signed by other actuaries who are qualified within the meaning of subsection

4-138.043(2), F.A.C., of this part with respect to the areas covered in the memoranda, and shall so state in their memoranda.

(c) No change.

(d) 1. through 3. No change.

4. The reviewing actuary shall not be an employee of a consulting firm involved with the preparation of any prior memorandum or opinion for the insurer pursuant to this part for the current year or any one of the preceding ~~three (3)~~ years.

(e) In accordance with Section 625.121(3), Florida Statutes, the appointed actuary shall prepare a regulatory asset adequacy issues summary, the contents of which are specified in Subsection 4-138.047(3), F.A.C.

1. The regulatory asset adequacy issues summary shall be submitted no later than March 15 of the year following the year for which a statement of actuarial opinion based on asset adequacy is required.

2. The regulatory asset adequacy issues summary shall be kept confidential to the same extent and under the same conditions as the actuarial memorandum.

(2) Details of the Memorandum Section Documenting Asset Adequacy Analysis (~~rule 4-138.046~~). When an actuarial opinion ~~under rule 4-138.046~~ is provided, the memorandum shall demonstrate that the analysis has been done in accordance with the standards for asset adequacy referred to in subsection 4-138.043(3), F.A.C., of this part and any additional standards under this part. It shall specify:

(a) For reserves:

1. through 5. No change.

6. Identification of any explicit or implied guarantees made by the general account in support of benefits provided through a separate account or under a separate account policy or contract and the methods used by the appointed actuary to provide for the guarantees in the asset adequacy analysis

7.a. Documentation of assumptions to test reserves for the following:

(I) Lapse rates (both base and excess);

(II) Interest crediting rate strategy;

(III) Mortality;

(IV) Policyholder dividend strategy;

(V) Competitor or market interest rate;

(VI) Annuitization rates;

(VII) Commissions and expenses; and

(VIII) Morbidity.

b. The documentation of the assumptions shall be such that an actuary reviewing the actuarial memorandum can form a conclusion as to the reasonableness of the assumptions.

(b) For assets:

1. through 3. No change.

4. Asset valuation bases; and

5.a. Documentation of assumptions made for:

(I) Default costs;

(II) Bond call function;

(III) Mortgage prepayment function;

(IV) Determining market value for assets sold due to disinvestment strategy; and

(V) Determining yield on assets acquired through the investment strategy.

b. The documentation of the assumptions shall be such that an actuary reviewing the actuarial memorandum can form a conclusion as to the reasonableness of the assumptions.

(c) For the ~~a~~Analysis basis:

1. through 2. No change.

3. Rationale for degree of rigor in analyzing different blocks of business (include in the rationale the level of "materiality" that was used in determining how rigorously to analyze different blocks of business);

4. Criteria for determining asset adequacy (include in the criteria the precise basis for determining if assets are adequate to cover reserves under "moderately adverse conditions" or other conditions as specified in relevant actuarial standards of practice); and

5. Whether the impact of federal income taxes was considered and the method of treating reinsurance in the asset adequacy analysis ~~Effect of federal income taxes, reinsurance, and other relevant factors.~~

(d) Summary of material changes in methods, procedures, or assumptions from prior year's asset adequacy analysis;

(d) through (e) renumbered (e) through (f) No change.

(3) Details of the Regulatory Asset Adequacy Issues Summary.

(a) The regulatory asset adequacy issues summary shall include:

1. Descriptions of the scenarios tested (including whether those scenarios are stochastic or deterministic) and the sensitivity testing done relative to those scenarios.

a. If negative ending surplus results under certain tests in the aggregate, the actuary should describe those tests and the amount of additional reserve as of the valuation date which, if held, would eliminate the negative aggregate surplus values.

b. Ending surplus values shall be determined by either extending the projection period until the in force and associated assets and liabilities at the end of the projection period are immaterial or by adjusting the surplus amount at the end of the projection period by an amount that appropriately estimates the value that can reasonably be expected to arise from the assets and liabilities remaining in force.

2. The extent to which the appointed actuary uses assumptions in the asset adequacy analysis that are materially different than the assumptions used in the previous asset adequacy analysis;

3. The amount of reserves and the identity of the product lines that had been subjected to asset adequacy analysis in the prior opinion but were not subject to analysis for the current opinion;

4. Comments on any interim results that may be of significant concern to the appointed actuary;

5. The methods used by the actuary to recognize the impact of reinsurance on the company's cash flows, including both assets and liabilities, under each of the scenarios tested; and

6. Whether the actuary has been satisfied that all options whether explicit or embedded, in any asset or liability (including but not limited to those affecting cash flows embedded in fixed income securities) and equity-like features in any investments have been appropriately considered in the asset adequacy analysis.

(b) The regulatory asset adequacy issues summary shall contain the name of the company for which the regulatory asset adequacy issues summary is being supplied and shall be signed and dated by the appointed actuary rendering the actuarial opinion.

(3) No change.

(4) Use of Assets Supporting the Interest Maintenance Reserve and the Asset Valuation Reserve.

(a) An appropriate allocation of assets in the amount of the Interest Maintenance Reserve (IMR), whether positive or negative, shall be used in any asset adequacy analysis.

1. Analysis of risks regarding asset default may include an appropriate allocation of assets supporting the Asset Valuation Reserve (AVR); these AVR assets may not be applied for any other risks with respect to reserve adequacy.

2. Analysis of these and other risks may include assets supporting other mandatory or voluntary reserves available to the extent not used for risk analysis and reserve support.

(b)1. The amount of the assets used for the AVR shall be disclosed in the Table of Reserves and Liabilities of the opinion and in the memorandum.

2. The method used for selecting particular assets or allocated portions of assets shall be disclosed in the memorandum.

(5) Documentation. The appointed actuary shall retain on file for at least seven (7) years sufficient documentation so that it will be possible to determine the procedures followed, the analyses performed, the bases for assumptions and the results obtained.

Specific Authority 625.121(3)(a) FS. Law Implemented 625.121(3) FS. History—New 5-18-93, Amended _____.

4-138.048 Additional Considerations for Analysis.

Specific Authority 625.121(3)(a) FS. Law implemented 625.121(3) FS. History—New 5-18-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Bureau of Life & Health, Insurance Solvency, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLES:	RULE NOS.:
Registration	5J-4.004
Exemption	5J-4.005
Reduction of Security	5J-4.007

PURPOSE AND EFFECT: The purpose and effect of rule changes to 5J-4.004 and 5J-4.005, F.A.C., is to eliminate the effective date of form 10300 and corrects the name and address of the Department of Agriculture and Consumer Services, Division of Consumer Services. Rule change 5J-4.005, F.A.C., identifies the Affidavit of Exemption form location and Rule 5J-4.007, F.A.C., is being repealed.

SUMMARY: Rules 5J-4.004 and 5J-4.005, F.A.C., rule changes eliminates the effective date of form 10300 and correctly identify the name and current address of the Department of Agriculture and Consumer Services, Division of Consumer Services. Rule 5J-4.007, F.A.C., is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 501.014(2)(a) FS.

LAW IMPLEMENTED: 501.013, 501.015(1),(2),(4), 501.016(4), 501.016(6) 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: 10:00 a.m., November 5, 2002

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE FULL TEXT OF THE PROPOSED RULES IS:

5J-4.004 Registration.

Any person who intends to open or operate as a health studio shall, prior to engaging in such activities, register with the Department using ~~fForm~~ DACS 10300, Health Studio Registration, Revised 7-10-94, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, 407 South Calhoun Street, Mayo Building, 2nd Floor, Attention: Health Studios, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-65000800. The registrant shall submit with ~~fForm~~ DACS 10300 a copy of each contract offered to the public relating to the sale of health studio services.

Specific Authority 501.014(2)(a) FS. Law Implemented 501.015(1),(2),(4) FS. History—New 2-9-93, Amended 7-10-94, 5-24-95, _____.

5J-4.005 Exemption.

(1) Any person claiming an exemption pursuant to the provisions of Section 501.013, Florida Statutes, from the health studio laws shall, prior to engaging in health studio activities, file with the Department ~~the executed an affidavit on Form 10301, Affidavit of Exemption, which is included in fForm~~ DACS 10300 Revised 7-10-94, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, 407 South Calhoun Street, Mayo Building, 2nd Floor, Attention: Health Studios, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-65000800.

(2) The Department may request a person claiming an exemption under Section 501.013, Florida Statutes, to submit supporting documentation necessary to establish the person is entitled to such exemption.

Specific Authority 501.014(2)(a) FS. Law Implemented 501.013, 501.016(6), (7) FS. History—New 2-9-93, Amended 7-10-94, 5-24-95, _____.

5J-4.007 Reduction of Security.

~~Any person claiming a reduction shall file annually with the Department Form 10304, Application for Reduction, effective 2-9-93, hereby incorporated by reference. Copies of this form may be obtained from the Division of Consumer Services, 407 South Calhoun Street, Mayo Building, 2nd Floor, Attention: Health Studios, Tallahassee, Florida 32399-0800.~~

Specific Authority 501.014(2)(a) FS. Law Implemented 501.016(4) FS. History—New 2-9-93, Amended 7-10-94, 5-24-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLES:

RULE NOS.:

Licensing Requirement, Commercial

Telephone Seller, Salesperson

5J-6.005

Exemption

5J-6.013

Denials

5J-6.014

PURPOSE AND EFFECT: The purpose and effect of rule change 5J-6.005, F.A.C., is to correctly identify and locate Registration forms and correct the name and address of the Department of Agriculture, Division of Consumer Services. It also repeals Subsections (2) and (3) of rule 5J-6.005, F.A.C., which deals with forms 10001 and 10002. Paragraph 5J-6005(4)(a), F.A.C., clarifies the specific forms needed to obtain Interim Operating Authority as a Commercial Telephone Salesperson. In addition, Section (6), dealing with submitting a photocopy of the original submission for licensing, is repealed. Rule change to 5J-6.013, F.A.C., correctly identifies the Affidavit of Exemption's form number and corrects the address of the Division. Rule 5J-6.014, F.A.C., relates to Section 501.612(1), F.S., and sets guidelines for the denial of a license.

SUMMARY: Rule changes correctly identify Registration and Affidavit of Exemption forms, eliminate forms 10001 and 10002, specify what forms are necessary to submit for Interim Authority to operate as a Commercial Telephone Salesperson, and corrects the name and current address of the Department of Agriculture and Consumer Services, Division of Consumer Services. A new Rule 5J-6.014, F.A.C., Denials, relates to Section 501.612(1), F.S., dealing with denials of licenses. This rule sets the guidelines for denial of licenses.

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: 501.626 FS.

LAW IMPLEMENTED: 501.612 FS.

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

TIME AND DATE: 2:00 p.m., November 5, 2002

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, Phone (850)410-3679

THE FULL TEXT OF THE PROPOSED RULES IS:

5J-6.005 Licensing Requirement, Commercial Telephone Seller, Salesperson.

(1) No person may act as a commercial telephone seller or salesperson without first obtaining a license to conduct such activity. All applications for a license shall be in writing, on a form DACS 10001, provided as herein by the Department, verified by the applicant, and accompanied by the required fee. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Telemarketing, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

~~(2) The commercial telephone seller shall utilize Form 10001, effective 4-12-92, entitled Application for License, Commercial Telephone Seller, hereby adopted and incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attn: Telemarketing, Mayo Building, Second Floor, Tallahassee, Florida 32399-0800.~~

~~(3) The salesperson shall utilize Form 10002, effective 4-12-92, entitled Application for License, Salesperson, hereby adopted and incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attn: Telemarketing, Mayo Building, Second Floor, Tallahassee, Florida 32399-0800.~~

~~(4)(a) In the event a licensed commercial telephone seller hires an employee to function as a salesperson, but the employee does not possess a current commercial telephone salesperson license, the licensed commercial telephone seller may obtain interim operating authority for the unlicensed salesperson from the Department by submitting the Application for license as a Commercial Telephone Salesperson and the Statement of Verification, which are included in Form DACS 10001 10002, and a written request that the applicant be granted interim operating authority.~~

~~(b) The interim operating authority shall be effective until such time as the Department notifies the applicant of denial or approval of license. In no event shall the interim operating authority exceed a period of 90 days.~~

~~(c) In the event a license is denied, the interim operating authority shall immediately terminate and the applicant for a salesperson license shall immediately discontinue operating as a salesperson.~~

~~(5) The licensee shall notify the Department of all material changes in the information submitted in the application for license, including the original application for~~

license, or any application for renewal of the license, occurring prior to renewal within 10 days of the change. The licensee shall utilize form DACS 10001 10003, effective ~~4-12-92~~ entitled ~~Material Change, Commercial Telephone Seller/Salesperson~~, hereby adopted and incorporated by reference, and shall remit proper fees as applicable.

~~(6) The licensee shall attach a photocopy of the original information which was submitted as a condition of initial or renewal license to form 10003, Material Change, Commercial Telephone Seller/Salesperson, and the photocopy shall be Noted and conspicuously identified.~~

~~(7) In the event that a salesperson licensee changes his/her company affiliation, the salesperson shall utilize form DACS 10001, 10003 ~~Material Change, Commercial Telephone Seller/Salesperson~~. Additionally, the salesperson shall utilize a properly executed form 10004, effective 4-12-92, entitled Statement of Verification, hereby adopted and incorporated by reference, and pay the prescribed \$10 fee. Such change in status shall be submitted to the Department within 10 days of the change.~~

~~(8) In the event that the salesperson intends to affiliate with more than one company, the salesperson shall indicate such, as provided on form DACS 10001, by executing the 10002 Application for License, Salesperson, and shall submit an executed form 10004, Statement of Verification, for each Commercial Telephone Seller with which the salesperson intends to affiliate.~~

Specific Authority 501.626 FS. Law Implemented 501.605, 501.607, 501.608, 501.609 FS. History—New 4-12-92, Amended 2-15-93, 6-26-94, 5-15-95, 2-11-98, _____.

5J-6.013 Exemption.

(1) Any business entity claiming an exemption pursuant to Section 501.608(1)(b), Florida Statutes, shall file the Affidavit of Exemption included in Form DACS 10001 10005 entitled Affidavit of Exemption, Florida Telemarketing Act, effective ~~6-26-94~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Telemarketing, ~~227 North Bronough Street, Suite 7200, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32301 32399-6500.~~

(2) Any business entity claiming to be exempt under Section 501.604(22), Florida Statutes, shall furnish the Department copies of occupational licenses, lease agreements, or tax returns which verify the entity has been operating a retail establishment at least one year under the same name as that used in connection with telemarketing; and

(a) Shall provide a written statement that products are displayed and offered for sale, or services are offered for sale, and provided at the business establishment; and

(b) Shall furnish the Department copies of sales records, customer lists, purchase orders, general ledger entries, journals, or other documents which verify that a majority of the

seller's business involves the buyer obtaining such products or services at the seller's location. For the purposes of this rule, a "majority of the Seller's business" shall mean that at least 51% of each of the following occurs at the seller's business establishment:

1. The total annual dollar volume of sales;
 2. The total number of individual customer transactions;
- and
3. The total number of sales.

Specific Authority 501.626 FS. Law Implemented 501.604, 501.608 FS. History—New 6-26-94, Amended 2-11-98, _____.

5J-6.014 Denials.

The purpose of this rule part is to implement s. 501.612(1), Florida Statutes. The department shall not issue an initial or renewal license to any person applying for a commercial telephone seller or salesperson license if the department finds that the applicant, or any of its owners, operators, officers, directors, partners, or other individuals engaged in the management activities of the applicant, has:

(1) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, any misdemeanor crime within the last 5 years that involves racketeering or any offense involving fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or any other crime involving moral turpitude.

(2) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, any felony crime within the last 7 years that involves racketeering or any offense involving fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property.

(3) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to any capital offense within the last 10 years.

(4) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, any crime that involves racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or involving moral turpitude, and who has not successfully completed or satisfied all the conditions and/or terms of his or her sentencing, including any probation or parole.

(5) Had entered against him or her, or any business for which he or she has been affiliated as an owner, operator, officer, director, partner, or worked in the management activities, an injunction, a temporary restraining order, or a final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar document, in any civil or administrative action involving racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or the use of any untrue or misleading representation in an attempt to sell or

dispose of real or personal property or the use of any unfair, unlawful, or deceptive trade practice and who has not satisfied all the conditions and/or terms of his or her judgment or order.

Specific Authority 501.626 FS. Law Implemented 501.612 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLE:

Registration

RULE NO.:

5J-8.003

PURPOSE AND EFFECT: The purpose and effect of this rule change is to identify form DACS 10700 and eliminate the effective date for Form 10700, Dance Studio Registration, and correct the address of the Department of Agriculture and Consumer Services, Division of Consumer Services.

SUMMARY: This rule correctly identifies form DACS 10700, eliminates the old effective date for Form 10700 and updates the current address of the Division of Consumer Services.

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: 501.143(12) FS.

LAW IMPLEMENTED: 501.143(3),(4) 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., November 5, 2002

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-8.003 Registration.

(1) Any person who intends to open or operate as a dance studio shall, prior to engaging in such activity, register with the Department using ~~f~~Form DACS 10700, Dance Studio Registration, ~~effective March 22, 1993, revised June 23, 1994, hereby incorporated by reference.~~ Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, ~~Attention Attn:~~ Dance Studio Registration, 2005 Apalachee Parkway, Terry L. Rhodes Building, Mayo Building, Second Floor, Tallahassee, Florida 32399-6500 ~~0800~~. The registrant shall submit the registration fee to the Department at the time of registration for each of the dance studio's locations. The registration fee shall be non-refundable. The registrant shall submit with ~~f~~Form DACS 10700 a copy of each contract offered to the public relating to the sale of dance studio services.

(2) For the purpose of Section 501.143(4), Florida Statutes, and these rules, a "contract for ballroom dance studio services or lessons" shall not include:

(a) A single contract sold by a ballroom dance studio for a duration of seven (7) calendar days or less to any customer without any option for renewal or any other condition which establishes any right in the term;

(b) Which requires an advance payment of \$250 or less; and

(c) Which does not require the customer to provide payments in installments.

(3) In the event a contract for ballroom dance studio lessons or services meets the requirements of subsection (2) above, the contract need not be in writing.

Specific Authority 501.143(12) FS. Law Implemented 501.143(3),(4) FS. History--New 3-22-93, Amended 6-23-94, 5-24-95, 2-11-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLES:

Registration, Document Submission
Security Requirement

RULE NOS.:

5J-9.002
5J-9.006

PURPOSE AND EFFECT: The purpose and effect of 5J-9.002(1),(2), F.A.C., rule change is to identify the registration package for a Seller of Travel and correct the mailing address for the Division of Consumer Services. Rule change to subsection 5J-9.006(1), F.A.C., is to correctly identify the Surety Bond form as being included in the Registration packet and eliminate an outdated address for the Department of Agriculture and Consumer Services. Rule change 5J-9.006(2),(3) correctly identifies the Application for Reduction of Security form as being included in the Registration packet and deletes an outdated address for the Department of Agriculture and Consumer Services.

SUMMARY: This rule correctly identifies the package a Seller of Travel must complete to comply with the registration requirement under Section 559.928, F.S., and corrects the mailing address for the Division.

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: 559.9355(3) FS.

LAW IMPLEMENTED: 559.928, 559.929, 559.935(3) 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: 11:30 a.m., November 5, 2002

PLACE: Department of Agriculture and Consumer Services, Conference Room, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE FULL TEXT OF THE PROPOSED RULES IS:

5J-9.002 Registration, Document Submission.

The following statement in bold print:

(1) Any person who intends to operate as a seller of travel shall submit form DACS 10200, Seller of Travel the registration and fee to the Department at the time of registration. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

If the application is withdrawn or denied, the registration fee shall be retained by the Department to cover the administrative cost of implementing Sections 559.926-~~559.939~~, Florida Statutes.

(2) Any person claiming an exemption pursuant to the provisions of Section 559.935(3), Florida Statutes, shall file an affidavit of exemption with the Department using form DACS 10211 ST 10210 effective 9/95, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Mayo Building, Tallahassee, Florida 32399-6500 0800.

(3) No change.

Specific Authority 559.9355(3) FS. Law Implemented 559.928, 559.935(3) FS. History—New 10-6-93, Amended 1-3-95, 6-4-95, 12-27-95, 2-11-98,

5J-9.006 Security Requirement.

(1) Prior to engaging in any activities as a seller of travel, each seller of travel shall file with the Department an original performance bond in an amount determined by subsection (2) below. The applicant shall utilize the use Form ST-10203, Surety Bond Form, an example of which is included in form DACS 10200 Registration packet effective February 8, 1994, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel, Mayo Building, Second Floor, Tallahassee, Florida 32399-0800.

(2) The amount of the security for sellers of travel that do not offer vacation certificates shall be \$25,000; however, the seller of travel may apply for a reduction by completing the Security Reduction Application, which is included in form DACS 10200 Registration packet filing Form 10208, Application for Reduction of Security, effective February 8, 1994, hereby incorporated by reference, and providing. The Seller of Travel must provide copies of its federal income tax return or an audited financial statement for the immediately preceding fiscal year. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Sellers of Travel, Mayo Building, Second Floor, Tallahassee, Florida 32399-0800. To apply for reduction of the security, the seller of travel must have a satisfactory consumer complaint history. The amount of the security reduction shall be determined by the seller of travel's dollar amount of gross annual sales, as follows:

(a) A business that has been in operation under the same ownership and control for at least one year with under \$500,000 in gross annual sales, may request to reduce its security to \$10,000.

(b) A business that has been in operation under the same ownership and control for at least one year with gross annual sales between \$500,000 and \$1,000,000, may request to reduce its security to \$15,000.

(c) A business that has been in operation under the same ownership and control for at least one year with gross annual sales between \$1,000,000 and \$2,000,000, may request to reduce its security to \$20,000.

(3) The amount of the security for a newly established business or a business under new ownership shall be \$25,000; however, the seller of travel may apply to reduce its security to \$10,000 by executing the Application for Reduction of Security included in form DACS 10200 Registration Packet filing Form 10208. To be eligible for a reduction in security, a newly established seller of travel must meet the following criteria:

(a) Has not been in operation for more than one year;

(b) None of its owners, directors, officers, or general partners have had any civil, criminal, or administrative action instituted against him in the vacation or travel business, and none of its owners, directors, officers, or general partners have been affiliated with any seller of travel that has had any civil, criminal, or administrative action instituted against it in the vacation or travel business; and

(c) None of its owners, directors, officers, or general partners have an unsatisfactory consumer complaint history with the Department or have been affiliated with any seller of travel that has had an unsatisfactory consumer complaint history with the Department.

(4) No change.

Specific Authority 559.9355(3) FS. Law Implemented 559.929(1) FS. History—New 2-8-94, Amended 6-4-95, 11-6-95, 12-27-95, 2-11-98,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLE:
Franchises

RULE NO.:
5J-10.002

PURPOSE AND EFFECT: The purpose and effect of this rule change is to eliminate the effective date for form DACS 10500 and to correct the address of the Department of Agriculture and Consumer Services, Division of Consumer Services.

SUMMARY: This rule eliminates the effective date of form DACS 10500 and correctly identifies the address of the Department of Agriculture and Consumer Services, Division of Consumer Services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 570.07(23) FS.

LAW IMPLEMENTED: 559.802 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: 10:30 a.m., November 5, 2002

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-10.002 Franchises.

Every franchisor claiming an exemption pursuant to Section 559.802, Florida Statutes, shall file form ~~number~~ DACS 10500, ~~Annual Franchise Notice of Exemption Application, effective 11-15-94, hereby incorporated by reference.~~ Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, 2005 Apalachee Parkway, Terry L. Rhodes Building, 407 South Calhoun Street, Mayo Building, 2nd Floor, Attention: Business Opportunities, Tallahassee, Florida 32399-6500~~800~~. The franchisor shall submit a filing fee of \$100 with ~~f~~Form DACS 10500. The filing fee shall be non-refundable. The exemption may be renewed each year by filing ~~f~~Form DACS 10500 and paying a renewal fee of \$100.

Specific Authority 570.07(23) FS. Law Implemented 559.802 FS. History—New 11-15-94, Amended 6-4-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLE: Registration

RULE NO.: 5J-12.002

PURPOSE AND EFFECT: The purpose and effect of this rule change is to eliminate the effective date of form DACS 10900 and correct the address of the Department of Agriculture and Consumer Services, Division of Consumer Services.

SUMMARY: This rule eliminates the effective date of form DACS 10900 and updates the current address of the Division of Consumer Services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 570.07(23) FS.

LAW IMPLEMENTED: 559.904, 559.916 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: 11:00 a.m., November 5, 2002

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-12.002 Registration.

(1)(a) Any person who intends to operate a motor vehicle repair shop shall, before engaging in such activities, annually apply for and obtain a registration certificate from the Department using ~~f~~Form DACS 10900, Registration Application Form, Motor Vehicle Repair Act, ~~effective 1-18-95, hereby incorporated by reference.~~ Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Bureau of Motor Vehicle Repair, 2005 Apalachee Parkway, Terry L.

~~Rhodes Building 227 North Bronough Street, City Centre Building, Suite 7200, Tallahassee, Florida 32399-6500 32301-1329.~~

(b) If the motor vehicle repair shop is located in a municipality or county that has an ordinance containing standards that the Department has determined are at least equal to the requirements of the Florida Motor Vehicle Repair Act, the motor vehicle repair shop must register with the Department and provide one of the following to evidence compliance with the local ordinance:

1. The registration number provided to the motor vehicle repair shop by the municipality or county in the appropriate space on Form DACS 10900; or
2. A copy of the receipt of payment of the required fee for the municipality or county issued registration; or
3. A copy of the actual registration issued by the municipality or county.

(c) The following 11" x 17" sign with 30 point type shall be provided by the Department, and shall be posted pursuant to Section 559.916, Florida Statutes, to each registrant: SEE FLORIDA ADMINISTRATIVE CODE FOR "SIGN"

The registration certificate shall be attached to the sign by the registrant in the designated area. The sign with the accompanying registration certificate shall be conspicuously posted at the customer service area in full view of the motor vehicle repair shop's customers.

(d) If the registrant has multiple customer service areas and the area is configured so that a single sign and accompanying registration certificate cannot be posted in full view of the motor vehicle repair shop's customers, the registrant may request from the Department only such copies of the sign and registration certificate sufficient to comply with these rules.

(2)(a) Form DACS 10900 will not be deemed incomplete for failure to furnish a valid occupational license number, provided the motor vehicle repair shop is unable to obtain such number until it exhibits an active registration certificate issued by the Department pursuant to Section 559.904(7), Florida Statutes.

(b) If the Department approves the application submitted by the motor vehicle repair shop and issues a registration certificate to conduct business as a motor vehicle repair shop, the motor vehicle repair shop shall, within 30 days after issuance, provide the occupational license number to the Department.

(c) If the motor vehicle repair shop fails to provide the valid occupational license number within the prescribed 30 day period, such failure shall be grounds for suspension or revocation of registration.

Specific Authority 570.07(23) FS. Law Implemented 559.904, 559.916 FS. History--New 1-18-95, Amended 5-24-95, 2-11-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLES:	RULE NOS.:
Licensing Requirement	5J-13.002
Security Requirement	5J-13.003

PURPOSE AND EFFECT: The purpose and effect of Rule 5J-13.002, F.A.C., rule change is to eliminate the effective date of the Application form, identify the revised Application form number and correct the address of the Department of Agriculture and Consumer Services, Division of Consumer Services. The purpose and effect of Rule 5J-13.003, F.A.C., rule change is to locate and identify the Surety Bond form and to correct the address of the Department of Agriculture and Consumer Services, Division of Consumer Services.

SUMMARY: Rule change 5J-13.002, F.A.C., eliminates the effective date of Application form, changes the application form number and the address of the Division of Consumer Services under paragraph 539.001(5)(a),(c),(8)(a), F.S. Rule Change 5J-13.003, F.A.C., identifies the location of the Surety Bond form and corrects the address of the Division of Consumer Services under Section 539.001(4)(a)2., F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 570.07(23) FS.

LAW IMPLEMENTED: 539.001(5)(a),(c),(8)(a), 539.001(4)(a)2. 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: 9:00 a.m., November 5, 2002

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE FULL TEXT OF THE PROPOSED RULES IS:

5J-13.002 Licensing Requirements.

(1) Any person who intends to operate as a pawnbroker shall annually submit a licensing fee of \$300 to the Department, for each pawnshop location, at the time of applying for a license.

(2) A person applying for a license as a pawnbroker must submit with the license application a copy of the Pawnbroker Transaction Form. Applicants for license shall use Form DACS 10111 ~~10111~~, Registration Application Form, Florida Pawnbroking Act ~~effective 12-10-96, hereby incorporated by reference.~~ Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Pawnshops, 2005 Apalachee Parkway, Terry L. Rhodes Mayo Building, Tallahassee, Florida 32399-6500~~0800~~.

Specific Authority 570.07(23) FS. Law Implemented 539.001(5)(a),(c),(8)(a) FS. History--New 12-10-96, Amended.

5J-13.003 Security Requirements.

(1) Any person claiming to have a net worth of \$50,000 pursuant to Section 539.001(4)(a)2., F.S., shall file with the Department, at the time of applying for a license, a copy of their current financial statement prepared by a person who is part of an accounting firm or holds a permit to practice public accounting in Florida licensed accountant. In lieu of the financial statement, a person may file a copy of their most recently filed federal income tax return.

(2) If filing a surety bond pursuant to Section 539.001(4)(a)2., F.S., the applicant shall utilize the use Form DACS 10113, Surety Bond example form included in form DACS 10111, effective 12-10-96, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Pawnshops, Mayo Building, Tallahassee, Florida 32399-0800.

Specific Authority 570.07(23) FS. Law Implemented 539.001(4)(a)2. FS. History--New 12-10-96, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: COURSE REQUIREMENTS – GRADES 6-12 BASIC AND ADULT SECONDARY PROGRAMS

RULE NO.: 6A-1.09412

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt the course requirements to be used in grades 6-12, basic and adult secondary programs. The effect will be the adoption of a document that ensures instructional consistency in courses taught in grades 6-12.

SUMMARY: The proposed amendment incorporates the 2002-2003 course descriptions for grades 6-12/adult, basic, education as part of the rule by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.565 FS. LAW IMPLEMENTED: 229.565, 229.592, 230.23(7), 233.165 FS.

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

TIME AND DATE: 9:00 a.m., November 13, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Cox, Deputy Commissioner for Educational Programs, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09412 Course Requirements – Grades 6-12 Basic and Adult Secondary Programs.

A course description directs district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the "Course Code Directory and Instructional Personnel Assignments" adopted by Rule 6A-1.09441, F.A.C. Course requirements approved by the State Board of Education are contained in the publication "2002-2003 ~~2001-2002~~ Florida Course Descriptions for Grades 6-12/Adult, Basic Education" which is hereby incorporated by reference and made a part of this rule. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course requirements of each course description. Copies of approved

course descriptions may be obtained from the Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 229.565 FS. Law Implemented 229.565, 229.592, 230.23(7), 233.165 FS. History--New 2-21-85, Formerly 6A-1.9412, Amended 1-29-86, 1-1-87, 9-6-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 6-6-93, 10-18-94, 8-28-95, 5-14-96, 9-15-97, 10-13-98, 5-3-99, 5-3-01, 10-16-01,

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office

RULE TITLE: Professional Guardian Registration

RULE NO.: 58M-2.001

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

SUMMARY: This is a new rule that incorporates the form professional guardians will use to submit to the Statewide Public Guardianship Office information and documentation that the statutory qualifications to serve as a professional guardianship requirements have been met. The information will be used to create a professional guardian registry.

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 regulatory alternative must do so in writing within 21 days of this notice.

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

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

Written comments or suggestions on the proposed rule may be submitted to the Statewide Public Guardianship Office within 21 days after the date of this notice for inclusion in the record of the proceeding.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the hearing, please advise the Agency at least 5 calendar days before the hearing by contacting Karen P. Campbell, (850)487-4609, Ext. 103

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen P. Campbell, Office of the Public Guardian, 1923B Capital Circle, N. E., Tallahassee, FL 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

STATEWIDE PUBLIC GUARDIANSHIP OFFICE

58M-2.001 Professional Guardian Registration.

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

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

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

(c) The following documentation, or signed verification from the Clerk of Court that documentation is on file, shall be attached to and delivered with the completed registration form:

1. Credit History for Guardian and Employees with Fiduciary Responsibilities.

2. Criminal History for Guardian and Employees with Fiduciary Responsibilities.

3. Documentation of Bonding.

4. Documentation that Educational Requirements have been met.

5. List of Employees with Fiduciary Responsibilities. An employee with fiduciary responsibilities means an individual who holds a position of trust and confidence to the ward and

who is obligated by virtue of the guardianship relationship to protect and preserve the wards assets, property and who has access to the ward's personal identifiable information.

(2) The Guardian Registration Form, shall be submitted annually on or before January 1 of each year to the Statewide Public Guardianship Office with a \$25.00 registration fee. The registration fee shall be in the form of a money order or cashier's check made payable to the Statewide Public Guardianship Office.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen P. Campbell, Public Guardian, Office of Public Guardian

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Petrila, Interim Director, Statewide Public Guardianship Office

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 9, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE TITLE: Completed Application
RULE NO.: 61A-5.010

PURPOSE AND EFFECT: The Department proposes to amend the rule to clarify the applications, forms and accompanying instructions, if any, which are to be used in its dealings with the public. The Department proposes to clarify the requirements for licensure.

SUMMARY: This rule lists the applications, forms and accompanying instructions, if any, utilized by the Department.

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: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.01(11), 561.11, 561.15, 561.17, 561.18, 561.181, 561.19, 561.20, 561.22, 561.24, 561.25, 561.32, 561.331, 561.37, 561.371, 561.42, 565.02(3)(a) 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: Michael A. Martinez, Chief Attorney, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-5.010 Completed Application.

The term "completed application" as used herein is defined to describe the requirements by which the division will accept any application for a temporary or permanent alcoholic beverage license. The division will only accept applications for filing which are complete. Incomplete applications delivered to the division will be returned to the applicant with a letter advising the reason the application is being returned.

(1) A completed application shall include the following:

(a) ~~The DBR form 700L, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE-DBPR ABT - 6001, ALCOHOLIC BEVERAGE LICENSE AND RETAIL TOBACCO PRODUCTS DEALER PERMIT APPLICATION,~~ incorporated hereby by ~~reference and effective 2-16-89~~ must be complete and requirements furnished in accordance with the ~~DBR form 761L, LIST OF LICENSE APPLICATION REQUIREMENTS AND INSTRUCTIONS FOR COMPLETING THIS APPLICATION~~ incorporated herein by ~~reference and effective 2-16-89~~. Any agreements or financial documentation which are required as attachments as a result of the completion of Section 9 and Section 12 ~~of the DBPR ABT - 6001 form 700L, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE~~ must also be furnished.

(b) ~~A DBR form 710L, PERSONAL QUESTIONNAIRE,~~ incorporated herein by ~~reference and effective 2-16-89~~ ~~A Partner, Officer, Stockholder Personal Information sheet~~ must be completed by all applicants and persons directly connected with the business sought to be licensed.

(c) A set of fingerprints on regular United States Department of Justice forms for each applicant and for any person or persons interested directly or indirectly with the applicant in the business for which the license is being sought.

(d) The processing fee for each set of fingerprints submitted with the application.

(2) Applicants for the following types of licenses will be required to provide or complete the following additional documents:

(a) ~~An~~ applicants for a ~~new issuance of a quota liquor~~ license shall provide a right of occupancy to the specified location in the application. Right of occupancy includes, but is not limited to, a lease agreement, a rental contract, a sublease, a warranty deed or any documentation that in a court of law would establish an applicant's right to occupy the premise sought to be licensed.

(b) An applicant for a transfer of a quota liquor license shall provide records of gross sales for the past 3 years or for the period of time current licensee has held license in order that the division may compute the transfer fee. An applicant may, in lieu of providing these records, elect to pay the applicable transfer fee as provided by general law.

(c) An applicant for a club license shall provide:

1. The club by-laws;
2. The club charter; and
3. The articles of incorporation.

(d) An applicant for a special pleasure or excursion boat license shall provide a Certificate of Documentation and a Certificate of Inspection from the Coast Guard showing the boat has a capacity for at least 125 passengers.

(e) An applicant for a new or transfer license to be issued at a location where a current license exists shall provide:

1. A ~~DBR form 7081, LICENSE CANCELLATION REQUEST DBPR ABT - 6007, REQUEST FOR CANCELLATION OF PERMANENT LICENSE or DBPR ABT 6030, ADMINISTIVE ESCROW REQUEST,~~ incorporated herein by reference ~~and effective 2-16-89,~~ or

2. A cancellation request in writing for the current license executed by the licensee of record.

(f) An applicant for a distributors or manufacturers license shall provide a surety bond as required by general law.

(3) Once an application is accepted by the division nothing herein shall be construed to prohibit the agency from requiring additional information or documentation that becomes necessary as a result of processing or investigation of the application by the division.

Specific Authority 561.11 FS. Law Implemented 561.08, 561.01(11), 561.11, 561.15, 561.17, 561.18, 561.181, 561.19, 561.20, 561.22, 561.24, 561.25, 561.32, 561.331, 561.42, 565.02(3)(a) FS. History--New 2-16-89, Formerly 7A-5.010, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael A. Martinez, Chief Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Martinez, Chief Attorney

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE TITLE: Beverage Licenses, New Quota Issue

RULE NO.: 61A-5.0105

PURPOSE AND EFFECT: The Department proposes to amend the rule to clarify the process by which a new license is issued after the revocation of a license under 565.02(1)(a)-(f), inclusive, issued by Special Act prior to 1981.

SUMMARY: The rule clarifies that the issuance of a revoked license under 565.02(1)(a)-(f), inclusive, issued by Special Act prior to 1981 shall be conducted pursuant to 561.19, and 561.20, F.S.

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: 561.11 FS.

LAW IMPLEMENTED: 120.57, 561.14, 561.15, 561.17, 561.18, 561.19, 561.20 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: Michael A. Martinez, Chief Attorney, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-5.0105 Beverage Licenses, New Quota Issue.

The division will follow the below listed procedures when entry forms are accepted for issuance of new state liquor licenses authorized by Florida Law, when they become available by reason of an increase in the population of a county ~~or city, or a county~~ voting to permit the sale of intoxicating beverages when such sale had previously been prohibited, or by revocation of a license under 565.02(1)(a)-(f), inclusive, issued by Special Act prior to 1981 ~~quota~~:

(1) The application period for each quota alcoholic beverage drawing shall begin on the third Monday in August of each year issuance of quota alcoholic beverage licenses has been authorized, and last 90 days. The division shall publish legal notices in newspapers of general circulation within the counties in which licenses become available and the Florida Administrative Weekly. In the event there is no newspaper of general circulation in the county where a new quota liquor license is authorized, the alternative posting procedure, found in Section 49.11, F.S., shall be used. Each legal notice

published will include the deadline for filing applications, the number of licenses available for issuance in each county or city, and the location of the division's office where applications may be obtained and filed.

(2) All persons seeking to apply for a new license shall file DBPR form ~~ABT-6033 4000-0334~~, QUOTA LICENSE ENTRY FORM, incorporated herein, together with the non-refundable filing fee stated on the form. The entry form shall be delivered to the division or postmarked on or before the final date, set forth in the legal notice, ~~and shall be date stamped by the division on the date the form is received.~~ Forms not complete, not signed, or not accompanied by the required non-refundable filing fee shall be returned to the applicant's mailing address by regular mail. Applicants shall not be granted extensions for filing applications except by petition showing good cause and no negligence by the applicant.

(3) A list of all applicants selected may be obtained from any of the division's offices.

(4) The division shall notify those applicants who are selected as a result of the double random selection drawing by certified mail. Such notification will be sent to the mailing address listed on the entry form or subsequently filed with the division. It shall be the applicant's responsibility to maintain a correct mailing address with the division.

(5) All applicants selected for licenses shall file a completed application, referenced in Rule 61A-5.010, F.A.C. Failure to file a completed application package within 45 days of the date of the selection notice, shall result in the denial of the application filed.

(6) When any application has been disapproved and all hearings and appeals, pursuant to Sections 120.57 and 561.19(5), F.S., have been completed, the division shall notify the next person in order of priority from the random drawing by certified mail of their opportunity to obtain an available license in accordance with the procedures for notifying the originally selected parties. The division shall follow such procedure until all available licenses have been awarded.

(7) Any person or persons who have been selected for licenses shall not be prohibited from having the license issued in the name of a corporation, or other legal entity, if 100% of the business is owned by the person or persons listed on the winning entry form for inclusion in the drawing.

(8) For the purposes of this section, "more than one applicant" shall mean that an applicant may have a direct or indirect interest in only one application in each county or city for which a license is available, but may file separate entry forms for licenses in different counties or cities for an opportunity to obtain an available license.

(9) For the purposes of this section, "method of double random selection by public drawing" shall mean a computer program which determines the order of selection for the director as prescribed in Section 561.19(2)(a), F.S.

~~(10) Notwithstanding subsection (2) above, persons applying for the application period beginning April 1, 1998 through June 29, 1998, shall use Form ABT 4000-999L, Quota License Entry Form, effective 10/16/97 and incorporated herein.~~

Specific Authority 561.11 FS. Law Implemented 120.57, 561.14, 561.15, 561.17, 561.18, 561.19, 561.20 FS. History—New 1-20-97, Amended 1-8-98,

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael A. Martinez, Chief Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Martinez, Chief Attorney

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE TITLE: Completed Application for the Issuance of a

New Quota License

RULE NO.:

61A-5.011

PURPOSE AND EFFECT: The Department proposes to amend the rule to clarify the applications, forms and accompanying instructions, if any, which are to be used in its dealings with the public. The Department proposes to clarify the requirements for licensure.

SUMMARY: This rule lists the applications, forms and accompanying instructions, if any, utilized by the Department.

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: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.11, 561.18, 561.19, 561.20 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: Michael A. Martinez, Chief Attorney, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-5.011 Completed Application for the Issuance Grant of a New Quota ~~Liquor~~ License.

The term "completed application" as used herein is defined to describe the requirements by which the division will accept an application for the issuance grant of a New Quota ~~Liquor~~ License. The division will only accept applications for filing which are complete. Incomplete applications delivered to the division will be returned to the applicant with a letter advising the reason the application is being returned.

(1) A completed application shall include the following:

(a) ~~The DBPR ABT – 6001 form 701L, ALCOHOLIC BEVERAGE LICENSE AND RETAIL TOBACCO PRODUCTS DEALER PERMIT APPLICATION FOR THE GRANT OF A NEW QUOTA LIQUOR LICENSE, incorporated herein by reference and effective 2-16-89 pages (1) and (2);~~

~~(b) The DBR form 710L, APPLICATION FOR THE GRANT OF A NEW QUOTA LIQUOR LICENSE, pages (3) and (4) for each individual listed on pages (1) and (2) of the application;~~

~~(b)(e)~~ A set of fingerprints on regular United States Department of Justice forms for each applicant and for any person or persons interested directly or indirectly with the applicant in the business for which the license is being sought; and,

~~(c)(d)~~ The processing fee for each set of fingerprints submitted with the application.

(2) Once an application is accepted by the division nothing herein shall be construed to prohibit the agency from requiring additional information or documentation that becomes necessary as a result of processing or investigation of the application by the division.

Specific Authority 561.11 FS. Law Implemented 561.08, 561.11, 561.18, 561.19, 561.20 FS. History–New 2-16-89, Formerly 7A-5.011, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael A. Martinez, Chief Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Martinez, Chief Attorney

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE TITLE:

Application for Alcoholic Beverage License

RULE NO.:

61A-5.700

PURPOSE AND EFFECT: The Department proposes to amend the rule to clarify the applications, forms and accompanying instructions, if any, which are to be used in its dealings with the public.

SUMMARY: This rule lists the applications, forms and accompanying instructions, if any, utilized by the Department.

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: 561.08, 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.11, 561.17, 561.181, 561.19, 561.32, 561.33, 561.331 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: Michael A. Martinez, Chief Attorney, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-5.700 Application for Alcoholic Beverage License.

(1) Any applicant for the issuance of an alcoholic beverage license must use ~~DBR form 700L~~ DBPR ABT – 6001, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE AND RETAIL TOBACCO PRODUCTS DEALER PERMIT, referenced in Rule 61A-5.010, F.A.C. The application form is used for the following types of beverage license applications:

- (a) New;
- (b) New –Temporary;

(2) Any applicant for the transfer of an alcoholic beverage license must use DBPR ABT – 6035, APPLICATION FOR TRANSFER OF OWNERSHIP OF AN ALCOHOLIC BEVERAGE LICENSE. The application form is used for the following types of beverage license applications:

- (a) Transfer;
- (b) Transfer Temporary.

(3) Any application requesting a change of location or increase in series for an alcoholic beverage license must use DBPR ABT – 6014, CHANGE OF LOCATION/INCREASE IN SERIES APPLICATION.

(4) Any applicant requesting a change of the business name or mailing address for an alcoholic beverage license must use DBPR ABT – 6009, CHANGE OF BUSINESS NAME OR CHANGE OF MAILING ADDRESS APPLICATION.

(5) Any applicant requesting a change of the officers or stockholders of an entity possessing an alcoholic beverage license must use DBPR ABT – 6-04, CHANGE OF OFFICERS/STOCKHOLDER.

- ~~(c) Transfer;~~
- ~~(d) Transfer Temporary;~~
- ~~(e) Increase in Series;~~
- ~~(f) Decrease in Series;~~
- ~~(g) Change in Series;~~
- ~~(h) Change of Location;~~
- ~~(i) Change of Location Temporary;~~
- ~~(j) Change of Business Name;~~
- ~~(k) Change of Officer;~~
- ~~(l) Correction of Information; and,~~
- ~~(m) Other Miscellaneous Changes~~

~~(6)(2)~~ The information as requested on the application by the division may not be deleted or changed by an applicant. Answers to the questions on the application that are changed in any manner must be initialed and dated by the applicant.

Specific Authority 561.08, 561.11 FS. Law Implemented 561.08, 561.11, 561.17, 561.181, 561.19, 561.32, 561.33, 561.331 FS. History–New 2-16-89, Formerly 7A-5.700, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael A. Martinez, Chief Attorney
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Martinez, Chief Attorney
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE TITLE: Preliminary Application for a New Quota Alcoholic Beverage License
RULE NO.: 61A-5.747
PURPOSE AND EFFECT: The Department proposes to amend the rule to clarify the applications, forms and accompanying instructions, if any, which are to be used in its dealings with the public. The Department proposes to clarify the requirements for licensure.

SUMMARY: This rule lists the applications, forms and accompanying instructions, if any, utilized by the Department.
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: 561.08, 561.11 FS.
LAW IMPLEMENTED: 561.08, 561.11, 561.17, 561.19, 561.20 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: Michael A. Martinez, Chief Attorney, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-5.747 Preliminary Application for a New Quota Alcoholic Beverage License.

(1) ~~DBPR ABT – 6033 form 42-033, PRELIMINARY APPLICATION FOR A NEW QUOTA ALCOHOLIC LICENSE QUOTA LICENSE ENTRY FORM,~~ incorporated herein by reference and effective 5-24-92, must be used by an applicant to gain entry into a quota license drawing.

(2) The information contained in the form must be sworn to and must be completed by all parties listed on the application.

(3) The division will only accept applications for filing which are complete. A complete application includes the payment required to enter the drawing. Incomplete applications delivered to the division will be returned with the application fee to the applicant with a letter advising the reason the application is being returned.

Specific Authority 561.08, 561.11 FS. Law Implemented 561.08, 561.11, 561.17, 561.19, 561.20 FS. History–New 3-6-90, Amended 6-28-90, 5-24-92, Formerly 7A-5.747, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael A. Martinez, Chief Attorney
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Martinez, Chief Attorney
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Inactive Registration
RULE NO.: 61J1-2.005
PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.
SUMMARY: The proposed rule change affects rule provisions relating to inactive registration.

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

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

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.613(2), 475.618, 475.619 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N809, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.005 Inactive Registration.

(1) An applicant for registration as an appraiser, who has otherwise met the registration requirements, may obtain the registration without the necessity of having designated a licensed or certified appraiser as a primary supervisor. The registration shall automatically be designated inactive upon being issued.

(2) At any time after obtaining registration as an appraiser, the registrant may request inactive status whenever the registrant has no primary supervising licensed or certified appraiser. ~~The request may be made on Form 501.5, Request for Appraiser Status Change, effective July 1991 and incorporated herein by reference.~~ The form may be obtained through the Department of Business and Professional Regulation at 400 W. Robinson St., Orlando, FL 32801.

(3) At any time after obtaining registration as an appraiser the registrant does not have on record with the Department of Business and Professional Regulation the name of a licensed or certified appraiser as a primary supervisor, the registration shall automatically be designated inactive.

(4) Pursuant to s. 475.618(3), F.S., any registration not renewed at the end of the registration period shall automatically be designated inactive.

(5) A registered appraiser, whose registration is designated inactive pursuant to paragraphs 1, 2 or 3, may request an active registration on Form 501.5. If the inactive duration is less than 2 years and does not extend beyond 1 biennial renewal cycle (registration period), no additional education or fee is required.

(6) A registered appraiser, whose registration is designated inactive pursuant to Paragraph 4, or whose inactive status extends beyond the biennial renewal cycle, shall comply with the education and fee requirements of Rule 61J1-4.007 in order to request an active registration.

(7) Any registration which exceeds 4 years in the inactive status shall automatically expire, and the person must meet all the requirements for initial registration.

Specific Authority 475.614, 475.619 FS. Law Implemented 475.613(2), 475.618, 475.619 FS. History--New 9-22-93, Amended 7-5-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2002

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Application by Individuals

RULE NO.: 61J1-3.001

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

SUMMARY: The proposed rule change affects rule provisions relating to application submissions for licensure.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.624 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N809, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-3.001 Application by Individuals.

(1) An applicant for registration, licensure or certification as an appraiser shall submit an application in such manner as provided by the Department, ~~on form numbers 501.1 or 501.1A, Real Estate Appraiser Application, effective July, 1991, incorporated herein by reference,~~ which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.

(2) The applicant must show that the applicant has the necessary qualifications as follows:

- (a) That the applicant is 18 years of age or older.
- (b) That the applicant holds a high school diploma or its equivalent.

(3) The applicant shall indicate whether the applicant is seeking registration, licensure or certification.

(4) At the time of application, the applicant must furnish evidence of successful completion of the required education and experience, if any, pursuant to Rules 61J1-4.001 or 61J1-4.002, Florida Administrative Code and evidence of the required experience, if any.

(5) At the time of filing the application for registration, licensure or certification, the applicant must sign a pledge to comply with the Uniform Standards of Professional Appraisal Practice as defined in s. 475.611(1)(m), Florida Statutes, and must indicate in writing that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated.

(6) The applicant must make it possible for the board to begin the inquiry as to whether the applicant is competent and qualified to make real estate appraisals with safety to those with whom the applicant may undertake a relationship of trust and confidence and the general public:

(a) By disclosing whether the applicant has ever been convicted or found guilty, or entered a plea of guilty or nolo contendere (no contest) to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the activities of an appraiser, or which involves moral turpitude or fraudulent or dishonest conduct; and

(b) By disclosing any civil proceedings pending against the applicant or if any civil judgment has been rendered against the applicant in a case wherein the pleadings charged the applicant with fraudulent or dishonest dealings; and

~~(c) By disclosing if the applicant is now a patient of a mental health facility or similar institution for the treatment of mental disabilities; and~~

~~(c)(d)~~ By disclosing if the applicant has had a registration, license, or certification to practice any regulated profession, business, or vocation revoked, suspended, disbarred or otherwise acted against by this or any other state, any nation, or any possession or district of the United States, or has had an application for such registration, licensure or certification to practice or conduct any regulated profession, business or vocation denied by this or any other state, any nation, or any possession or district of the United States.

(7) If the applicant fails to take the examination or fails to successfully complete the examination within 1 year of the department receiving the application, the application shall expire and a new application must be filed.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.624 FS. History—New 10-15-91, Formerly 21VV-3.001, Amended 10-29-98, 1-7-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2002

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Where to Apply RULE NO.: 61J1-3.002

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

SUMMARY: The proposed rule change affects rule provisions relating to the application process for licensure.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.615 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N809, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-3.002 Where to Apply.

Completed applications for registration, licensure or certification shall be submitted in such a manner as provided by the Department, to the Division of Real Estate, 400 West Robinson Street, Orlando, Florida 32801.

Specific Authority 475.614 FS. Law Implemented 475.615 FS. History—New 10-15-91, Formerly 21VV-3.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2002

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Notice of Satisfactory Course Completion
 RULE NO.: 61J1-4.005

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to record keeping affecting course completion.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.618 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N809, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.005 Notice of Satisfactory Course Completion.

(1) Applicants must submit, with the application for registration, licensure or certification a grade report as proof to the Department that they have satisfactorily completed the applicable course(s) prescribed in Rule 61J1-4.001 or 4.002, Florida Administrative Code.

(2) An application for renewal of an existing designation shall contain an affirmation by the individual of having satisfactorily completed the applicable Florida Real Estate Appraisal Board prescribed, conducted or board approved course(s). The Department shall perform random audits of at least 10% of the registrants, licensees, certificate holders and instructors to verify compliance with continuing education requirements. Each registrant, licensee, certificate holder and instructor shall retain the grade report as proof of successful completion of continuing education requirements for at least two years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with continuing education requirements as prescribed in Rules 61J1-4.003, 61J1-4.007 and 61J1-4.008, Florida Administrative Code, or the furnishing of false or

misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the registrant, licensee, certificate holder or instructor.

(3) The grade report must be typed or printed in ink and must be completely filled out by the institution, school or entity certifying successful course completion. The grade report must also include the authorized signature of the school permit holder, chief administrative person or entity.

(4) The grade reports shall contain the following information for the type of course being completed:

(a) Preregistration, Prelicensing or Precertification Course For Appraiser

- Name of School, Institution or Entity
- Address of School, Institution or Entity
- Course Title
- Course Hours
- Start Date
- Finish Date
- Exam Date
- Student's Name
- Student's Address
- Authorized Signature for the School, Institution or Entity

(b) Appraisers Continuing Education

- Name of School, Institution or Entity
- Address of School, Institution or Entity
- Course Title
- Course Hours
- Start Date
- Finish Date
- Registration, License or Certificate Number
- Student's Name
- Student's Address
- Authorized Signature for the School, Institution or Entity

(c) Instructor Continuing Education

- Name of School, Institution or Entity
- Address of School, Institution or Entity
- Course Title
- Course Hours
- Start Date
- Finish Date
- Permit Number
- Student's Name
- Student's Address
- Authorized Signature for the School, Institution or Entity

(5) Each grade report shall state:

The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Appraisal Board.

(6) The original grade report is to be given to the student and a copy retained by the school.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.618 FS. History--New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002, Section IV

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Office
RULE NO.: 61J1-7.004

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

SUMMARY: The proposed rule amendment affects rule provisions relating to obtaining application form for submission for changes relating to licensure.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.623 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N809, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-7.004 Office.

(1) All appraisers who have an active registration, license or certification pursuant to Part II, Chapter 475, Florida Statutes, shall furnish in writing to the Department of Business and Professional Regulation each business address from which he operates in the performance of appraisal services.

(2) Each such appraiser must notify the department of any change of address within 10 days of the change of address in such a manner as provided by the Department, on form 501-5, Request For Appraiser Status Change, effective July, 1991, and

~~incorporated herein by reference~~, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.

Specific Authority 475.614 FS. Law Implemented 475.623 FS. History--New 10-15-91, Formerly 21VV-7.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2002

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Temporary Practice
RULE NO.: 61J1-7.005

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

SUMMARY: The proposed rule change affects rule provisions relating to obtaining application forms for submission for temporary licensure.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.630 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N809, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-7.005 Temporary Practice.

(1) Pursuant to the provisions of Section 475.630, Florida Statutes, the ~~B~~board shall recognize, on a temporary basis, the license or certification of an appraiser issued by another state, if:

(a) The property to be appraised is part of a federally related transaction, as that term is defined in Section 475.611(1)(j), Florida Statutes.

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." Or for more information, contact David C. James, Department of Environmental Protection, Bureau of Water Facilities Regulation, MS #3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)245-8644.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Criteria for Approved Continuing Education
RULE NO.: 64B10-15.002
PURPOSE AND EFFECT: The least credit hour(s) acceptable for continuing education programs is reduced from 3 to 1 in Rule 64B10-15.002.

SUMMARY: The proposed amendment in Rule 64B15.002 reduces the minimum credit hours per program course from 3 to 1.

SPECIFIC AUTHORITY: 468.1685(1), 468.1715(3) FS.

LAW IMPLEMENTED: 456.013, 468.1715, 468.1725 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: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-15.002 Criteria for Approved Continuing Education.

(1) through (9) No change.

(10) The Board shall not accept credit for continuing education programs of less than 1 3 contact hours. Attendance credit in fractions of an hour shall not be granted.

Specific Authority 468.1685(1), 468.1715(3) FS. Law Implemented 456.013, 468.1715, 468.1725 FS. History--New 12-11-80, Amended 2-20-83, Formerly 21Z-15.02, Amended 6-22-87, 2-26-89, 12-6-89, 11-11-92, Formerly 21Z-15.002, 61G12-15.002, 59T-15.002, Amended 10-12-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 2002 and August 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 27, 2002

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

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

PURPOSE AND EFFECT: The Board proposes to update the rule to conform with amendments recently adopted by the Board of Medicine.

SUMMARY: The Board is amending the rule to address the standards of care for surgery performed in physicians' offices.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

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

LAW IMPLEMENTED: 459.015(1)(g),(x),(z),(aa), 459.026 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON DECEMBER 7, 2002 IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.007 Standard of Care for Office Surgery.

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

(1) No change.

(2) General Requirements for Office Surgery.

(a) The surgeon must examine the patient immediately before the surgery to evaluate the risk of anesthesia and of the surgical procedure to be performed. The surgeon must maintain complete records of each surgical procedure, as set forth in Rule 64B15-15.004, Florida Administrative Code, F.A.C., including anesthesia records, when applicable and the records shall contain written informed consent from the patient reflecting the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists, i.e., anesthesiologist, another appropriately trained physician as provided in this rule, certified registered nurse anesthetist, or physician assistant qualified as set forth in Rule 64B15-6.010(2)(b)6., Florida Administrative Code, F.A.C.

(b) through (g) No change.

(h) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B15-14.006,

Florida Administrative Code, F.A.C. Management of post-surgical care is the responsibility of the operating surgeon and may be delegated only as set forth in Rule 64B15-14.006(3), Florida Administrative Code, F.A.C. If there is an overnight stay at the office in relation to any surgical procedure:

1. through 2. No change.

(i) through (k) No change.

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

(3) No change.

(4) Level II Office Surgery.

(a) No change.

(b) Standards for Level II Office Surgery.

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

~~2.4. Training Required. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or~~ The surgeon must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board approved by the American Osteopathic Association, the American Board of Medical Specialties, the Accreditation Council on Graduate Medical Education or any other board approved by the Board of Osteopathic Medicine or must be able to establish comparable background, training, and experience. The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon or at least one assistant must be currently certified in Advanced Cardiac Life Support or have a qualified anesthesia provider practicing within the scope of the provider's license manage the anesthesia.

~~3.2. Equipment and Supplies Required.~~

a. through j. No change.

~~4.3. No change.~~

(5) No change.

(6) Level III Office Surgery.

(a) No change.

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

1. Training Required.

a. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board qualification by a Board approved by the American Osteopathic Association, the American Board of Medical Specialties, the Accreditation Council on Graduate Medical Education or any other board approved by the Board of Osteopathic Medicine or must be able to demonstrate to the accrediting organization or to the Department comparable background, training and experience. In addition, the surgeon must have knowledge of the principles of general anesthesia.

b. No change.

2. through 4. No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 10, 2002

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Body Piercing	64E-19
RULE TITLES:	RULE NOS.:
Forms	64E-19.003
Requirements for Sterilizing Jewelry and Instruments	64E-19.005
Piercing Procedures	64E-19.006
Other Operations	64E-19.007

PURPOSE AND EFFECT: The purposes of amending subsection 64E-19.003(1), F.A.C., and paragraph 64E-19.003(1)(b), F.A.C., are to comply with the requirements of s. 120.55(1)(a)4., F.S., that the reference used to incorporate a form into a rule shall specifically state both the effective date of the form and an explanation of how the form may be obtained. The effects are to allow identification of the effective date of DH Form 4122, Body Piercing Salon Injury Report, and to indicate how the form may be obtained.

The purpose of amending subsection 64E-19.005(1), F.A.C., is to describe liquids to be used to sterilize jewelry that will be inserted into piercings. The effect is to allow inspectors to identify such liquids in body piercing establishments.

The purposes of amending paragraph 64E-19.006(8)(a), F.A.C., are to describe antiseptic solutions that can be used for preparation of the site to be pierced, to remove the need for shaving of the site to be done with a surgical scrub, and to

describe the razor used for necessary shaving of the site. The effects are to allow identification of antiseptic solutions used as site preps, to remove the need to identify surgical scrubs, and to make razor properties consistent with those of other items required for use by body piercers.

The purpose of amending subsection 64E-19.007(2), F.A.C., is to describe the form that shall be used to comply with the subsection. The effect is to allow identification of the form.

The purpose of amending paragraph 64E-19.007(6)(e), F.A.C., is to describe parameters that relate to knowledge, experience, and credentials that must be possessed by persons who would present required training to body piercers and establishment operators. The effect is to be able to identify such persons.

SUMMARY: Instructional verbiage for completing DH Form 4122, Body Piercing Salon Injury Report, has been changed to comply with the requirements of s. 381.0075(11)(a)8., F.S., and subsection 64E-19.007(2), F.A.C. Amending subsection 64E-19.003(1), F.A.C., presents the correct address for obtaining the form. Amendments to paragraph 64E-19.003(1)(b), F.A.C., and subsection 64E-19.007(2), F.A.C., change the effective date of the form.

Subsection 64E-19.005(1), F.A.C., currently allows jewelry that is to be inserted into a piercing to be sterilized with a liquid that is approved by the FDA. As the FDA does not approve liquid sterilants but instead clears them for use, the amendment will identify liquid sterilants that fall into this latter category.

Paragraph 64E-19.006(8)(a), F.A.C., currently requires that sites to be pierced be shaved, if necessary, and then cleansed with an FDA-approved pre-surgical scrub. No parameters are set forth for the razor used to shave the site. As the FDA does not approve pre-surgical scrubs, the amendment proposes use of specific FDA labeling to limit the products that can be used as site preps. Also, as an antiseptic solution will be applied to the site subsequent to any shaving, the requirement that shaving be done with a pre-surgical scrub is removed. For consistency with requirements for other body piercing items, the amendment requires that the razor used for shaving a piercing site be single-use, disposable.

The amendment to paragraph 64E-19.007(6)(e), F.A.C., sets forth parameters for the knowledge, experience, and credentials required of persons who would present training for body piercers and establishment operators. Where presently no parameters exist, the amendment attempts to ensure that the requirements of this rule are met.

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

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

SPECIFIC AUTHORITY: 381.0075(10) FS.

LAW IMPLEMENTED: 381.0075(10),(11) FS.

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

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

PLACE: Division of Environmental Health, Bureau of Facility Programs, 4042 Bald Cypress Way, Conference Room 240P, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Edward J. Golding, Bureau of Facility Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1710, (850)245-4277

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-19.003 Forms.

(1) All forms listed in this section are incorporated by reference. Forms used by the public may be obtained from the county health department in the county of their location or the Department of Health, 4052 Bald Cypress Way, 2020 Capital Circle, S.E., BIN A08, Tallahassee, Florida 32399-1710.

(a) No change.

(b) DH Form 4122, 9/02, ~~10/99~~, Body Piercing Salon Injury Report.

(c) through (2) No change.

Specific Authority 381.0075(10) FS. Law Implemented 381.0075(5)(b), (9),(10) FS. History--New 1-21-00, Amended.

64E-19.005 Requirements for Sterilizing Jewelry and Instruments.

(1) All non-disposable instruments used for body piercing shall be cleansed and sterilized after each use in the manner prescribed in subsection 381.0075(11), F.S. including the temperature requirements. Autoclave sterilization shall be conducted for the cycle of time and corresponding operating pressure recommended by the manufacturer of the autoclave. Sanitizers used in the cleaning process must have demonstrated tuberculocidal activity, as indicated by the product label, and be registered with the U.S. Environmental Protection Agency. Jewelry may be sterilized with a liquid chemical sterilant that is cleared for use ~~approved~~ by the U.S. Food and Drug Administration (~~FDA~~) as long as the jewelry is sterilized according to the procedures on the product label.

(2) through (6) No change.

Specific Authority 381.0075(10) FS. Law Implemented 381.0075(10),(11) FS. History--New 1-21-00, Amended.

64E-19.006 Piercing Procedures.

(1) through (7) No change.

(8) Preparation and Care of the Pierced Area.

(a) If shaving is necessary prior to a body-piercing procedure, a single-use disposable razor shall be used. In accordance with subparagraph 381.0075(11)(a)4., F.S., before performing a body piercing procedure, the skin and

surrounding area where the piercing is to be done shall be thoroughly cleansed with a solution labeled as an antiseptic for preparation of the skin 1) prior to surgery, or 2) prior to an injection. The antiseptic solution shall be used ~~an FDA approved pre-surgical scrub~~ in accordance with the manufacturer's instructions ~~directions~~. A single use sterile gauze pad or other suitable sterile product shall ~~may~~ be used for applying ~~washing~~ the antiseptic solution ~~skin~~. ~~If shaving is necessary, the skin shall be gently scrubbed with an FDA approved pre-surgical scrub in accordance with the manufacturer's directions, using a sterile gauze pad, before and after the shaving.~~

Before an oral piercing procedure, customers must rinse their mouths with an antiseptic mouthwash.

(b) through (c) No change.

Specific Authority 381.0075(10) FS. Law Implemented 381.0075(10),(11) FS. History—New 1-21-00, Amended.

64E-19.007 Other Operations.

(1) No change.

(2) Reporting Complaints of Injuries. As specified in subparagraph 381.0075(11)(a)8., F.S., any injury or complaint of injury, suspected infections that required treatment by a licensed practitioner, or any notifiable diseases resulting from the body-piercing procedure that become known to the operator shall be reported to the local county health department by the operator within 72 hours of the operator becoming aware of the complaint or condition. The report shall be submitted on DH Form 4122, 9/02, 10/99, Body Piercing Salon Injury Report.

(3) through (6)(d)2. No change.

(e) Training courses required by this chapter must be presented by a person or persons who possess the knowledge, experience and credentials to teach the required subjects as cited in "Knowledge, Experience, and Credentials for Trainers per Chapter 64E-19, Florida Administrative Code", May 16, 2002, herein incorporated by reference. Any individual or organization requesting the department to review their training courses for compliance with the requirements of this chapter shall submit copies of their training materials to the Bureau of Facility Programs, 4052 Bald Cypress Way 2020 Capital Circle, S. E., BIN A08, Tallahassee, Florida 32399-1710. The materials submitted must include credentials of trainers and persons compiling the training materials, a copy of the classroom or correspondence course curriculum, and copies of written materials to be received by trainees. The bureau shall review the materials and inform the applicant of its findings within 30 days from receipt of the last training materials received from the applicant. When changes are made to a training course that has been reviewed and accepted by the department, those changes shall also be submitted to the bureau for review prior to implementing the changes.

Specific Authority 381.0075(10) FS. Law Implemented 381.0075(7),(10),(11) FS. History—New 1-21-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edward J. Golding, Environmental Specialist III, Bureau of Facility Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edith Coulter, Environmental Health Program Consultant, Bureau of Facility Programs

DATES PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2002; April 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001; November 21, 2001

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE TITLES:	RULE NOS.:
Application	64E-23.001
Renewal	64E-23.002
Payment	64E-23.003

PURPOSE AND EFFECT: To implement 2002 statutory amendments requiring rules and forms to administer the Nursing Student Loan Forgiveness Program.

SUMMARY: The rule establishes: a process for nurses to initially apply for enrollment into the Nursing Student Loan Forgiveness Program; a renewal application process to continue participation in the program; criteria for transmitting funds to lenders; and, procedures to administer the Nursing Student Loan Forgiveness Program.

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: 1009.66 FS.

LAW IMPLEMENTED: 1009.66 FS.

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

TIME AND DATE: 10:00 a.m., November 5, 2002

PLACE: Division of Emergency Medical Services and Community Health Resources, 4025 Esplanade Way, Room 320N, Tallahassee, Florida 32311-7829

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Caroline Roth, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin #C15, Tallahassee, Florida 32399-1735, (850)245-4444, Ext. 2711 or Fax (850)922-6296

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-23.001 Application.

(1) In accordance with Nursing Student Loan Forgiveness Program Application Package, June 2002, October 2001, in order to apply for enrollment into the Nursing Student Loan

Forgiveness Program, applicants must submit: a completed Application, DH 1932, ~~06/02~~ ~~10/01~~; a completed Employment Verification, DH 1935, ~~06/02~~ ~~10/01~~; a completed Loan Principal Certification, DH 1936, ~~06/02~~ ~~10/01~~; a photocopy of the applicant's current nursing license; and a photocopy of the applicant's nursing school diploma. The Nursing Student Loan Forgiveness Program Application Package and forms are incorporated by reference and available from the Department of Health, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin C-15, Tallahassee, Florida 32399-1735.

(2) No change.

Specific Authority ~~1009.66 240.4075~~ FS. Law Implemented ~~1009.66 240.4075~~ FS. History--New 3-2-02, Amended.

64E-23.002 Renewal.

(1) In order to continue in the Nursing Student Loan Forgiveness Program, program participants must renew. The Renewal Application, DH 1933, ~~06/02~~ ~~10/01~~, which is incorporated by reference and available from the department, will be mailed to program participants, by the department, within 30 days before the ending date, each year, of the program participant's employment years.

(2) No change.

Specific Authority ~~1009.66 240.4075~~ FS. Law Implemented ~~1009.66 240.4075~~ History--New 3-2-02, Amended.

64E-23.003 Payment.

(1) The department will provide for the delivery of funds directly to the federal or state program, or commercial lending institution, or holder of the program participant's loan principal, on behalf of the program participant, by use of the Loan Principal Repayment Invoice, DH 1934, ~~06/02~~ ~~10/01~~, which is incorporated by reference and available from the department, requesting the State Comptroller to issue warrants made payable to the federal or state program, or commercial lending institution, or holder of the program participant's loan principal and forwarded to the federal or state program, commercial lending institution, or holder of the program participant's loan principal.

(a) The Loan Principal Repayment Invoice will be mailed to program participants, by the department, within 30 days before the ending date, each year, of the program participant's employment years.

(b) The program participant's Loan Principal Repayment Invoice must be received by the department, each year, no later than 30 days after the start of the program participant's next employment year, in order for payment to be made.

(2) No change.

Specific Authority ~~1009.66 240.4075~~ FS. Law Implemented ~~1009.66 240.4075~~ FS. History--New 3-2-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Caroline Roth, Program Administrator
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil Williams, Division Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: JUNE 28, 2002
 P.O. B00829

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Definitions	65A-1.701
Family-Related Medicaid Eligibility Determination Process	65A-1.704
Family-Related Medicaid General Eligibility Criteria	65A-1.705
SSI-Related Medicaid Coverage Groups	65A-1.710
SSI-Related Medicaid Non-Financial Eligibility Criteria	65A-1.711
SSI-Related Medicaid Resource Eligibility Criteria	65A-1.712
SSI-Related Medicaid Income Eligibility Criteria	65A-1.713
Income and Resource Criteria	65A-1.716

PURPOSE AND EFFECT: Rules 65A-1.701, 65A-1.713 and 65A-1.716, F.A.C., are amended to revise the percentage of the monthly poverty income guidelines that is used in the MEDS-AD Medicaid program as the maximum income for applicants. The 2001 legislature, in special session, amended Section 409.904(1), F.S., to reduce the percentage of the federal poverty guidelines used to determine maximum income applicable in the MEDS-AD program from 90% to 88%. This legislative action is effective July 1, 2002.

Rules 65A-1.710, 65A-1.711, 65A-1.712 and 65A-1.713, F.A.C., are amended to implement the Ron Silver Senior (Silver Saver) Drug Program that was created by the 2002 legislature's amendment, in special session, of Section 409.9065, F.S. This program provides certain senior Florida residents who are eligible for Medicare Part A with limited prescription drug coverage. This legislative action is effective August 1, 2002.

Rules 65A-1.701, 65A-1.710, 65A-1.711, 65A-1.712 and 65A-1.713, F.A.C., are amended to specify criteria for Traumatic Brain Injury and Spinal Cord Injury Waiver eligibility. This coverage group has not previously been specified in rule.

Additionally, these proposed rule amendments implement optional Medicaid breast and cervical cancer treatment coverage; clarify statements about Home and Community Based Services coverage, specify income limits for QI1 and QI2 coverage; and, incorporate forms by reference.

SUMMARY: The forms CF-ES 2293, CIC Request for Medicaid (by) Department of Juvenile Justice, and the revised Pregnant Women's application for Medicaid are incorporated by reference in Rule 65A-1.704, F.A.C. The revised KidCare form CF-ES 2092, Ineligibility for Medicaid, is incorporated by reference in Rule 65A-1.705, F.A.C.

Amendments to Rules 65A-1.701, 65A-1.713 and 65A-1.716, F.A.C., reduce the percentage of the federal poverty level used in the MEDS-AD Program from 90% to 88% as required by the 2001 Legislature. Amendments to Rules 65A-1.710, 65A-1.711, 65A-1.712 and 65A-1.713, F.A.C., implement the Ron Silver Senior Drug Program created by the 2002 Legislature. Amendments to Rules 65A-1.701, 65A-1.710, 65A-1.711, 65A-1.712 and 65A-1.713, F.A.C., specify criteria for Traumatic Brain Injury and Spinal Cord Injury Waiver eligibility.

Rule 65A-1.711, F.A.C., is amended additionally to implement the breast and cervical cancer treatment program and clarify Home and Community Based Services coverage statements. Criteria for breast and cervical cancer treatment coverage are implemented as provided for in Sections. 1902(aa) and 1920B of the Social Security Act. The Medicaid application for breast and cervical cancer treatment and a verification letter are incorporated by reference. Home and Community Based Services coverage statements are changed to clarify federal citations and waiver criteria that must be met for an individual to be eligible for Home and Community Based Services.

Rule 65A-1.713, F.A.C., is amended additionally to establish income limits for QI1 and QI2 coverage respectively.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for these rules.

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: 409.918, 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.9065, 409.918, 409.919 FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.701 Definitions.

(1) through (19) No change.

(20) MEDS-AD: An optional categorical Medicaid coverage group for aged or disabled individuals who meet all SSI-related Medicaid non-financial eligibility criteria, whose resources do not exceed the limit in the Medically Needy Program, and whose income is at or below ~~88~~ 90 percent of the federal poverty level.

(21) through (35) No change.

(36) Traumatic Brain Injury and Spinal Cord Injury/ Home and Community-Based Services: A Home and Community-Based Services (HCBS) waiver program for individuals age 18 and older who have a traumatic brain or spinal cord injury and are not enrolled or eligible for the Medically Needy Program.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.919 FS. History--New 10-8-97, Amended 2-15-01, _____

65A-1.704 Family-Related Medicaid Eligibility Determination Process.

(1) Public assistance staff determine eligibility for Family-related Medicaid at application, when a change in conditions of eligibility is reported, or, on not greater than a 12 month cycle. The individual or the designated representative is required to assist the department in completing the determination or redetermination of Medicaid eligibility. Qualified designated Medicaid providers determine presumptive eligibility for pregnant women. Requests for Medicaid coverage on behalf of children in care of the Department of Juvenile Justice are made on form CF-ES 2293, Child In Care Request for Medicaid Department of Juvenile Justice, March 2000 (incorporated by reference).

(2) Simplified Eligibility for Pregnant Women.

(a) The application form for a pregnant woman applying only for Medicaid for herself based on pregnancy is CF-ES Form 2700, June 2002 July 2004 (incorporated by reference). This form and attached information/rights and responsibilities (pages 3 & 4) may be used as a mail-in application form or it may be provided directly to a local Children and Family Services office, health department or other Qualified Designated Provider (QDP). Copies of the mail-in application forms may be made available to pregnant women in health departments and other QDP sites as well as selected doctors' offices designated by each district/regional Economic Self-Sufficiency Program Office. ~~Copies of this form may be obtained by the public from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.~~

(b) through (3) No change.

(4) Assistance groups receiving transitional Medicaid are required to provide periodic reports at three month intervals. The recipient must provide complete information about gross income and work related child care expenses for the period of ~~the covered on~~ these reports. The recipient's statement of the amounts will be accepted.

(5) Copies of forms incorporated by reference in this rule may be obtained by the public from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.919, FS. History--New 10-8-97, Amended 2-7-01, Amended 10-22-01, _____.

65A-1.705 Family-Related Medicaid General Eligibility Criteria.

(1) through (8)(f) No change.

(g) When an applicant applies for Medicaid, ~~and~~ ~~but~~ is subsequently found to have been approved in error, the notice, Ineligibility for ~~to Receive~~ Medicaid, CF-ES 20923, March 01 July 99 (incorporated by reference), will be submitted to the applicant along with another KidCare Application. The applicant will be instructed to mail the notice and application to Florida KidCare. When the children are eligible, then have a change in circumstance and are no longer eligible for Medicaid, the same notice, Loss of Eligibility to Receive Medicaid, CF-ES 2092, July 99 (incorporated by reference), will be mailed to the recipient along with another KidCare Application. In addition to form CF-ES 2092 ~~or CF-ES 2093~~, the family will receive an automated notice of case action form CF-ES 2601, Notice of Case Action (incorporated by reference in Rule 65A-1.400), F.A.C.

(h) No change.

(i) Copies of the forms CF-ES 1055, CF-ES 1056, CF-ES 1057, CF-ES 1058, CF-ES 2083, CF-ES 2084, CF-ES 2092, CF-ES 2093, CF-ES 2277 and CF-ES 2284 as incorporated by reference in this rule paragraph 65A-1.705(5), F.A.C., may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 409.818, 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.818, 409.919 FS. History--New 10-8-97, Amended 9-28-98, 4-5-99, 11-23-99, 2-18-01, 9-24-01, _____.

65A-1.710 SSI-Related Medicaid Coverage Groups.

The department covers all mandatory coverage groups and the following optional coverage groups:

(1) through (5) No change.

(6) Ron Silver Senior Drug Program. A coverage group as defined in subsection 59G-12.002(4), F.A.C. AHCA sets an enrollment ceiling for this program as specified in Rule 59G-12.003, F.A.C. Two forms specific to the program are used in the eligibility determination process for this program.

The application form is CF-ES Form 2935, Sep 02 (incorporated by reference), and the eligibility notices are CF-ES Form 2936, Sep 02, and CF-ES Form 2936A, Sep 02 (both incorporated by reference).

(7) Traumatic Brain Injury and Spinal Cord Injury Waiver Program. Individuals must be eligible for SSI, MEDS-AD or Home and Community Based Services; must be age 18 or older; must not be enrolled in or eligible for the Medically Needy Program and, must have a traumatic brain or spinal cord injury.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.9065, 409.919 FS. History--New 10-8-97, Amended 1-27-99, _____.

65A-1.711 SSI-Related Medicaid Non-Financial Eligibility Criteria.

To qualify for Medicaid an individual must meet the general and categorical requirements in 42 C.F.R. Part 435, subparts E and F, with the exception that individuals who are neither aged nor disabled may qualify for breast and cervical cancer treatment, and the following program specific requirements as appropriate:

(1) through (3) No change.

(4) To be eligible for a Home and Community Based Services Waiver program HCBS, an individual must meet the requirements of Rule 59G-8.200, F.A.C. An individual cannot receive waiver coverage and institutional care program coverage at the same time. An individual residing in a nursing home may apply for the waiver, but the individual's approval must be subject to their discharge and move into a community living arrangement. AHCA, in coordination with the program responsible for the daily operations of the waiver, requests the number of individuals to be served by the waiver as part of each waiver submission. The Centers for Medicare and Medicaid Services approves the request based on information provided by the state. Additionally, an individual must meet the criteria for one of the following waivers:

(a) Be at least 65 years of age and meet the requirements of rule subsection 65A-1.701(5)(6), F.A.C., to participate in the Channeling waiver; or

(b) Be determined disabled in accordance with SSI disability criteria set forth in 42 C.F.R. §§ 435.540 and 435.541, F.S., (both incorporated by reference) and meet the requirements of subsection 65A-1.701(24)(22), F.A.C., to participate in the Project AIDS Care waiver; or

(c) Be age 65 or older, or be 18 years of age through 64 years of age and disabled in accordance with SSI disability criteria set forth in 42 C.F.R. §§ 435.540 and 435.541, F.S., (both incorporated by reference), and meet the requirements of subsection 65A-1.701(1), F.A.C., to participate in the ADA/Home and Community Based Services HCBS waiver program or subsection 65A-1.701(10), F.A.C., to participate in the Developmental Services waiver program; or

(d) Be disabled in accordance with SSI disability criteria set forth in 42 C.F.R. §§ 435.540 and 435.541, F.S., (both incorporated by reference) and meet the requirements of subsection 65A-1.701(10), F.A.C., to participate in the Developmental Services waiver program; or,

(e) Be age 60 or older and meet the requirements in ~~rule~~ subsection 65A-1.701(3), F.A.C., to participate in the Assisted Living waiver; or,

(e) Be determined to be in medical need in accordance with paragraph 59G-8.200(4)(b), F.A.C.;

(f) Be age 18 or older and disabled in accordance with SSI disability criteria set forth in 42 CFR §§ 435.540 and 435.541, F.S., (both incorporated by reference) with a medical condition of traumatic brain injury or spinal cord injury in accordance with the Centers for Medicare and Medicaid Services approved Medicaid waiver. Be receiving HCBS as certified by a case manager in accordance with the provisions of the waiver.

(5) through (6) No change.

(7) In addition, optional coverage is provided in accordance with Sections 1920B and 1902(aa) of the Social Security Act as it pertains to breast and cervical cancer treatment. This coverage is provided only for the duration of the individual's treatment. Applicants are referred by the Department of Health. A face to face interview is not required as a result of this referral. The application form for this coverage is CF-ES 2099, Medicaid Application for Breast and Cervical Cancer Treatment, July 2002 (incorporated by reference). Additional rights and responsibilities are explained to applicants on form CF-ES 2064, Your Rights and Responsibilities (incorporated by reference in Rule 65A-1.204, F.A.C.); this form is provided to each applicant. A form requesting verification of the length of treatment, CF-ES 2701, Dec. 2001 (incorporated by reference), along with a return envelope are given to the applicant to obtain the required verification from the provider. Alternatively, this information may be obtained by the department through telephone contact with the provider, when known.

(8) For the Ron Silver Senior Drug Program the individual must meet the requirements of subsection 59G-12.003(1), F.A.C. A face to face interview is not required for this program.

(9) Copies of the forms incorporated by reference in this rule may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.9065, 409.919 FS. History–New 10-8-97, Amended _____.

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

(1) Resource Limits. If an individual's total resources are equal to or below the prescribed resource limits at any time during the month the individual is eligible on the factor of

resources for that month. The resource limit is the SSI limit specified in Rule 65A-1.716, F.A.C., with the following exceptions:

(a) through (e) No change.

(f) For the Ron Silver Senior Drug Program, there is no resource limit.

(g) For the Traumatic Brain Injury and Spinal Cord Injury Waiver Program an individual cannot have countable resources that exceed \$2,000. If the individual's income falls within the MEDS-AD limit, the individual can have resources up to \$5,000. No penalties apply to transfers of assets or resources made to spouses. But penalties may apply to transfers to others. Spousal impoverishment policies do not apply.

(2) through (4) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.9065, 409.919 FS. History–New 10-8-97, Amended 1-17-99, _____.

65A-1.713 SSI-Related Medicaid Income Eligibility Criteria.

(1) Income limits. An individual's income must be within limits established by federal or state law and the Medicaid State Plan. The income limits are as follows:

(a) For MEDS-AD, income cannot exceed ~~88~~ 90 percent of the federal poverty level after application of exclusions specified in subsection 65A-1.713(2), F.A.C.

(b) through (i) No change.

(j) For a Qualified Individual 1 (QI1), income must be greater than 120 percent of the federal poverty level, but equal to or less than 135 percent of the federal poverty level. QI1 is eligible only for payment of the Part B Medicare premium through Medicaid.

(k) For a Qualified Individual 2 (QI2), income must be greater than 135 percent of the federal poverty level, but equal to or less than 175 percent of the federal poverty level. QI2 is eligible only for one-time annual reimbursement of a portion of the Medicare premium by Medicaid.

(l) For the Ron Silver Senior Drug Program, the individual must meet the eligibility criteria specified in subsection 59G-12.003(1), F.A.C.

(m) For the Traumatic Brain Injury and Spinal Cord Injury Waiver Program an individual cannot have income that exceeds 300% of the federal benefit rate as defined in subsection 65A-1.701(13), F.A.C. An income trust may be established to qualify for this assistance.

(2) through (4) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.9065, 409.919 FS. History–New 10-8-97, Amended 1-27-99, _____.

65A-1.716 Income and Resource Criteria.

(1) The monthly federal poverty level figures based on the size of the filing unit are as follows:

Filing Unit Size	88 90% of Poverty Guideline	100% of Poverty Guideline	120% of Poverty Guideline	133% of Poverty Guideline
1	\$ 651 665	\$ 739	\$ 886	\$ 982
2	876 896	995	1194	1324
3		1252		1665
4		1509		2007
5		1765		2348
6		2022		2689
7		2279		3031
8		2535		3372
9		2792		3713
10		3049		4055
11		3305		4396
12		3562		4738
Add each add. person		\$ 257		\$ 342

Filing Unit Size	135% of Poverty Guideline	175% of Poverty Guideline	185% of Poverty Guideline	200% of Poverty Guideline
1	\$ 997	\$ 1293	\$ 1366	\$ 1477
2	1344	1742	1841	1990
3			2316	2504
4			2791	3017
5			3266	3530
6			3741	4044
7			4215	4557
8			4690	5070
9			5165	5584
10			5640	6097
11			6115	6610
12			6590	7124
Add each add. person			\$ 475	\$ 514

- (2) through (5)(c)3. No change.
- 4. Food Stamp Standard Utility Allowance: \$1984
- 5. through (e) No change.

Specific Authority 409.919 FS. Law Implemented ~~409.902~~, 409.903, 409.904, 409.919 FS. History--New 10-8-97, Amended 12-9-99, 2-15-01, 11-26-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis, Operations Review Specialist
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy Bureau – Policy Support Unit
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2001 and July 19, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.: 3F-5.007 RULE TITLE: Conversion Procedures

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 35, August 30, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF INSURANCE

RULE NO.: 4-211.043 RULE TITLE: Effective Date

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule as noticed in Vol. 28, No. 16, April 19, 2002, of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.094 RULE TITLE: Public Works Contracts

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12A-1.094, F.A.C., published in Vol. 28, No. 27, pp. 2879-2883, July 5, 2002, issue of the Florida Administrative Weekly.

In response to public comments received at a hearing held on July 31, 2002, and written comments received subsequent to the hearing, the proposed amendments to subsections (1), (2), and (3) of Rule 12A-1.094, F.A.C., have changed, so that, when adopted, those subsections will read as follows:

(1) This rule shall govern the taxability of transactions in which contractors manufacture or purchase supplies and materials for use in public works contracts, as that term is referred to in Section 212.08(6), F.S. This rule shall not apply to non-public works contracts for the repair, alteration, improvement, or construction of real property, as those contracts are governed under the provisions of Rule 12A-1.051, F.A.C. ~~This rule shall also not apply to contractors who entered into road construction contracts during the period from January 1, 1988, through February 11, 1988, and who chose to remit the tax based on 50 percent of the contract price. See Emergency Rule 12AER88-16 for provisions governing such contracts.~~ In applying this rule, the following definitions are used.

(a)1. “Contractor” is one that supplies and installs tangible personal property that is incorporated into or becomes a part who is engaged in the repair, alteration, improvement or construction of a public facility pursuant to a public works contract with a governmental entity exercising its authority in regard to the public property or facility real property. Contractors include, but are not limited to, persons engaged in building, electrical, plumbing, heating, painting, decorating, ventilating, paperhanging, sheet metal, roofing, bridge, road, waterworks, landscape, pier, or billboard work. This definition includes subcontractors.

2. “Contractor” does not include a person that furnishes tangible personal property that is not affixed or appended in such a manner that it is incorporated into or becomes a part of the public property or public facility to which a public works contract relates. A person that provides and installs tangible personal property that is freestanding and can be relocated with no tools, equipment, or need for adaptation for use elsewhere is not a contractor within the scope of this rule.

3. “Contractor” does not include a person that provides tangible personal property that will be incorporated into or become part of a public facility if such property will be installed by another party.

4. Examples.

a. A vendor sells a desk, sofas, chairs, tables, lamps, and art prints for the reception area in a new public building. The sales agreement requires the vendor to place the furniture according to a floor plan, set up the lamps, and hang the art prints. The vendor is not a contractor within the scope of this rule, because the vendor is not installing the property being sold in such a way that that it is attached or affixed to the facility.

b. A security system vendor furnishes and installs low voltage wiring behind the walls, motion detectors, smoke alarms, other sensors, control pads, alarm sirens, and other components of a security system for a new county courthouse. The components are direct wired, fit into recesses cut into the walls or other structural elements of the building, and are held in place by screws. The vendor is a contractor within the scope of this rule. The security system is installed and affixed in such a manner that it has been incorporated into the courthouse.

c. A vendor enters an agreement to provide and install the shelving system for a new public library. The shelves are built to bear the weight of books. The shelf configuration in each unit maximizes the number of books the shelves can hold. The number and size of the units ordered is based on the design for the library space. The units will run floor to ceiling and will be anchored in place by bolts or screws. The vendor is a contractor within the scope of this rule. The shelving system will be affixed in such a manner that it becomes a part of the public library.

d. A vendor agrees to provide and install the computer terminals, monitors, keyboards, servers, and related equipment for a county tax collector’s office in central Florida. The job includes connecting the equipment to the structural cabling system that has been installed by an electrical contractor. The cables running to the computer terminals are held in place by screws that fit into the back of the terminal units. The vendor is not a contractor within the scope of this rule. The computer equipment has not been affixed in such a way as to become a part of the facility. The equipment has not been attached to any structural element of the building.

e. A manufacturer agrees to provide the prestressed concrete forms for a public parking garage. A construction company is awarded the bid to install those forms and build the garage. The manufacturer is not a contractor within the scope of this rule, because the manufacturer will not install any tangible personal property that becomes a part of the garage. The construction company is a contractor within the scope of this rule.

(b) “Governmental entity” includes any agency or branch of the United States government, a state, or any county, municipality, or political subdivision of a state. The term includes authorities created by statute to operate public facilities using public funds, such as public port authorities or public-use airport authorities.

(c)(b) “Public works” are defined as ~~construction~~ projects for public use or enjoyment, financed and owned by the government, in which private persons undertake the obligation to do a specific piece of work that involves installing tangible personal property in such a manner that it becomes a part of a public facility. For purposes of this rule, a public facility includes any land, improvement to land, building, structure, or other fixed site and related infrastructure thereon owned or operated by a governmental entity where governmental or public activities are conducted. The term “public works” is not restricted to the repair, alteration, improvement, or construction of real property and fixed works, although such projects are included within the term where the sale of tangible personal property is made to or by contractors involved in public works contracts. Such contracts shall include, but not be limited to, building, electrical, plumbing, heating, painting, decorating, ventilating, paperhanging, sheet metal, roofing, bridge, road, waterworks, landscape, pier, or billboard contracts.

(d)(e) “Real property” within the meaning of this rule includes all fixtures and improvements to real property. The status of a project as an improvement or ~~fixture~~ ~~affixture~~ to real property will be determined by reference to the definitions contained in Rule 12A-1.051(2), F.A.C. ~~is determined by the objective and presumed intent of the parties, based on the nature and use of the project and the degree of affixation to realty. Mobile homes and other mobile buildings are deemed fixtures if they (1) bear RP license tags, or (2) have the mobile~~

features (such as wheels and/or axles) removed, and are placed on blocks or footings and permanently secured with anchors, tie-down straps or similar devices.

(2) ~~The purchase or manufacture of supplies or materials by a public works contractor, when such supplies or materials are purchased for the purpose of going into or becoming part of for incorporation into a public works project, whether the purchase or manufacture occurs inside or outside Florida, is taxable to the public works contractor if the public works contractor also installs such supplies or materials, since the public works contractor he is the ultimate consumer of such supplies or materials. Public works contractors that purchase or manufacture such supplies and materials in Florida are liable for sales tax or use tax on such purchases and manufacturing costs. A public works contractor that purchases supplies or materials that may be sold as tangible personal property or may be incorporated into a public works project may purchase such supplies or materials without tax by issuing a copy of the contractor's Annual Resale Certificate and accrue and remit tax upon withdrawing such supplies or materials from inventory to go into or become a part of public works. Public works contractors that purchase or manufacture such materials outside the State of Florida are liable for use tax, subject to credit for any sales or use tax lawfully imposed and paid in the state of purchase or manufacture. The applicable tax rate shall be determined on the basis of the invoice date, not the date of the contract, as follows:~~

~~(a) If invoiced before February 1, 1988, and delivered within a reasonable period of time the tax rate shall be 5 percent.~~

~~(b) If invoiced on or after February 1, 1988, the tax rate shall be 6 percent.~~

~~(3)(a) The purchase or manufacture of tangible personal property for resale to a governmental entity body is exempt from tax, provided this exemption shall not include sales of tangible personal property made to, or the manufacture of tangible personal property by, public works contractors employed either directly or as agents of the United States Government, a state, or any county, municipality, or political subdivision of a state when such tangible personal property goes into or becomes a part of public works financed or owned by such governmental bodies or political subdivisions.~~

~~(b) With regard to contracts with government entities, the exemption in subsection (3)(a) is appropriate only where the levy would otherwise fall on the government itself, or on an agency or instrumentality so closely connected with that government that the two cannot realistically be viewed as separate entities, at least insofar as the activity being taxed is concerned. A finding of exempt status, however, requires something more than the implication of traditional agency notions, so that to resist a state's taxing power, a private taxpayer must actually stand in the government's shoes as a principal, rather than as a contractor employed either directly~~

~~or as the government's agent. A contractor will not be deemed to actually stand in the government's shoes if the contractor has a substantial independent role in making purchases. Accordingly, the fact that title passes directly to the government and payment is made with government funds, in and of itself, cannot characterize the transaction as an exempt purchase if the purchasing entity, in its role as a purchaser, is sufficiently distinct from the government.~~

In response to comments received from the Joint Administrative Procedures Committee, the proposed amendments to subsection (4) of Rule 12A-1.094, F.A.C., have changed, so that, when adopted, that subsection will read as follows:

~~(4)(a) The exemption in s. 212.08(6), F.S., subsection (3)(a) is a general exemption for sales made directly to the government. The exception in subsection (2)(a) is a specific exception for sales to contractors. A determination of whether a particular transaction is properly characterized as an exempt sale to a governmental government entity or a taxable sale to or use by a contractor shall be based on the substance of the transaction, rather than the form in which the transaction is cast. The Executive Director or the Executive Director's designee in the responsible program will determine whether the substance of a particular transaction is governed by subsection (2)(a) or is a taxable sale to or use by a contractor or an exempt direct sale to a governmental entity body as provided by subsection (3) of this rule based on all of the facts and circumstances surrounding the transaction as a whole.~~

~~(b) The following criteria that The Executive Director or the Executive Director's designee in the responsible division will give special consideration to factors which govern the status of the tangible personal property prior to its affixation to real property will be considered in determining whether a governmental entity rather than a contractor is the purchaser of materials:-~~

~~1. Direct Purchase Order. The governmental entity must issue its purchase order directly to the vendor supplying the materials the contractor will use and provide the vendor with a copy of the governmental entity's Florida Consumer's Certification of Exemption.~~

~~2. Direct Invoice. The vendor's invoice must be issued to the governmental entity, rather than to the contractor.~~

~~3. Direct Payment. The governmental entity must make payment directly to the vendor from public funds.~~

~~4. Passage of Title. The governmental entity must take title to the tangible personal property from the vendor at the time of purchase or delivery by the vendor.~~

~~5. Assumption of the Risk of Loss. Such factors include provisions which govern bidding, indemnification, inspection, acceptance, delivery, payment, storage, and assumption of the risk of damage or loss for the tangible personal property prior to its affixation to real property. Assumption of the risk of damage or loss by the governmental entity at the time of~~

~~purchase is a paramount consideration. A governmental entity will party may be deemed to have assumed the risk of loss if the governmental entity party either bears the economic burden of posting a bond or obtaining insurance covering damage or loss; or directly enjoys the economic benefit of the proceeds of such bond or insurance. Other factors that may be considered by the Executive Director or the Executive Director's designee in the responsible division include whether the contractor is authorized to make purchases in its own name; the contractor is jointly or severally liable to the vendor for payment; purchases are not subject to prior approval by the government; vendors are not informed that the government is the only party with an independent interest in the purchase; and whether the contractors are formally denominated as purchasing agents for the government.~~

~~(c) Sales made pursuant to so called "cost-plus", "fixed-fee", "lump sum", and "guaranteed price" contracts are taxable sales to the contractor unless it can be demonstrated to the satisfaction of the Executive Director or the Executive Director's designee in the responsible division that such sales are, in substance, tax exempt direct sales to the government.~~

In order to correct omitted citations, the proposed amendments to the history note following the rule text have changed so that, when adopted, the note will read as follows:

Specific Authority ~~212.08(6), 212.17(6), 212.18(2), 212.183, 213.06(1) FS. Law Implemented 212.02(4),(40), (14),(15),(16), (19),(20),(21), 212.06(1),(2),(14), 212.07(1), 212.08(6),(7)(bbb), 212.085, 212.14(5), 212.18(2), 212.183 FS. History-New 6-3-80, Amended 11-15-82, Formerly 12A-1.94, Amended 1-2-89, 8-10-92.~~

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-1.659 Forms and Instructions

NOTICE OF CORRECTION

The Southwest Florida Water Management District hereby gives notice of correction to the Notice of Public Hearing published in Vol. 28, No. 39, Page 4139 on September 27, 2002 of the Florida Administrative Weekly.

The hearing will be held during the Southwest Florida Water Management District's monthly Governing Board Meeting on:
TIME AND DATE: 9:00 a.m., Tuesday, October 29, 2002

PLACE: Boardroom, Southwest Florida Water Management District, Sarasota Office, 6750 Fruitville Road, Sarasota, FL 34232, (941)377-3722

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:
40E-4 Environmental Resource Permits
RULE NO.: RULE TITLE:
40E-4.091 Publications, Rules, and
 Interagency Agreements
 Incorporated by Reference

(Proposed amendments to "Appendix 6 – Above Ground Impoundments" of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – June, 2002")

NOTICE OF WITHDRAWAL

Pursuant to Section 120.54(3)(d)1., Florida Statutes, notice is hereby given that the above proposed rule amendment, as noticed in Vol. 28, No. 10, pg. 1131, March 8, 2002, issue of the Florida Administrative Weekly, has been withdrawn in response to the Joint Administrative Procedures Committee's notification that the time for filing this rule with the Department of State has expired.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:
40E-7.538 Establishment of South Florida
 Water Management District
 Management Areas Open to the
 Public

NOTICE OF CORRECTION

Notice is hereby given that the proposed changes to paragraph (5)(a)3. of the above rule were inadvertently incorrectly coded as published in the September 27, 2002, Vol. 28, No. 39, issue of the Florida Administrative Weekly.

Paragraph (5)(a)3. is corrected as follows:

40E-7.538 Establishment of South Florida Water Management District Management Areas Open to the Public.

~~(5)(4)~~ Lower Reedy Creek Management Area located in Osceola and Polk Counties.

(a) Lake Russell Management Unit.

1. through 2. No change.

3. Airboating is prohibited ~~Camping is permitted only when in the possession of a Special Use License.~~

4. through 5. No change.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:
40E-7 Establishment of South Florida
 Water

RULE NO.: RULE TITLE:
40E-7.538 Areas Open to the Public

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 40E-7, Part V, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., as originally published in the Florida Administrative Weekly (Vol. 28, No. 39, September 27, 2002, pg. 4125 & 4127). The changes are in response to oral comments received from the Joint Administrative Procedures Committee of the Florida Legislature and are technical in nature.

A) When adopted, paragraph (3)(c) in Rule 40E-7.538 will read as follows:

~~(3)(2)~~ Lake Marion Creek Management Area located in Osceola and Polk Counties.

(c) Persons may enter the management area on foot at designated access points off County Road 580, Horseshoe Creek Road, Lake Marion Creek Road and at Baltic Adair Court. Motorized vehicle access is allowed via Huckleberry Island Road, during the established hunting season.

B) When adopted, paragraph (13)(a) of 40E-7.538 will read as follows:

~~(13)(12)~~ Hungryland Slough Wildlife Management Area ~~West Jupiter Wetlands Management Area located in Martin and Palm Beach Counties.~~

(a) Public use of this management area is governed by Regulations of the Florida Fish and Wildlife Conservation Commission. Persons may enter the management area on foot at the designated access point off state road 706 (Indiantown Road).

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.045 RULE TITLE: Long-Term Care Hospital Beds

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as published in Vol. 28, No. 35, Florida Administrative Weekly, August 30, 2002, has been withdrawn. The proposed rule would have established criteria to be used in review of certificate of need (CON) applications to establish or expand a long-term care hospital. A notice of development of a revised rule is expected to appear elsewhere in this edition of the F.A.W. A draft text of the revised rule is attached to that notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-21.004 RULE TITLE: Passing Grade

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 30, of the Florida Administrative Weekly on July 26, 2002, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-4.003 RULE TITLE: Continuing Education

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule development, as notice in Vol. 28, No. 29, July 19, 2002, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-4.008 RULE TITLE: Continuing Education for School Instructors

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule development, as noticed in Vol. 28, No. 29, July 19, 2002, has been withdrawn.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
64E-2	Emergency Medical Services
RULE NOS.:	RULE TITLES:
64E-2.001	Definitions
64E-2.015	Prehospital Requirements for Trauma Care
64E-2.016	Trauma Transport Protocols Approval and Denial Process
64E-2.019	Trauma Agency Formation
64E-2.020	Trauma Agency Plan Approval and Denial Process
64E-2.021	Trauma Agency Implementation and Operation Requirements
64E-2.037	Security of Medications

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed rule 64E-2, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 28, No. 35 on August 30, 2002. The changes reflect comments received from the Joint Administrative Procedures Committee and from the affected parties.

The changes are as follows:

64E-2.015(5)(g) Reinsert existing language: "Trauma alert criteria if met as defined in Rule 64E-2.017 or 64E-2.0175, F.A.C, and". Reletter new "(g)" back to "(h)".

64E-2.037 Law Implemented – Add "401.31(1)".

Incorporation – "Department of Health Trauma Transport Protocols Pamphlet, July 2002". Replace the word "Pamphlet" with "Manual" throughout. Table of Contents – Section 3 – Replace the word "Procedures" with the word "Requirements". P.O. B00829

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE CHAPTER NO.:

65A-1	RULE CHAPTER TITLE: Public Assistance Programs
-------	--

RULE NO.:	RULE TITLE:
65A-1.601	Food Stamp Program Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 11 (March 15, 2002), Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLES:	RULE NOS.:
Administration	4AER02-2
Scope: Existing Facilities	4AER02-3
Definitions	4AER02-4
Firesafety Inspections	4AER02-5
Serious Life Safety Hazards	4AER02-6
Inspections In General	4AER02-7
Counties, Municipalities, and Special Districts Having Firesafety Responsibilities, Without Firesafety Inspectors	4AER02-8
Standards and Requirements for Buildings	4AER02-9
Florida School Firesafety Evaluation System	4AER02-10

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Insurance hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare.

1. These emergency rules are necessitated by the action of the Florida Legislature in 2002, by transferring the responsibility for adopting rules for firesafety standards for educational facilities from the Department of Education to the Department of Insurance, in House Bill 443.
2. An emergency rule, 4AER02-1, was adopted effective July 1, 2002, in which the rules that were in effect at that time as they relate to firesafety were continued in effect for a period of 90 days to give the Department of Insurance time to engage in permanent rulemaking.
3. The Department of Insurance has engaged in permanent rulemaking with all due haste and diligence; however, due to the constraints and time requirements of Chapter 120, Florida Statutes, and the complexity of the issues involving firesafety in educational facilities, the permanent rules will not become effective until after the expiration of Emergency Rule 4AER02-1, which is September 29, 2002.
4. There was insufficient time from the date Emergency Rule 4AER02-1 expires until the effective date of the permanent rules to fully adopt the permanent rules.
5. Substantial and significant changes to the rules which were in effect as of June 30, 2002, relating to firesafety in educational facilities, embodied in Emergency Rule 4AER02-1 were made in the process of creating the permanent rules in proposed Rule Chapter 4A-58, Florida Administrative Code;

therefore, the adoption of additional emergency rules effective on September 30, 2002, does not constitute a readoption of the emergency rule in existence from July 1, 2002, to September 29, 2002.

6. These emergency rules adopt, in substance, the permanent rules which will become effective after all statutory waiting periods expire.
7. Without these emergency rules, from the expiration of the current emergency rule until the effective date of the permanent rules adopted by the Department of Insurance in Rule Chapter 4A-58, there would be no firesafety standards relating to educational facilities.
8. No firesafety standards relating to educational facilities would create an immediate serious danger to the public health, safety, and welfare because the health and lives of the state's children and adult men and women attending, visiting, employed by, or otherwise located at the educational facility would be at risk, and their health, safety, and welfare is paramount in the view of the State Fire Marshal.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Division of State Fire Marshal believes that adopting emergency rules is the fairest method available to protect the public and particularly the children and adult men and women attending, visiting, employed by, or otherwise located at educational facilities. Due to the time constraints of Chapter 120, Florida Statutes, and the complexity of adopting firesafety standards for educational facilities, there was insufficient time to adopt permanent rules from the date the current emergency rule expires and the expected date that new Rule Chapter 4A-58, Florida Administrative Code, will become effective. Therefore, the Department of Insurance has adopted the emergency rules in a manner that will be substantially similar to the new proposed permanent rules in the process of being adopted in Rule Chapter 4A-58, Florida Administrative Code.

SUMMARY OF THE RULE: These emergency rules adopt rules which are substantially similar to the permanent rules which are planned to be adopted in proposed Rule Chapter 4A-58, Florida Administrative Code, but which will not become effective until approximately three to six weeks after the current emergency rule expires and which relate to firesafety for a period of 90 days from September 30, 2002, to allow the permanent rules to become effective without a hiatus between the date the emergency Rule 4AER02-1 expires, and the date the permanent rules in Rule Chapter 4A-58, Florida Administrative Code, become effective.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)922-3171

THE FULL TEXT OF THE EMERGENCY RULES IS:

FIRESAFETY IN EDUCATIONAL FACILITIES

4AER02-02 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 9-30-02.

4AER02-03 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 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 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) Any time 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 9-30-02.

4AER02-04 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 9-30-02.

4AER02-05 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 or community college;

(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 if 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 9-30-02.

4AER02-06 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 9-30-02.

4AER02-07 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 9-30-02.

4AER02-08 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 9-30-02.

4AER02-09 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 18 inches or more above grade 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 minutes, 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. 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) Signage.

(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 when installed with glazed panels shall be 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.

(l) 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. 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 200' 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, inspected, and tested in accordance with Rule Chapter 4A-48, Florida Administrative Code, 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 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.

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.

The exception of NFPA 101, Section 15.3.4.2.1, shall apply 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:

1. The fire alarm system shall not be used for class changes.

2.a. Sending stations located inside student-occupied spaces shall 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.

c. 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.

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.

Specific Authority 235.06 FS. Law Implemented 235.06 FS. History--New 9-30-02.

4AER02-10 Florida School Firesafety Evaluation System.

(1) Any Florida school building 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 4AER02-08, 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.

(3) The Florida School Evaluation System must be validated by the local fire authority prior to the implementation of any alternative code provision; provided that the local fire authority is not permitted to prohibit the use of the Florida School Evaluation System for any school building which qualifies for the pre-January 1, 1985, occupancy date.

Specific Authority 235.06 FS. Law Implemented 235.06 FS. History--New 9-30-02.

THESE RULES TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 30, 2002

DEPARTMENT OF CITRUS

RULE TITLES:

Robinson Tangerines; Classification and Standards

K-Early Citrus Fruit; Classification and Standards

RULE NOS.:

20ER02-4

20ER02-5

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to public health, safety and welfare.

The Department received a request from the Fruit Classification and Standards Committee to declassify citrus hybrid variety of Robinson tangerines and K-Early citrus fruit. The volume of the specialty fruit has declined substantially in the past five years with K-Early citrus packing only 3,230 1 3/5 cartons and Robinson tangerines packing only 124,249 1 3/5 cartons. The percent of the specialty fruit as compared to all other specialty fruit is K-Early citrus at 6/10 of 1% and Robinson tangerines at 2/100 of 1% for K-Early citrus and -0- for Robinson tangerines). The volume does not justify the regulatory effort, as the varieties have little or no effect in the market place.

After taking testimony and discussing the matter at a public meeting and hearing in Lakeland, Florida on September 18, 2002, The Florida Citrus Commission found that to insure fruit is shipped interstate and intrastate on the same schedule as the Citrus Administrative Committee, the rule need to be in effect by October 1, 2002. They voted to adopt Emergency Rules 20ER02-4 and 20ER02-5, declassifying Robinson tangerines and K-Early citrus fruit.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rules 20ER02-4 and 20ER02-5 declassifying Robinson tangerines and K-early citrus fruit, in the Florida Press Corp.

SUMMARY: Emergency Rules 20ER02-4 and 20ER02-5 declassifies the Robinson tangerines and K-early citrus fruit.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Ken Keck, General Counsel, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULES IS:

20ER02-4 (20-13.007) Robinson Tangerines; Classification and Standards.

Specific Authority 601.10(1),(7), 601.11, 601.9910(3) FS. Law Implemented 601.11, 601.21, 601.9910(3) FS. History-Formerly 105-1.43(6), Revised 1-1-75, Formerly 20-13.07, Repealed 9-27-02.

20ER02-5 (20-13.008) K-Early Citrus Fruit; Classification and Standards.

Specific Authority 601.10(1),(7), 601.11, 601.9910(3) FS. Law Implemented 601.11, 601.9910 FS. History-Formerly 105-1.34(7), Revised 1-1-75, Formerly 20-13.08, Amended 10-13-96, Repealed 9-27-02.

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

EFFECTIVE DATE: September 27, 2002

DEPARTMENT OF CITRUS

RULE TITLE:

Requirements of Manifest

RULE NO.:

20ER02-6

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to public health, safety and welfare.

The Department received a request from the Fruit Classification and Standards Committee to declassify citrus hybrid variety of Dancy tangerines. The volume of the specialty fruit has declined substantially in the past five years and now totals only 6,799 1 3/5 cartons. The percent of the specialty fruit as compared to all other specialty fruit is 3/100 of 1%. The percent of the specialty fruit to the total Florida crop is insignificant. The volume does not justify the regulatory effort, as the varieties have little or no effect in the market place.

After taking testimony and discussing the matter at a public meeting and hearing in Lakeland, Florida on September 18, 2002, the Florida Citrus Commission found that to insure fruit is shipped interstate and intrastate on the same schedule as the Citrus Administrative Committee, the rule need to be in effect by October 1, 2002. They voted to adopt Emergency Rule 20ER02-6, declassifying Dancy tangerines.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER02-6 declassifying Dancy tangerines, in that notice was made by mail on September 10, 2002, of the meeting notice on September 18, 2002, to all members of the Florida Citrus Commission, all industry organizations, and the Florida Press Corp.

SUMMARY: Emergency Rule 20ER02-6 declassifies the Dancy tangerines.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ken Keck, General Counsel, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

(7) The prize symbols and prize symbol captions in scene 1 are as follows:

INSERT SYMBOLS

(8) The legends in scene 1 are as follows:

INSERT SYMBOLS

(9) The “YOUR CARDS” play symbols and play symbol captions in scene 2 are as follows:

INSERT SYMBOLS

(10) The “DEALER’S TOTAL” play symbols and play symbol captions in scene 2 are as follows:

INSERT SYMBOLS

(11) The prize symbols and prize symbol captions in scene 2 are as follows:

INSERT SYMBOLS

(12) The legends in Game 2 are as follows:

INSERT SYMBOLS

(13) The “YOUR ROLLS” play symbols and play symbol captions in scene 3 are as follows:

INSERT SYMBOLS

(14) The “SHOOTER’S POINT” play symbols and play symbol captions in scene 3 are as follows:

INSERT SYMBOLS

(15) The prize symbols and prize symbol captions in scene 3 are as follows:

INSERT SYMBOLS

(16) The legends in scene 3 are as follows:

INSERT SYMBOLS

(17) The play symbols and play symbol captions in scene 4 are as follows:

INSERT SYMBOLS

(18) The legends in Game 4 are as follows:

INSERT SYMBOLS

(19) Determination of Prizewinners. Each of the four scenes in Instant Game Number 450, MONTE CARLO, uses a different play methodology. The determination of prizewinners for each scene is as follows:

(a) Scene 1.

1. In scene 1, a ticket having a number in the “YOUR CHIPS” play area that matches the number in the “HOUSE CHIP” play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$500, and \$5,000.

\$\$

2. In scene 1, a ticket having a “DOUBLE” symbol in the “YOUR CHIPS” play area shall entitle the claimant to double the corresponding prize shown.

(b) Scene 2.

1. In scene 2 there are four hands. A ticket having two cards in the “YOUR CARDS” play area of one hand, the total of which is greater than the number in the “DEALER’S TOTAL” play area shall entitle the claimant to the corresponding prize shown for that hand. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$500, and \$5,000.

2. In scene 2, a ticket having two cards in the “YOUR CARDS” play area of one hand that total 21 shall entitle the claimant to double the corresponding prize shown for that hand.

(c) Scene 3.

1. In scene 3 there are four rolls. A ticket having two dice in the “YOUR ROLLS” play area of one roll that total 7 or 11 shall entitle the claimant to the corresponding prize shown for that roll. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$500, and \$5,000.

2. In scene 3, a ticket having two dice in the “YOUR ROLLS” play area of one roll, the total of which matches the number in the “SHOOTER’S POINT” play area shall entitle the claimant to double the corresponding prize shown for that roll.

(d) Scene 4.

1. In scene 4 there are four games. A ticket having three like symbols in the play area of one game shall entitle the claimant to the corresponding prize shown for that symbol in the prize table. The prizes are: FREE TICKET, \$1, \$2, \$5, \$10, \$20, \$50, \$100, \$500, and \$5,000.

2. In scene 4, a ticket having two like symbols and a



“**DOUBLE**” symbol in the play area of one game shall entitle the claimant to double the corresponding prize shown for that symbol in the prize table.

(e) In scenes 1, 2, 3, and 4, a claimant who is entitled to a prize of a “TICKET” or “FREE TICKET” shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a MONTE CARLO lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(20) The estimated odds of winning, value, and number of prizes in Instant Game Number 450 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
FREE TICKET or TICKET	\$1 TICKET	10.00	1,008,000
\$1	\$1	15.00	672,000
\$1(D)	\$2	42.86	235,200
\$2	\$2	42.86	235,200
\$2 (D)	\$4	75.00	134,400
\$5	\$5	60.00	168,000
(\$2 x 3) + \$2 (D)	\$10	300.00	33,600
\$10	\$10	300.00	33,600
\$5 x 4	\$20	600.00	16,800
(\$5 x 2) + \$5(D)	\$20	600.00	16,800
\$5 + \$10(D)	\$25	412.84	24,416
\$10 x 4	\$40	2,400.00	4,200
(\$10 x 3) + \$20	\$50	14,400.00	700
\$5(D) + (\$20 x 2)	\$50	14,400.00	700
\$100	\$100	50,400.00	200
\$50 x 4	\$200	201,600.00	50
\$100 (D)	\$200	201,600.00	50
(\$100 x 3) + \$100(D)	\$500	504,000.00	20
\$500	\$500	1,008,000.00	10
\$5,000	\$5,000	2,016,000.00	5

(21) The estimated overall odds of winning some prize in Instant Game Number 450 are 1 in 3.90. Some prizes, including the top prizes, may be sold out at the time of ticket purchase.

(22) For reorders of Instant Game Number 450, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(23) By purchasing a MONTE CARLO lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(24) Payment of prizes for MONTE CARLO 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 9-27-02.

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

EFFECTIVE DATE: September 27, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 443, BANK VAULT
 RULE NO.: 53ER02-53

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 443, “BANK VAULT,” 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:

53ER02-53 Instant Game Number 443, BANK VAULT.

(1) Name of Game. Instant Game Number 443, “BANK VAULT.”

(2) Price. BANK VAULT lottery tickets sell for \$2.00 per ticket.

(3) BANK VAULT 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 BANK VAULT 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 BANK VAULT lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "VAULT NUMBERS" play symbols and play symbol captions are as follows:

\$5 x 5	\$25	150.00	50.400
(\$5 x 2) + (\$10 x 4)	\$50	900.00	8.400
\$10 x 5	\$50	900.00	8.400
\$50 (MONEYBAG)	\$50	321.43	23.520
\$10 x 10	\$100	21,600.00	350
(\$25 x 2) + \$50 (MONEYBAG)	\$100	21,600.00	350
\$100	\$100	23,261.54	325
(\$25 x 6) + \$50 (MONEYBAG)	\$200	151,200.00	50
\$100 x 10	\$1,000	756,000.00	10
\$1,000	\$1,000	1,512,000.00	5
\$1,000 x 10	\$10,000	2,520,000.00	3
\$10,000	\$10,000	3,780,000.00	2

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any of the numbers in the "VAULT NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$1,000, and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a BANK VAULT lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.



(b) A ticket having a "WIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$50.00.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 443 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN	
		ODDS OF	42 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2 TICKET	1 IN 10.00	756,000
\$2	\$2	18.75	403,200
\$2 x 2	\$4	37.50	201,600
\$1 + (\$2 x 2)	\$5	37.50	201,600
\$5	\$5	50.00	151,200
\$1 + (\$2 x 2) + \$5	\$10	100.00	75,600
(\$1 x 8) + \$2	\$10	100.00	75,600
\$10	\$10	150.00	50,400

(10) The estimated overall odds of winning some prize in Instant Game Number 443 are 1 in 3.77. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 443, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a BANK VAULT lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for BANK VAULT 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 9-27-02.

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

EFFECTIVE DATE: September 27, 2002

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

The Department of Highway Safety and Motor Vehicles hereby gives notice that the Petition for Emergency Variance of paragraph 15A-10.028(3)(b), dated September 16, 2002 from Tri-County Human Services DUI was granted by the Department on September 27, 2002. The petitioner was seeking an emergency variance to allow the DUI program to refer a DUI client to their own agency for substance abuse treatment. DUI programs are prohibited from referring clients to their own organization's treatment component unless a treatment waiver is secured from the department. The petition

was approved on the basis that this client has an immediate need of substance abuse treatment, client has documented indigence, and no other substance abuse treatment agency in the service area accepts Medicaid as a form of payment.

A copy of the order can be obtained from: Bureau of Driver Education and DUI Programs, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B-214, MS 88, Tallahassee, FL 32399-0571.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that on December 24, 2001, the Florida Public Service Commission granted a petition from Florida Power & Light Company, in Docket No. 011200-EQ, that a waiver of subparagraph 25-17.0832(4)(e)5., Florida Administrative Code, is unnecessary. The rule provides for open solicitation periods and the closing of those periods prior to the issuance of its Request for Proposals (RFP). By Order No. PSC-01-2512-PAA-EQ the Commission found that a waiver was unnecessary. No protests against this Order were received.

A copy of the Order may be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

For additional information, please contact Katherine Echernacht, Office of the General Counsel, at the above address or by telephone (850)413-6199.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on September 26, 2002, South Florida Water Management District (District) received a petition for waiver from Greg Cane, Application No. 02-0926-1, for utilization of Works or Lands of the District known as the C-51 Canal, Palm Beach County, for an existing dock. The petition seeks relief 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 required low member elevation of pile-supported docking facilities within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT the Department of the Lottery has received a Petition for Waiver of Rule 53ER02-12(5), F.A.C., *Procedures for Awarding Prizes*, from the following petitioner:

Petitioner	Date Filed
Maria E. Towell, Weston, Florida	September 26, 2002

Emergency Rule 53ER02-12, F.A.C., sets forth the provisions for payment of prizes to players.

A copy of the Petition can be obtained from: Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection received, on September 12, 2002, a petition from Environmental Business Solutions, Inc., (OGC Case Number 02-1558) seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under subsection 62-522.300(3), Florida Administrative Code.

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," under the underground injection control program area.

For information on this final order call Cathy McCarty, (850)245-8654.

DEP received on September 23, 2002, a petition from J.A. Jones Environmental Services Company (Christmas Union 76 Station Facility) 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.

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."

On September 20, 2002, the Petitioner withdrew the petition seeking a waiver pursuant to Section 120.542, F.S. (2001) of the \$500 ATRP deductible required by Rule 62-769.800, F.A.C.

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 Board of Medicine hereby gives notice that it has received a petition for waiver filed on September 13, 2002, by Richard O. Gregory, 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 September 13, 2002, by Rainer E. Sachse, 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 September 11, 2002, by Mel T. Ortega, 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 September 11, 2002, by Peter Mosienko, 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 October 1, 2002, by Richard L. Beck, 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 September 17, 2002, by Ernest DiGeronimo, 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 September 27, 2002, by Baruch Jacobs, 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 September 27, 2002, by Victoria Vitale-Lewis, 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 Angela M. Glazer on September 24, 2002 seeking a waiver or variance of paragraph 64B19-11.001(4)(b),(c), F.A.C with regard to the time limit for taking the examination for licensure. Comments on this petition should be filed with Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For additional information or a copy of the petition, contact Kaye Howerton, Executive Director, Board of Psychology at above address or telephone (850)245-4374.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces the Florida Library Network Council Meeting.

DATE AND TIME: Friday, November 1, 2002, 10:00 a.m. – 3:00 p.m.

PLACE: The State Library of Florida, R. A. Gray Building, 1st Floor, Board Room, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Florida Virtual Library Plan, to review reports from various Council subcommittees, and to review the Plan's implementation timeline.

For additional information contact: Barratt Wilkins, State Librarian, (850)245-6600 or Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces public meetings via conference call, to which all persons are invited.

COMMITTEE: Vision Steering Committee

DATES AND TIMES: Thursday, October 24, 2002, 2:00 p.m. – Conclusion; Friday, October 25, 2002, 3:00 p.m. – Conclusion (if necessary)

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To begin developing a framework plan for initiating a visioning process throughout the State of Florida in regard to the future development of the arts and culture, and better utilization of grant funds to address statewide priorities.

A copy of the agenda and the access telephone number may be obtained by writing: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301 or by calling Dianne Alborn, Executive Assistant, (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by October 21, 2002, if you need an accommodation. Please contact Valerie Ohlsson, Arts Consultant, Division of Cultural Affairs, (850)487-2980 or (850)488-5779 (TDD) or by Fax (850)922-5259.

The **Department of State, Division of Cultural Affairs** announces a public grant panel meeting to which all persons are invited.

DATE AND TIME: November 7, 2002, 8:30 a.m. – Conclusion

PLACE: R. A. Gray Building, Auditorium, 500 S. Bronough Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications for the 2003-2004 Challenge Grant Program.

For more information, please contact: Dr. Gaylen Phillips, Director, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32399-0250 or (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review.

To request special aids or services, contact the Division staff 72 hours prior to the above stated schedule at (850)487-2980 or TT (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Bylaws Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Tuesday, October 22, 2002, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of a disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

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

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of a disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Women's Hall of Fame Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, October 23, 2002, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of a disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF INSURANCE

The **Governor's Commission on Workers' Compensation Reform** announces the following public telephone conference call to which all persons are invited.

DATE AND TIME: October 15, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: Call: (850)921-5230 or Suncom 291-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workers' Compensation Reform.

Any person requiring special accommodations to participate in this meeting is asked to advise staff at least 48 hours prior to the meeting by contacting Jacki Lawhon, (850)922-8062.

DEPARTMENT OF EDUCATION

The **Florida Charter School Review Panel** will meet on:

DATE AND TIME: Wednesday, October 30, 2002, 9:45 a.m. – 3:00 p.m.

PLACE: The Royal Pacific Resort at Universal Studios, 6300 Hollywood Way, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Panel will discuss proposed changes to Florida's charter school statutes and recent developments regarding Florida charter schools.

An agenda will be available one week prior to the meeting. To obtain a copy of the agenda, please call or write: The Choice Office, Turlington Building, Room 522, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)414-0780 or Suncom 994-0780.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact Karen L. Hines-Henry at the above address or telephone numbers.

The State of Florida, **Education Standards Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, November 14, 2002, 8:30 a.m. – 3:00 p.m.; Friday, November 15, 2002, 8:30 a.m. – 12:00 Noon

PLACE: School District of Duval County, School Board Building, Conference Room, 1701 Prudential Drive, Jacksonville, Florida, (904)390-2111

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Florida Education Standards Commission will meet and discuss issues related to the Commission's charge.

To obtain a copy of the agenda, please call or write: Florida Education Standards Commission, Turlington Building, Room 1446, 325 West Gaines Street, Tallahassee, Florida 32399, (850)488-1523 or Suncom 278-1523.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact Dr. Adeniji Odotola at the above address or telephone numbers.

The **Florida State University** announces the following public meeting to which all persons are invited.

COMMITTEE: Art in State Buildings Art Selection Committee

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

PLACE: Mary Brogan Museum of Art and Science, Florida Lottery Room, 350 South Duval Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Proposal Review meeting for Art in State Buildings Project BR# 057 FAMU-FSU Challenger Learning Center Tallahassee, Florida State University.

For more information or to obtain a copy of the agenda, please contact: Diane Greer, Director of Cultural Resources, Florida State University, 216 Westcott, Tallahassee, FL 32306-1350.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by Florida State University.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least

48 hours before the meeting by contacting Diane Greer, (850)644-1001. If you are hearing or speech impaired, please contact the agency by calling (850)644-1001.

The Florida **Community College System** announces a conference call of the Employment Accountability Task Force to which all persons are invited.

DATE AND TIME: October 18, 2002, 10:00 a.m. – 12:00 Noon

PLACE: Dial-In Numbers: (850)488-8295 or Suncom 278-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Employment Accountability Task Force.

NOTE: If you need special services to attend the meeting or need additional information, write the Division of Community Colleges, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400.

The **Florida Institute of Phosphate Research** announces a meeting of the Board of Directors to which all persons are invited.

DATE AND TIME: Friday, October 11, 2002, 9:00 a.m. – 4:30 p.m.

PLACE: Citrus & Chemical Bank, 3rd Floor, 600 N. Broadway Avenue, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider funding of research proposals and other business pertaining to the operation of the Institute.

A copy of the minutes of the July 26, 2002, Board Meeting may be obtained by writing: Dr. Paul R. Clifford, Executive Director, Florida Institute of Phosphate Research, 1855 West Main Street, Bartow, Florida 33830.

The public is invited to a meeting of the Florida **Board of Education**.

DATE AND TIME: October 24, 2002, 10:00 a.m.

PLACE: The Capitol, Cabinet Meeting Room LL-03, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Report from the K-20 Accountability Task Force; Report from the Higher Education Funding Task Force; Update on the Reorganization of the Department of Education; Status of the Management Project Abstracts for the Board's Strategic Plan; Consideration of the 2003-2004 Legislative Budget Request from the Department of Education, and other matters pertaining to the Florida Board of Education.

A copy of the agenda may be obtained from the Secretary of Education's website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The Florida **Board of Education** announces a public meeting of the Governor's Blue Ribbon Task Force on Accommodations and Access for Students with Disabilities to which all interested persons are invited.

DATES AND TIMES: Saturday, October 26, 2002, 8:30 a.m. – 5:00 p.m.; Sunday, October 27, 2002, 8:30 a.m. – 5:00 p.m.; Public input is scheduled for Saturday, October 26, 2002, 10:00 a.m. – 11:00 a.m. The entire meeting is open to observation. Meeting ending times may vary from published times.

PLACE: Crowne Plaza Pensacola Grand Hotel, 200 E. Gregory Street, Pensacola, FL 32501, 1(800)348-3336

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Task Force will gather information through expert presentations and public testimony relevant to Executive Order No. 02-108, Office of the Governor, State of Florida. Such information will include reasonable assessment accommodations, high school credentials and diploma options, and access to postsecondary education for students with disabilities.

A copy of the agenda may be obtained by writing: Florida Department of Education, Turlington Building, Room 432, Tallahassee, Florida 32399-0400, by calling the Bureau of School Improvement, (850)487-8780 or Suncom 278-8780 or from the web page at www.firn.edu/doe/blueribbon/.

Any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours in advance by calling the number indicated above.

The **Florida Rehabilitation Council for the Blind** announces the following Public Forum to which all interested individuals are invited to attend.

DATE AND TIME: Thursday, October 17, 2002, 4:00 p.m. – 6:00 p.m.

PLACE: Ramada Bayview, 7601 Scenic Highway, Pensacola, FL 32504, (850)477-7155

GENERAL SUBJECT MATTER TO BE CONSIDERED: For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under Title I of the Rehab Act.

CONTACT: Phyllis Dill, The Division of Blind Services, 7201 North 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.

The **Florida Rehabilitation Council for the Blind** announces the following meeting.

DATES AND TIMES: October 18, 2002, 9:00 a.m. – 5:00 p.m.; October 19, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Ramada Bayview, 7601 Scenic Highway, Pensacola, FL 32504, (850)477-7155

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.

The **Florida Alliance for Assistive Services and Technology, Inc.**, Board of Directors announces a public meeting to which all persons are invited to attend.

DATE AND TIME: Friday, October 18, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Tampa Airport Marriott, International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors meets quarterly to conduct such business as specifically on the agenda. Time will be set aside to solicit input from the public concerning assistive technology needs and services.

A copy of the quarterly meeting agenda will be posted at the FAAST, Inc. office and may be obtained by contacting: FAAST, Inc., 1020 E. Lafayette St., Suite 110, Tallahassee, FL 32301-4546, or by calling (850)487-3278.

If you would like to present information to the Board of Directors, or if you require reasonable accommodations due to a disability, please contact FAAST, Inc. at the above address in advance of the meeting.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meetings, the person will need a record of the proceedings, and for such purpose, the person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

If you would like to present information to a FAAST committee, attend a committee teleconference, or require reasonable telecommunication accommodations due to a disability, please contact the FAAST, Inc. office in writing at the above address.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Communities Trust** announces a public meeting of the Governing Body to which all persons are invited.

DATES AND TIME: November 14-15, 2002, 9:00 a.m. – until conclusion

PLACE: City of Tallahassee, Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Score, rank and select applications for funding from the Florida Forever Program FF2 application cycle; other business that the governing board deems necessary.

ACTION TO BE TAKEN: Consideration of above-stated business. To obtain a copy of the agenda, contact the Trust, (850)922-2207.

If any person desires to appeal any decision with respect to any matter considered at the meeting, such person will need a record of the proceeding and may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

Persons requiring a special accommodation for a disability or physical impairment should contact Florida Communities Trust, (850)922-2207, Suncom 292-2207, at least five days prior to the meeting. If hearing or speech impaired, contact Florida Communities Trust using the Florida Dual Party Relay System 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: October 21, 2002, 2:00 p.m. – 5:00 p.m.

PLACE: Lee County Economic Development Council, 5th Floor, Executive Conference Room, 2180 West First Street, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Briefing of the Florida Transportation Commission.

DATE AND TIME: October 22, 2002, 8:00 a.m. – 2:00 p.m.

PLACE: Lee County Economic Development Council, 5th Floor, Executive Conference Room, 2180 West First Street, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105 or internet web site www.ftc.state.fl.us.

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.

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: Tuesday, October 22, 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 discuss the peak season grapefruit test program and updates on approval programs 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.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 020412-TP – Petition for arbitration of unresolved issues in negotiation of interconnection agreement with Verizon Florida Inc. by US LEC of Florida Inc.

DATE AND TIME: October 29, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition for arbitration of unresolved issues in negotiation of interconnection agreement with Verizon Florida Inc., by US LEC of Florida Inc., and for such other purposes as the Commission may deem appropriate.

All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on October 14, 2002. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services,

(850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 020233-EI – Review of GridFlorida Regional Transmission Organization (RTO) Proposal.

DATE AND TIME: October 31, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the review of GridFlorida Regional Transmission Organization (RTO) Proposal, and for such other purposes as the Commission may deem appropriate.

All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on October 25, 2002. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces a public hearing to which all persons are invited.

DATE AND TIME: October 28, 2002, 9:00 a.m.

PLACE: The Capitol, Room 309, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held pursuant to Section 147 of the Internal Revenue Code of 1986, as amended, to afford interested persons the opportunity to express their views, both oral and written, regarding the proposed issuance of up to \$155,000,000 aggregate principal amount of tax-exempt Educational Loan Revenue Bonds (“the Bonds”) by Educational Funding of the South, Inc. (“the Corporation”). The proceeds of the Bonds proposed to be issued will be used primarily (i) to finance the acquisition of certain qualified educational loans made under the federal Higher Education Act of 1965, as amended (the “Act”), to students or parents of students residing in the State of Florida or attending institutions of post-secondary education situated in the State of Florida to finance such students’ post-secondary education, (ii) to refund certain prior indebtedness incurred for such purposes,

(iii) to fund a debt service reserve fund, and (iv) to pay costs associated with the issuance of the Bonds. The Bonds will be repaid by Educational Funding of the South, Inc., but solely from the revenues and other assets pledged therefore, and will not constitute an indebtedness or liability of the State of Florida or any political subdivision thereof.

Persons wishing to submit only written comments should deliver or mail such written comments to the Corporation at the address below so that they are received prior to the commencement of the public hearing.

Anyone needing special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Don Rhodes, (904)493-6430. Special accommodation requests under the Americans with Disabilities Act should be made at least 48 hours prior to the public hearing.

Written comments and requests for copies of the agenda should be directed to: Don Rhodes, Educational Funding of the South, Inc., 4720 Salisbury Road, Suite 115, Jacksonville, Florida 32256, Fax (904)493-6190.

The Governor's Select Task Force on Healthcare Professional Liability Insurance announces a Conference to which all persons are invited.

DATE AND TIME: Monday, October 21, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, 4th Floor, The Briefing Room, 9300 Airport Boulevard, Orlando, Florida 32827, (407) 825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The work of the Governor's Select Task Force will make recommendations to protect Floridians' access to high-quality and affordable healthcare. The Governor's Select Task Force shall study the relevant issues and make written recommendations and/or propose legislation. The work product of the Governor's Select Task Force should include, but need not be limited to, the following: (1) findings from an examination of the Florida healthcare liability insurance market, pertinent tort laws, claims and premium data compared to other states of similar size and diversity; (2) an assessment of the impact of the cost, accessibility and availability of healthcare liability insurance on the cost, accessibility and availability of high quality healthcare in this state; and (3) specific strategies to ease the healthcare liability insurance crisis faced by physicians, hospitals and other healthcare providers in the state. A report of such recommendations and/or proposed legislation shall be submitted by January 31, 2003, to the Governor, the President of the Florida Senate and the Speaker of the House of Representatives.

To aid its study of the issues and the development of its recommendations, the Governor's Select Task Force shall take public testimony from experts and stakeholders. In addition,

the Governor's Select Task Force is encouraged to take whatever other steps are necessary to gain a full understanding of the medical, legal, insurance and other issues involved.

The **Florida Black Business Investment Board, Inc. (FBBIB)** announces a teleconference meeting of its board of directors to which all interested persons are invited.

DATE AND TIME: Thursday, October 24, 2002, 10:00 a.m.

PLACE: Call: (850)487-4850 to be connected

GENERAL SUBJECT MATTER TO BE CONSIDERED: To further discuss the Board's operations, to identify areas for future Board priorities, loan, audit and development committees, discussion/review/approval of related issues, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBIB Office, (850)487-4850, at least seven (7) days prior to the meeting.

The Governor's Select Task Force on Healthcare Professional Liability Insurance announces a Conference to which all persons are invited.

DATE AND TIME: Monday, November 4, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Lois Pope Life Center, APEX Center, 7th Floor, 1095 Northwest 14th Terrace, Miami, Florida 33136, (305)284-5155

GENERAL SUBJECT MATTER TO BE CONSIDERED: The work of the Governor's Select Task Force will make recommendations to protect Floridians' access to high-quality and affordable healthcare. The Governor's Select Task Force shall study the relevant issues and make written recommendations and/or propose legislation. The work product of the Governor's Select Task Force should include, but need not be limited to, the following: (1) findings from an examination of the Florida healthcare liability insurance market, pertinent tort laws, claims and premium data compared to other states of similar size and diversity; (2) an assessment of the impact of the cost, accessibility and availability of healthcare liability insurance on the cost, accessibility and availability of high quality healthcare in this state; and (3) specific strategies to ease the healthcare liability insurance crisis faced by physicians, hospitals and other healthcare providers in the state. A report of such recommendations and/

or proposed legislation shall be submitted by January 31, 2003, to the Governor, the President of the Florida Senate and the Speaker of the House of Representatives.

To aid its study of the issues and the development of its recommendations, the Governor's Select Task Force shall take public testimony from experts and stakeholders. In addition, the Governor's Select Task Force is encouraged to take whatever other steps are necessary to gain a full understanding of the medical, Legal, insurance and other issues involved.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: October 24, 2002, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: October 24, 2002, 6:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: October 24, 2002, 8:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn Restaurant, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meeting, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by emailing: ncfrpc@ncfrpc.org or writing NCFRPC, 2009 N. W. 67th Place, Suite A, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **North Central Florida Local Emergency Planning Committee** (LEPC, District 3) announces a meeting to which all persons are invited.

DATE AND TIME: November 8, 2002, 9:30 a.m.

PLACE: Progress Corporate Park, 13709 Progress Boulevard, Alachua, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Local Emergency Planning Committee.

Any persons deciding to appeal any decision of the Committee with respect to any matter considered at the meeting, may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Suite A, Gainesville, FL 32653-1603.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **North Central Florida Regional Hazardous Materials Response Team** announces a meeting to which all persons are invited.

DATE AND TIME: November 8, 2002, 1:15 p.m.

PLACE: North Central Florida Regional Planning Council Office, 2009 N. W. 67th Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Hazardous Materials Response Team Policy Board.

Any persons deciding to appeal any decision of the Team with respect to any matter considered at the meeting, may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Suite A, Gainesville, FL 32653-1603.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE: Training Subcommittee

DATE AND TIME: Wednesday, October 16, 2002, 9:00 a.m.

COMMITTEE: Local Emergency Planning Committee

DATE AND TIME: Wednesday, October 16, 2002, 10:30 a.m.

PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chairman report, Committee updates and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact Charlotte Neupauer, (352)732-1315.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, October 17, 2002, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The District II, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

DATE AND TIMES: October 16, 2002, 10:00 a.m. (Eastern Time), 9:00 a.m. (Central Time)

PLACE: Leon County Health Department, Division of Emergency Management, 372 West Orange Avenue, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regularly scheduled LEPC meeting.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: October 24, 2002, 10:30 a.m. (Eastern Time), 9:30 a.m. (Central Time)

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices at (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF CORRECTIONS

The **Florida Corrections Commission** announces the following public conference call to which all interested persons are invited to participate.

DATE AND TIME: Friday, October 25, 2002, 9:00 a.m. – 3:00 p.m.

PLACE: Florida Corrections Commission, William D. Bloxham, Room 109, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will meet to discuss issues to be included in the 2002 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, October 25, 2002, 8:00 a.m.

PLACE: Department of Transportation, Burns Building, Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. to 5:00 p.m., Monday through Friday at 2822 Remington Green Circle, Suite 101, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

METROPOLITAN PLANNING ORGANIZATIONS

The Florida **Metropolitan Planning Organization Advisory Council** (MPOAC) announces a meeting of the Staff Directors' Advisory Committee to which all persons are invited.

DATE AND TIME: October 24, 2002, 1:00 p.m. – 3:00 p.m.

PLACE: Crowne Plaza Hotel, Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS #28B, Tallahassee, FL 32399-0450, 1(866)374-3368, Ext. 4037 or E-mail: heidi.langston@dot.state.fl.us.

The Florida **Metropolitan Planning Organization Advisory Council** (MPOAC) announces a meeting of the Governing Board to which all persons are invited.

DATE AND TIME: October 24, 2002, 4:00 p.m. – 7:00 p.m.

PLACE: Crowne Plaza Hotel, Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS #28B, Tallahassee, FL 32399-0450, 1(866)374-3368, Ext. 4037 or E-mail: heidi.langston@dot.state.fl.us.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited.

DATE AND TIME: October 24, 2002, 11:00 a.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee meetings to discuss District issues.

DATE AND TIME: October 24, 2002, 12:00 Noon (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Forever Workshop to discuss the Grants Program Application Package.

DATE AND TIME: October 24, 2002, 1:00 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

DATE AND TIME: October 24, 2002, 1:15 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Regulatory Matters – to consider regulatory matters.

PLACE: District Headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.state.fl.us/nwfwmd).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following meeting which will be attended by one or more Board members. All persons are invited.

GOVERNING BOARD MEETING

DATES AND TIMES: Thursday, October 24, 2002, 1:00 p.m. through Friday, October 25, 2002, 4:00 p.m.

PLACE: Refuge at Ocklawaha, 14835 S. E. 85th Street, Ocklawaha, FL 32179

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning session for discussion and consideration of Governing Board and Governing Board Committee objectives, priorities, and budget issues for FY 2002-2003.

A copy of the agenda for this meeting may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Executive Office.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate is requested to advise the District at least 48 hours before the meeting by calling (386)329-4101 or (386)329-4450 (TDD).

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: November 6, 2002, 10:00 a.m. – 2:00 p.m.

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: B-List Rulemaking Governing Board Public Workshop.

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)686-6447, 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(s) to which all interested parties are invited.

DATE AND TIME: November 7, 2002, 8:30 a.m.

PLACE: South Florida Water Management, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting.

TENTATIVE MEETING DATES FOR THE MONTH OF NOVEMBER

If at the November 7, 2002 meeting, the Water Resources Advisory Commission decides to hold additional meetings and/or Issue Workshops, the following dates are being scheduled and noticed. If you're planning to attend any of the followings meetings please call the staff identified in this notice prior to the meeting date, to ensure that a meeting has not been cancelled:

DATES AND TIME: Monday, November 4, 2002; Monday, November 18, 2002; Thursday, November 21, 2002; Monday, November 25, 2002, 10:30 a.m.

PLACE: SFWMD, Headquarters, 3301 Gun club Road, West Palm Beach, FL 33406.

A copy of the agenda may be obtained at the District Website seven (7) prior to the meeting at <http://www.sfwmd.gov/gover/wrac/agendas.html> or by writing: South Florida Water Management District, Mail Stop 2130, 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 Paula Moree, Deputy District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact Julio Fanjul, (561)682-2769 or Paula Moree, (561)682-6447, Governing Board Operations Division, Phone Number District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the 2003 Meeting Schedule of the Board of Directors to which all persons are invited.

DATES AND TIME: January 27, 2003; February 24, 2003; March 17, 2003; April 21, 2003, 10:00 a.m. unless otherwise set by the Board

DATE AND TIME: May 19, 2003, 9:00 a.m., Budget Workshop

DATES AND TIME: June 23, 2003; July 21, 2003; August 2003 (No Meeting Scheduled); September 15, 2003; October 20, 2003; November 17, 2003; December 15, 2003, 10:00 a.m. unless otherwise set by the Board

PLACE: Suite 211-A, 2535 Landmark Drive, Clearwater, Florida 33761

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.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: October 23, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Elder Affairs, Room 225F, 4040 Esplanade Way, Tallahassee, FL 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Advisory Council for the Office of Long-Term Care Policy to discuss the state of long-term care in Florida and methods for improvement.

To obtain a copy of the agenda, please contact: Mark Walsh by phone (850)414-2155, by email walshm@elderaffairs.org or by mail 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting Mark Walsh, (850)414-2155. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 1, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Area 7, Medicaid Office, South Hurston Tower, First Floor, Conference Rooms A and B, 400 W. Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certificate of Need (CON) Workgroup as authorized by Chapter 2000-318, Laws of Florida.

A copy of the agenda and the draft workgroup report may be obtained by calling: Linda J. Colvin, (850)922-0791 or via e-mail at colvinl@fdhc.state.fl.us.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)922-0791.

The **Agency for Health Care Administration, Medicaid, Bureau of Research** announces a Health Care Access Steering Committee Meeting to which all interested persons are invited.

DATE AND TIME: October 28, 2002, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Rooms D & E, 2727 Mahan Drive, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: IT Consultant Report, HHS Eligibility Access System Pilot Site Recommendation and Selection, and general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Mel Chang, (850)922-5530, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Mel Chang, Government Analyst II, Agency for Health Care Administration, Medicaid, Bureau of Research, Bldg. 3, Suite 2340, Mail Stop #48, 2727 Mahan Drive, Tallahassee, FL 32308-5403.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: October 21-22, 2002, 8:30 a.m.

PLACE: Fort Lauderdale Airport Hilton, 1870 Griffin Road, Dania, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950 or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Division of Hotels and Restaurants** announces a meeting of the Hotels and Restaurants Industry Stakeholders to which all persons are invited.

DATE AND TIME: October 21, 2002, 10:30 a.m. – 12:00 Noon

PLACE: The Johns Building, Secretary's Conference Room 259, 725 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Industry stakeholder update on department reengineering project.

Pursuant to the provision of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Lee M. Cornman, Management Review Specialist, (850)410-1491. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The person to be contacted regarding the workshop is: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)410-1491, The Johns Building, 725 South Bronough Street, Tallahassee, Florida

The **Pilotage Rate Review Board** announces the following public hearing to which all persons are invited to attend.

DATE AND TIME: October 23, 2002, 1:00 p.m.

PLACE: Pilot Station, Cumberland Sound Pilots, 112 North Sixth Street, Fernandina Beach, FL 32034-3814

GENERAL SUBJECT MATTER TO BE CONSIDERED: Site visit to the Port of Cumberland Sound – no board business will be transacted.

DATE AND TIME: October 24, 2002, 9:00 a.m.

PLACE: Amelia Hotel and Suites, 1997 South Fletcher Avenue, Fernandina Beach, FL 32034, (904)261-5735

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rate Hearing for the Port of Cumberland Sound.

A copy of the application and the report of investigation thereon may be obtained by writing: Pilotage Rate Review Board, 1940 N. Monroe St., Tallahassee, FL 32399-0773 and paying the appropriate costs.

All interested parties may file an answer, an additional or alternative application, or any other applicable pleading or response, including all documentation in support thereof within 30 days of this publication.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the board office at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System which can be reached at 1(800)955-9770 (Voice) or 1(800)955-8771 (TDD).

The Florida **Board of Architecture and Interior Design** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: October 22, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Interior Design Committee, Architecture Committee, Legislative and Rules Workshop and followed by the Educators Task Force.

DATE AND TIME: October 23, 2002, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

PLACE: Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, FL 33607, (813)873-8675

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 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 **Department of Business and Professional Regulation, Board of Landscape Architecture** hereby gives notice that a public workshop for the purpose of rule development on Rule 61G10-18.001, F.A.C., will be held at the time, date and place listed below.

DATE AND TIME: October 31, 2002, 9:00 a.m.

PLACE: Four Seasons Resort, 2800 South Ocean Boulevard, Palm Beach, FL 33480, (561)582-2800

A notice of rule development was published in Vol. 28, No. 6, of the February 8, 2002, Florida Administrative Weekly and a Notice of Proposed Rulemaking was published in Vol. 28, No. 18, of the May 3, 2002, Florida Administrative Weekly.

The person to be contacted regarding the rule development workshop is: Executive Director, Board of Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Landscape Architecture** announces the following meeting to which all persons are invited to attend.

DATE AND TIME: October 31, 2002, 9:00 a.m.

PLACE: Four Seasons Resort, 2800 South Ocean Boulevard, Palm Beach, FL 33480, (561)582-2800

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting immediately following the separately noticed Rules Workshop.

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).

The Probable Cause Panel of the **Building Code Administrators and Inspectors Board** announces a meeting.

DATE AND TIME: October 16, 2002, 9:30 am or soon thereafter

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, Florida 32301, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Butler, Building Code Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202 or by phone, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Building Code Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Building Code Prosecution Section may be contacted at the address and phone number listed above.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida **Department of Environmental Protection**, Southeast District announces a public meeting to which all persons are invited. The meeting is one of a series of bi-monthly meetings of the Loxahatchee River Watershed Planning Committee. The purpose of the meeting is to discuss issues related to the management of the Loxahatchee River and its watershed.

The full text of the notice is published on the Internet at the DEP homepage at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices."

The **Department of Environmental Protection** (DEP) announces a public meeting of the Environmental Regulation Commission on October 23-24, 2002, which will continue the rule adoption proceeding on Rule 62-302.540, F.A.C., proposed phosphorus criterion for the Everglades Protection Area. For more information contact Jacqueline McGorty, email jackie.mcgorty@dep.state.fl.us or phone (850)245-2231.

The full text of this notice, which includes specific information about meeting time, location and anticipated subject matter to be covered, 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** announces a public meeting of a Drinking Water Technical Advisory Committee to which all persons are invited.

DATE AND TIME: Wednesday, October 23, 2002, 9:00 a.m.

PLACE: Department of Environmental Protection, Central District Office, Suite 232, Conference Rooms A-C, 3319 Maguire Boulevard, Orlando, Florida 32803-3767

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department will discuss with a Drinking Water Technical Advisory Committee comments on draft amendments to Chapter 62-555, Permitting and Construction of Public Water Systems, F.A.C.

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."

To obtain a hard copy of the full text of this notice you may call Dan Peterson of the Drinking Water Section, (850)487-1762.

The **Department of Environmental Protection**, Division of Water Resource Management announces meetings of the Nonmandatory Land Reclamation Committee on October 24 and 25, 2002, to consider funding for 2003-2004. All interested parties are invited.

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 further information or to obtain a copy of the agenda, contact: Barbara Owens, Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-8217.

DEPARTMENT OF HEALTH

The **Department of Health** will hold the following meeting:

MEETING: Celebrating Success: Tobacco Stakeholders Meeting

DATE AND TIME: October 18, 2002, 8:30 a.m. – 4:30 p.m.

PLACE: Tampa Airport Marriott Hotel, Tampa International Airport, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To participant in “listening sessions” to develop recommendations of invited members for a more comprehensive, integrated approach to tobacco control that builds on Florida’s successes, promotes evidence-based interventions, and encompasses birth-to-death issues.

For further information, contact: M. R. Street or Deborah Glotzbach, (850)245-4330.

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Monday October 28, 2002, 1:00 p.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa Airport, Tampa, FL 33607, (813)879-5151

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.

The **Board of Acupuncture** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, November 8, 2002, 9:00 a.m. or soon thereafter

PLACE: Hilton Miami Airport, 5101 Blue Lagoon Drive, Miami, Florida 33126, (305)262-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Acupuncture, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Acupuncture, 4052 Bald Cypress Way, BIN #C-06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Clinical Laboratory Personnel**, Probable Cause Panel will hold a duly noticed telephone conference call to which all persons are invited to attend.

DATE AND TIME: Monday, October 21, 2002, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, FL, at Meet Me Number (850)921-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Clinical Laboratory Personnel, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Clinical Laboratory Personnel, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Clinical Laboratory Personnel** will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Friday, October 25, 2002, 9:00 a.m.

PLACE: Holiday Inn Select, 5750 T. G. Lee Boulevard, Orlando, FL 32822, (407)851-6400

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Clinical Laboratory Personnel, (850)245-4355, at

least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Clinical Laboratory Personnel, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Dentistry** will hold a Probable Cause Panel meeting where reconsiderations will be heard.

DATE AND TIME: November 14, 2002, 6:00 p.m.

PLACE: Sheraton Ft. Lauderdale Airport, 1825 Griffin Road, Ft. Lauderdale, FL 33004, (954)920-3500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Dentistry** will hold committee and general business meetings to which all persons are invited.

DATES AND TIMES: November 15, 2002, 9:00 a.m.; November 16, 2002, 8:00 a.m. if necessary

PLACE: Sheraton Ft. Lauderdale Airport, 1825 Griffin Road, Ft. Lauderdale, FL 33004, (954)920-3500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4474, at least five calendar days prior

to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Finance Committee announces a telephone conference call, to be held via meet me number.

DATE AND TIME: Wednesday, October 23, 2002, 6:00 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 **Department of Health, Board of Nursing** announces public meetings to which all interested persons are invited.

CNA Council Meeting

DATES AND TIMES: October 16, 2002, 4:00 p.m. – 6:00 p.m.; October 17, 2002, 8:30 a.m.

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Blvd., Jacksonville, FL 32207

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider rules on practice and training programs and other related for Certified Nursing Assistants.

A copy of the agenda may be obtained by writing: Dan Coble, RN, Ph.D. Executive Director, Florida Board of Nursing, 4052 Bald Cypress Way, BIN #C-02, Tallahassee, FL 32399.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing Office, (850)245-4125, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact

the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Nursing**, Probable Cause Panel will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: North Panel, October 21, 2002, 4:30 p.m.

PLACE: Department of Health, Tallahassee, FL, at Meet Me Number (850)921-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

DATE AND TIME: Central Panel, October 21, 2002, 6:30 p.m.

PLACE: Department of Health, Tallahassee, FL, at Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

DATE AND TIME: South Panel, October 29, 2002, 5:30 p.m.

PLACE: Department of Health, Tallahassee, FL, at Meet Me Number (850)921-6545

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board Office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, Florida 32399-3257.

The **Department of Health, Board of Nursing Home Administrators** announces an Application Review Committee meeting to which all interested persons are invited.

DATE AND TIME: November 7, 2002, 3:00 p.m.

PLACE: The Crowne Plaza, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review exam applications for the 01/2003 NHA exam.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, BIN #C-04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4444, Ext 3602, at least five calendar days prior to

the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Department of Health, Board of Nursing Home Administrators** announces a General Board Meeting to which all interested persons are invited.

DATE AND TIME: November 8, 2002, 9:00 a.m.

PLACE: The Crowne Plaza, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approve applications, conduct disciplinary proceedings and general business of the Board.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, BIN #C-04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4444, Ext 3602, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTICE OF CANCELLATION – The **Department of Health, Board of Opticianry** announces the cancellation of the official board meeting which was to take place on October 26, 2002, and was noticed in the Florida Administrative Weekly in Vol. 28, No. 38, September 20, 2002.

The **Board of Orthotists and Prosthetists** will hold a duly noticed telephone conference call to which all persons are invited to attend.

DATE AND TIME: Friday, October 18, 2002, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, BIN #C07, Tallahassee at Meet Me Number (850)487-8540

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Orthotists and Prosthetists, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Orthotists and Prosthetists, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Council of Licensed Midwifery** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, November 1, 2002, 9:00 a.m. or soon thereafter

PLACE: Contact the Council of Licensed Midwifery, (850)245-4161 for the Meet-Me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Council of Licensed Midwifery, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Council of Licensed Midwifery, 4052 Bald Cypress Way, BIN #C-06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Diabetes Control Program** announces a meeting of the Governor's Appointed Diabetes Advisory Council.

DATE AND TIME: October 11, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Capital Circle Office Complex, Building 4025, Room 301, 4025 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting.

A copy of the agenda can be obtained by calling: Tammie Johnson, (850)245-4367.

The **Diabetes Control Program** announces a meeting of the Diabetes Implementation Work Group meeting.

DATE AND TIME: October 11, 2002, 1:00 p.m. – 4:00 p.m.

PLACE: Capital Circle Office Complex, Building 4025, Room 301, 4025 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting.

A copy of the agenda can be obtained by calling: Tammie Johnson, (850)245-4367.

The **Correctional Medical Authority** announces a meeting of the Budget and Personnel Committee.

DATE AND TIME: October 24, 2002, 10:00 a.m. – 1:00 p.m.

PLACE: Correctional Medical Authority, Prather Building, Conference Room Suite 120, 2585 Merchants Row Boulevard, Tallahassee, FL 32399-1732

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of correctional health care budget and personnel issues.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

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, October 9, 2002, 10:00 a.m.

PLACE: Hernando County Schools Exceptional Education Building, SEDNET Training Room, 900 Emerson Road, 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 Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, October 16, 2002, 12:00 Noon

PLACE: Public Safety Complex, Room 302, 12900 Lane Park Cutoff Rd., 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 Sumter County Community Alliance Steering Committee to which all persons are invited. DATE AND TIME: Wednesday, October 23, 2002, 9:00 a.m. PLACE: City Hall, 100 N. Main Street, Wildwood, 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 Sumter County Community Alliance to which all persons are invited. DATE AND TIME: Wednesday, October 23, 2002, 4:30 p.m. PLACE: Sumter County Courthouse, Room 222, 209 N. Florida St., Bushnell, 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, October 24, 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 Barriers and Support Services Committees, to which all persons are invited.

DATE AND TIME: Friday, October 25, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Call: (850)488-0979 or Suncom 278-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will address the committees' continued development of policy recommendations to accessing supportive services for homeless persons.

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.

VISIT FLORIDA

The **Visit Florida**, Board of Directors announces a public meeting as follows:

MEETING: CEO Search Committee

DATE AND TIME: Friday, October 4, 2002, 3:00 p.m.

PLACE: Visit Florida, Corporate Offices, 661 East Jefferson Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Executive Search Firm and position criteria.

For further information contact: Susan Gale, Visit Florida, Post Office Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 334.

Any person requiring special accommodations at this meeting because of a disability should contact Visit Florida at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact Visit Florida by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a meeting to which all interested parties are invited to attend.

DATE AND TIME: October 22, 2002, 10:30 a.m. – 2:00 p.m. (Eastern Time) or as soon as business has been concluded

PLACE: Florida Insurance Guaranty Association Offices, Building 100, Ste. 400, 10151 Deerwood Park Blvd., Jacksonville, FL 32256-0556

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Personnel Committee of the Florida Insurance Guaranty Association will meet regarding personnel issues of the Association.

A copy of the agenda may be obtained by writing: Mr. Jerry Service at the address above or by calling (904)398-1238, Ext. 109.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend the meeting is asked to advise the Association by contacting Jerry Service, (904)398-1238, Ext. 109, at least 48 hours before the session if the person wishes to attend. A person who is hearing or speech impaired may also contact the TDD at 1(800)955-1339.

FLORIDA LEAGUE OF CITIES

The **Florida Municipal Loan Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 23, 2002, Meeting will begin with lunch, 12:00 Noon – and will adjourn no later than 2:00 p.m.

PLACE: Hilton Fort Lauderdale Airport Hotel, 1870 Griffin Road, Dania, FL, (954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Board of Directors for the Florida Municipal Loan Council to discuss general business of the Council.

A copy of the meeting agenda may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

The **Florida Municipal Pension Trust Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 21, 2002, 11:00 a.m.

PLACE: Hyatt Sarasota, 1000 Boulevard of the Arts, Sarasota, FL, (941)953-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Pension Trust Fund to discuss general business of the Trust.

A joint meeting of the Florida Municipal Pension Trust Fund and the Florida Municipal Investment Trust will also be held:

DATE AND TIME: November 21, 2002, 1:00 p.m.

PLACE: Hyatt Sarasota, 1000 Boulevard of the Arts, Sarasota, FL, (941)953-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to receive reports from investment manager and performance monitor.

A copy of the meeting agenda may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

The **Florida Municipal Investment Trust (FMIvT)** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 21, 2002, 2:00 p.m.

PLACE: Hyatt Sarasota, 1000 Boulevard of the Arts, Sarasota, FL, (941)953-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Investment Trust (FMIvT) to discuss general business of the Trust.

A joint meeting of the Florida Municipal Pension Trust Fund and the Florida Municipal Investment Trust will also be held:

DATE AND TIME: November 21, 2002, 1:00 p.m.

PLACE: Hyatt Sarasota, 1000 Boulevard of the Arts, Sarasota, FL, (941)953-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to receive reports from investment manager and performance monitor.

A copy of the meeting agenda may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

The **Florida Municipal Loan Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 21, 2002, 2:30 p.m. – Upon adjournment of FMIvT

PLACE: Hyatt Sarasota, 1000 Boulevard of the Arts, Sarasota, FL, (941)953-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board of Directors for the Florida Municipal Loan Council to discuss general business of the Council.

A copy of the meeting agenda may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

SPACE COAST WORLD TRADE COUNCIL

The **Space Coast World Trade Council** will host its Sixth Annual Fall Regulatory Review.

DATES AND TIME: October 24-25, 2002, 8:00 a.m.

PLACE: Doubletree, Cocoa Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: For exporters and other interested in foreign trade, this Review will give an overview of today's export controls and compliance issues, together with a look at recent and pending changes to the trade and regulatory environments.

Visit the Council website at www.spacecoastworldtrade.com or call Ms. Mary Williams, (321)783-7831 for more information. The Council's mailing address is P. O. Box 540490, Merritt Island, FL 32954-0490.

FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION

The Florida Medical Malpractice Joint Underwriting Association announces a Claims and Underwriting Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 29, 2002, 4:00 p.m.

PLACE: Sawgrass Marriott, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The Florida Medical Malpractice Joint Underwriting Association announces a Board of Governors meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 30, 2002, 9:00 a.m.

PLACE: Sawgrass Marriott, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, General Manager and such other business properly brought before the Board.

A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by JSS International, Inc., on August 4, 2002. The following is a summary of the agency's disposition of the petition:

Question: DOES AN ELECTRICAL PORTABLE GRILL SIMILAR TO THE GEORGE FOREMAN BRAND BUT WITH A FLAT COOKING SURFACE USED TO COOK SCRAMBLED EGGS REQUIRE THE INSTALLATION OF A HOOD AND DUCT SYSTEM FOR VAPOR EXTRACTION?

Response: IF THE COOKING PROCESS PRODUCES OR GENERATES SMOKE OR GREASE LADEN VAPORS, THE ADDED PROTECTION OF A HOOD SYSTEM IS REQUIRED.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax to: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or
2. E-mail your request to mazzeog@doi.state.fl.us (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or
3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal's website at <http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm>.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Petition for Declaratory Statement received from Lawrence B. Kawa, D.D.S. on August 9, 2002, published in Vol. 28, No. 35 of the August 30, 2002 Florida Administrative Weekly, has been withdrawn.

A copy of the Notice of Withdrawal can be obtained from: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

Section VIII

Notices of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX

Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

A meeting to review and evaluate proposals received in response to the Request for Proposals (RFP) #2003-01, Norm-Referenced Test (NRT) Component of the Florida Comprehensive Assessment Test (FCAT), will be held October 22-25, 2002, 8:00 a.m. – 5:00 p.m., in Turlington Building, Room 1704 on October 22 and Room 1724 on October 23-25. To obtain additional information and request an agenda for this meeting, please contact: Dr. Judith Keck, by calling (850)488-8198.

NOTICE TO PROFESSIONAL CONSULTANTS

The State of Florida, Department of Education, Office of Educational Facilities announces that professional services in the disciplines of Architecture and Engineering are required for plan review services of Contract Documents. The project consists of reviewing for code compliance, in the disciplines of Architecture, Civil/Structural, Mechanical and Electrical Engineering, certain Contract Documents for school facilities submitted to the Office of Educational Facilities. All reviewers shall hold a Professional Florida Architectural/Engineering License for the discipline they are reviewing and shall carry Professional Liability Insurance. The contract will be for a one-year period and may be renewable, at the option of the Department of Education, for successive one-year terms. Services shall be on an “as needed” basis within the contract period and each project requested to be reviewed may include one or more of the review disciplines.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit the following:

1. Letter of interest which indicates the firm’s qualifications, related experience and the firm’s ability to do the work.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112 Revised February 1999. Obtainable from the Department of Management Services, Division of Building Construction.
3. A copy of each reviewer’s Florida Professional Registration License from the appropriate governing board.

4. If the firm is a corporation, it must be chartered by the Florida Department of State to operate in Florida. A copy of the current Florida Corporate Charter shall be provided in the application.
5. Completed Form SF-254 Architect-Engineer and Related Services Questionnaire. If the form is needed, please call Pat Anweiler, (850)488-7580.
6. Completed Form SF-255 Architect-Engineer and Related Services Questionnaire for Specific Project also for the firm and each reviewer. If the form is needed, please call Pat Anweiler, (850)488-7580.

Submit four (4) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions may be disqualified. Application information and other submitted data will not be returned. Include a self-addressed stamped envelope for notice of selection results.

Preference will be given for those who have construction document code review experience in public education construction.

All reviewers shall verify that they are in compliance with Section 287.133, Florida Statutes (Public Entity Crime).

Submittals must be received in the Office of Educational Facilities, Room 1054, 325 West Gaines Street, Tallahassee, Florida 32399-0400, by November 1, 2002, 4:00 p.m. (Eastern Standard Time). Facsimile (fax) and electronic submittals are not acceptable and will not be considered. Posting of the short list shall be November 15, 2002, 12:00 Noon at <http://www.myflorida.com> and <http://www.firm.edu/edfacil/>. Any protest of the selection must be made within 72 hours of posting the selection results. If no protests are received within the 72-hour period, arrangements for the interview of the selected firms will be made.

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees, announces that Professional Services in the disciplines of Architecture and Engineering will be required for the project listed below: Project No.: UF-196

Project and Location: Pharmacy Wing Remodeling Phase II, Health Science Center, University of Florida Campus.

The project consists of the remodeling and renovation of 30,000 gross square feet of existing research laboratory and office space, on 3 floors, at the University of Florida Health Science Center, Medical Sciences Building to house research programs for the College of Pharmacy. The proposed project will consist of research laboratories, research support and faculty offices.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$500,000, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed "Professional Qualifications Supplement," the latest project specific version available from the website: www.facilities.ufl.edu. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for the University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Professional Qualifications Supplement forms, project information, selection criteria, and instructions for registering as an applicant can be found on the Facilities Planning and Construction Division website.

Submittals must be received in the Facilities Planning and Construction Division office by 3:00 p.m. (Local Time), Monday, November 4, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction Division
232 Stadium / P. O. Box 115050

Gainesville, FL 32611-5050, Telephone: (352)392-1256

FAX: (352)392-6378

Internet: www.facilities.ufl.edu

NOTICE TO CONSTRUCTION MANAGERS

The Florida State University announces that Construction Management Services will be required for the project listed below:

Project and Location:

Project No.: BR-236

Project: New Chemistry Building

Location: Florida State University, Tallahassee, Florida.

This project consists of construction of a new facility of approximately 151,700 gross square feet to house portions of the University's Chemistry Department. Chemistry's research

facilities must be increased to handle an expansion in research programs, especially in the fields of synthetic, organic chemistry and other areas of molecular recognition. A site analysis by the architects will be required to determine the best location for the new building. The Construction Manager is expected to assist the architect by providing a cost analysis of each site. Partial funding has been received from the Legislature with additional funding expected next session. The construction budget is estimated to be \$36,500,000. A copy of the preliminary program may be obtained at the Applicant's expense by contacting Target Copy, 635 West Tennessee St., Tallahassee, FL, (850)224-3007. The Architect/Engineer has been selected and is expected to begin the final program in November 2002 and to begin schematic design in March 2003.

The contract for construction management will consist of two phases. Phase One is pre-construction services, for which the construction manager will be paid a fixed fee. Phase One services include value engineering, constructability analyses, development of a cost model, estimating, and the development of one or more Guaranteed Maximum Prices (GMP's) at the 50% or the 100% Construction Document phase. If the GMP is accepted, Phase Two, the construction phase, will be implemented. In Phase Two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for Phase One of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the construction manager's contract.

Selection of the finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability; critical path scheduling expertise; cost estimating; cost control ability; quality control ability; qualifications of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of The Florida State University standard construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Instructions:

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed FSU "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and

letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The FSU Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained from our website at www.fpc.fsu.edu or by contacting:

Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Building A, Florida State University, Tallahassee, FL 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

Please submit seven (7) bound copies of the required proposal data to Daryl H. Ellison, Associate Director at the above address. For further information or questions, please contact Daryl H. Ellison, (850)645-1007. Submittals must be received at the above address by 4:00 p.m. (Local Time), Friday, November 22, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

REQUEST FOR COMPETITIVE SOLICITATION

Sealed solicitations shall be received by the Florida State University Purchasing Department until the dates and times shown for the following projects. Solicitations may be brought to the solicitation opening or sent to:

Purchasing Department
Suite A1400, University Center
Florida State University
Tallahassee, FL 32306-2370

prior to solicitation opening. Responder must reference solicitation number, opening date and time on outside of solicitation package to insure proper acceptance. Solicitations submitted by facsimile are acceptable. For information relating to the Competitive Solicitation(s) to contact the Purchasing Agent identified in the Solicitation.

K 4571-5 Lightning Protection System Repairs and Upgrades

Public Solicitation Opening: 2:00 p.m., Thursday, October 24, 2002
Suite A1400, University Center

Competitive Solicitation Documents: Purchasing Department
Florida State University

Mandatory Site Visit: 10:00 a.m., Tuesday, October 15, 2002
Stadium Place Conference Center, Stadium Drive
Southeast F.S.U. Football Stadium

Plans and Specifications: Campus Design
Florida State University
Tallahassee, Florida 32306
(850)644-6801

REQUEST FOR COMPETITIVE SOLICITATION

Sealed solicitations shall be received by the Florida State University Purchasing Department until the dates and times shown for the following projects. Solicitations may be brought to the solicitation opening or sent to:

Purchasing Department
Suite A1400, University Center
Florida State University
Tallahassee, FL 32306-2370

prior to solicitation opening. Responder must reference solicitation number, opening date and time on outside of solicitation package to insure proper acceptance. Solicitations submitted by facsimile are acceptable. For information relating to the Competitive Solicitation(s) to contact the Purchasing Agent identified in the Solicitation.

K 4555-5 FURNISHING AND INSTALLATION NEW CHILLED WATER SUPPLY

Public Solicitation Opening: 2:00 p.m., Tuesday, November 5, 2002
Suite A1400, University Center

Competitive Solicitation Documents: Purchasing Department
Florida State University

Mandatory Site Visit: 2:00 p.m., Thursday, October 24, 2002
Satellite Utility Plant

Plans and Specifications: Tilden, Lobnitz & Cooper
325 John Knox Road,
Building T
Tallahassee, Florida 32303

CALL FOR BIDS:

Made by the "University of North Florida Board of Trustees, a public body corporate"

PROJECT NAME, NUMBER AND LOCATION: Bid Partial Build Out of the Ground Floor Level, Second Floor Level, Third Floor Level, and Fourth Floor Level in the 400 Meter Track and Soccer Stadium, BR-911 IIA, 4567 St. Johns Bluff Road, Jacksonville, Florida 32245

GENERAL SCOPE: The project consist of completing the building out of the Ground Floor Level and partially building out of the Second Floor Level, Third Floor Level and Fourth Floor level in the existing 400 Meter Track and Soccer Stadium. The work includes, but is not limited to: utility extensions; construction of NCAA men and women locker room/toilet/shower facilities; miscellaneous storage areas, janitor closets, security areas, gang toilet rooms, and announcer/camera areas. The scope of work also includes sports field lighting, P.A. system, and stadium waterproofing; as well as exterior paving, sidewalks/courtyard, landscaping and fencing. Estimated cost of construction is \$2,000,000 to \$2,400,000.

QUALIFICATIONS: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: Thursday, November 14, 2002, until 2:00 p.m. (Local Time)

PLACE: University of North Florida, Building 6, Training Room 1225, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224 at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the office of the:

ARCHITECT/ENGINEER: JSA, Inc., 425 North Lee Street, Jacksonville, Florida 32204, Telephone (904)353-5581.

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office, Department of Labor and Employment Security.

PRE-SOLICITATION/PRE-BID MEETING: The Bidder is required to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: Tuesday, October 29, 2002, 2:00 p.m. (Local Time)

PLACE: University of North Florida, Building 6, Training Room 1225, 4567 St. Johns Bluff Road, Jacksonville, Florida 32224

DEPOSIT: \$125.00 PER SET OF DRAWINGS AND project Manual is required, with a limit of three (3) sets per general contractor or prim bidder; and two (2) sets of drawings and

Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prim bidders, or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prim or subcontractors, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning or electrical work.

And who returns the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of Bidding Documents may be examined at the Architect/Engineer's office and local plan rooms. Full sets may be purchased through the Architect/Engineer for \$125.00 per set for the printing and handling cost. Partial sets may be purchased at \$2.00 per sheet of the drawings and \$.50 per sheet of the Project Manual, and are sold subject to the provisions of Article B-27 of the Instructions to Bidders.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

**NOTICE TO CONSTRUCTION MANAGEMENT FRIMS
Request for Proposal (RFP)**

For Construction Management Services (MBE Exclusive)

The Office of Facilities Planning and Construction announces that Construction Management services are required for the following project:

Project Number: C-90130

Project Title: Additions, Remodeling, Renovations and Site Improvements at Paxon School for Advanced Studies No. 75

Project Location: 3239 Norman Thagard Blvd., Jacksonville, FL 32254

RFP's ARE DUE ON OR BEFORE November 12, 2002

AND WILL BE ACCEPTED UNTIL 4:30 p.m.

The selected Construction Manager will provide pre-construction services including value engineering, constructability analysis, development of a cost model, and estimating and will develop a Guaranteed Maximum Price at the applicable Construction Document phase.

Project scope includes a new six laboratory (three chemistry and three physics) building addition; renovation of six existing laboratories and site improvements with an estimated construction cost is \$3,387,250.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability, financial capability, record keeping/administrative ability, critical path scheduling expertise, cost estimating, cost control ability, quality control ability, qualifications of firm's personnel, staff and consultants and distance from the construction site.

To receive application information and instruction booklet or for additional information contact the Project Manager listed below or visit www.educationcentral.org/facilities.

Applications are to be sent to:

Facilities Planning and Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: James Scott

PHONE NO.: (904)390-2279

RESPONSE DUE DATE: November 12, 2002

MBE GOALS: Sheltered

INSTRUCTIONS

Submit an original, and four (4) copies of the following:

1. Letter of Interest indicating the firm's qualifications, related experience, ability to do the work and other pertinent data.
2. Completed Experience Questionnaire and Contractor's Financial Statement. (Forms may be obtained by calling (904)390-2279.) Audited or reviewed financial statements for last three years and letter from bonding company stating single and aggregate bonding capacity.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, and cost reports.
5. The firm's past experience, with examples of renovations, refurbishment, repairs and new construction projects completed by the firm.
6. Current State General or Building Contractor License Certification or Registration as required under Florida Statutes.
7. Corporations must be registered to operate in the state of Florida by the Department of State, Division of Corporations.
8. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
9. Reference from prior clients received within the last five (5) years.

Facsimile (FAX) submittals are not acceptable and will not be considered. Applications that do not comply with these instructions or those that do not include the requested data will not be considered. Representative samples of related work may

be submitted in a separate binder. All information received will be maintained with the project file and will not be returned. Selections will be made in accordance with Florida Statutes.

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards.

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.

Section XII Miscellaneous

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following 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 Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 1, 2002):

APPLICATION TO ACQUIRE CONTROL

Financial Institutions to be Acquired: United Bank and Trust Company, St. Petersburg, Florida, United Bank of the Gulf Coast, Sarasota, Florida and United Trust Company, St. Petersburg, Florida

Proposed Purchaser: Synovus Financial Corp., 901 Front Avenue, Suite 301, Columbus, Georgia 31901

Received: September 26, 2002

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Marco Community Bank, Corner of San Marco Road and South Barfield Avenue, Marco Island, Florida 34145

Correspondents: A. George Iglar and Richard Pearlman, Iglar & Dougherty, P.A., Attorneys at Law, 1501 Park Avenue, East, Tallahassee, Florida 32301

Received: October 1, 2002

APPLICATION WITHDRAWN

Application to Merge
 Constituent Institutions: Central Florida Postal Credit Union, Orlando, Florida and UCF Federal Credit Union, Orlando, Florida
 Resulting Institution: Central Florida Postal Credit Union
 Withdrawn: September 30, 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.: BLIVR-1103-001
 DATE RECEIVED: September 27, 2002
 DEVELOPMENT NAME: WATSON ISLAND
 DEVELOPER/AGENT: Flagstone Properties/City of Miami
 DEVELOPMENT TYPE: 28-24.036, F.A.C.
 LOCAL GOVERNMENT: Miami City

DEPARTMENT OF LAW ENFORCEMENT

**NOTICE OF FUNDING AVAILABILITY
 RESIDENTIAL SUBSTANCE ABUSE TREATMENT
 FOR COMMUNITY CORRECTIONS PRISONERS**

The Florida Department of Law Enforcement (FDLE) announces the release of a Notice of Funding Availability (NFA) via the Residential Substance Abuse Treatment for Prisoners Held in Local Correctional Facilities Grant Program. The NFA will be available immediately to the chairman or designated representative of each local Board of County Commissioners within the State of Florida. The NFA solicits subgrant applications to fund programs providing residential substance abuse treatment (RSAT) services to offenders held in local correctional facilities who have at least six and no more than 12 months left to serve in their sentence. The federal funds available under this NFA total \$1,500,000, with a maximum award amount of \$150,000. A 25% cash match fund is required.

Subgrant applications may be obtained by e-mailing your request to Susan Adams at susanadams@fdle.state.fl.us, or by faxing a request to the same, (850)410-8727, or by mailing a request to the address below. Requests must clearly indicate the agency submitting the request, a contact name and telephone number, and the desired format(s). Applications are available in hardcopy, electronic copy, diskette or via the internet. The web address may be obtained by contacting FDLE at the telephone number listed below.

Subgrant applications for grant funds under this notice must be submitted in sealed envelopes and received no later than 5:00 p.m. (Eastern Standard Time), December 16, 2002, to Office of Criminal Justice Grants, Florida Department of Law Enforcement, Attn: RSAT Application Enclosed, 2331 Phillips Road, Tallahassee, Florida 32308.

All applications must be prepared in conformance with the NFA instructions. The FDLE reserves the right to reject any or all subgrant applications received or to cancel this NFA when to do so would be in the best interest of the State of Florida. The FDLE may waive minor irregularities in the subgrant applications received where such are merely a matter of form and not substance and the correction of such are not prejudicial to other applicants.

Questions or other inquiry regarding this NFA should be directed to the attention of Ms. Mary Owen, Planning Manager, (850)410-8700. TDD users, please call through the Florida Relay Services at 1(800)955-8771.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Global Electric Motorcars, LLC, intends to allow the relocation of Autobahn Motors, as a dealership for the sale of Global Electric motor vehicles, from its present location at 1000 S. Federal Highway, Pompano Beach, FL 33062, to a proposed location at 1710-1800 North Federal Highway, Delray Beach (Palm Beach County), Florida 33483, on or after September 26, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Autobahn Motors are dealer operator(s) and principal investor(s): Rick Rassam, 4095 N. W. 24th Avenue, Boca Raton, FL 33431.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Richard J. Kasper, Exec. Vice President and Chief Financial Officer, Global Electric Motorcars, LLC, 3601 7th Avenue, N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Global Electric Motorcars, LLC, intends to allow the establishment of Pensacola Chrysler, Inc., as a dealership for the sale of GEM vehicles, at 6105 Pensacola Blvd., Pensacola (Escambia County), Florida 32505, on or after October 1, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Global Electric Motorcars, LLC are dealer operator(s): Ronnie Phillips, 2405 W. Nine Mile Road, Pensacola, FL 32534; principal investor(s): The Estate of Judy Cassiano, Children of Jim and Judy Cassiano, 1206 Maldonado Drive, Pensacola, Beach, FL 32561.

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: Kenneth R. Montler, President/COO, Global Electric Motorcars, LLC, 3601 7th Avenue, N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Shelton Imports, Inc., intends to allow the establishment of Land Rover Ft. Myers, as a dealership for the sale of Land Rover(s), at 15875 S. Tamiami Trail (Collier County), Florida, on or after November 1, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Land Rover Ft. Myers are dealer operator(s): Stephen H. Shelton, 2208 Sun Rise Key Blvd., Ft. Lauderdale, FL 33304; principal investor(s): Stephen H. Shelton, 2208 Sun Rise Key Blvd., Ft. Lauderdale, FL 33304 and Thomas M. Shelton, 10301 Denoeu Road, Boynton Beach, FL 33437.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael Coleman, Franchise Development Manager, Shelton Imports, Inc., 3440 Preston Ridge Road, Suite 600, Alpharetta, GA 30005.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Southeast Toyota Distributors, LLC, intends to allow the establishment of UAG Kissimmee Motors, Inc. d/b/a Kissimmee Toyota, as a dealership for a service-only location, at 2535 N. Orange Blossom Trail, Kissimmee (Osceola County), Florida, 34744 on or after November 30, 2002.

The name and address of the dealer operator(s) and principal investor(s) of UAG Kissimmee Motors, Inc. d/b/a Kissimmee Toyota are dealer operator(s): Roger Penske, 13400

West Outlet Drive, Detroit, MI 48239 and Roger Carter, 3728 Britanshire Ct., Orlando, FL 32837, principal investor(s): Roger S. Penske and Bernie Wolf, 13400 West Outer Drive, Detroit, MI 48239, and Roger Carter, 2535 North Orange Blossom Trail, Orlando, FL 34744.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Walter B. Bovard, Vice President, Southeast Toyota Distributors, LLC, 100 N. W. 12th Avenue, Deerfield Beach, FL 33442.

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.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency For Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Dade Service District: 11
CON #: 9593 Decision Date: 9/26/2002 Decision: D
Facility/Project: Jackson Memorial Hospital & Broward General Medical Center
Applicant: The Public Health Trust & North Broward Hospital District
Project Description: Establish a shared adult liver transplant program
Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in

the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Hernando District: 3
ID #: 0200015 Decision: A Issue Date: 9/26/2002
Facility/Project: Spring Hill Regional Hospital
Applicant: Hernando HMA, Inc.
Project Description: Add 10 acute care beds
Proposed Project Cost: \$1,9000,000

NOTICE OF HOSPICE PROGRAM FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602, Florida Statutes (F.S.) and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for January 2004, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 28, 2002.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day period waives a person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the Agency Clerk at 2727 Mahan Drive, Fort Knox Building Three, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Hospice Program Net Need			
Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 5A	0
Subdistrict 2A	0	Subdistrict 5B	0
Subdistrict 2B	0	Subdistrict 6A	0
Subdistrict 3A	0	Subdistrict 6B	0
Subdistrict 3B	0	Subdistrict 6C	0
Subdistrict 3C	0	Subdistrict 7A	0
Subdistrict 3D	0	Subdistrict 7B	0
Subdistrict 3E	0	Subdistrict 7C	0
Subdistrict 4A	0	Subdistrict 8A	0
Subdistrict 4B	0	Subdistrict 8B	0
Subdistrict 8C	0	Subdistrict 9C	0
Subdistrict 8D	0	District 10	0
Subdistrict 9A	0	District 11	0
Subdistrict 9B	0	Total	0

**NOTICE OF OPEN HEART SURGERY PROGRAM
FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for open heart surgery programs for January 2005, pursuant to the provisions of Rules 59C-1.008 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 351, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 28, 2002.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the Agency Clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Adult Open Heart Surgery Program Net Need

District	Net Need	District	Net Need
1	0	7	0
2	0	8	0
3	0	9	0
4	0	10	0
5	0	11	0
6	0	Total	0

Pediatric Open Heart Surgery Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

NOTICE OF PEDIATRIC CARDIAC CATHETERIZATION PROGRAM – FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for pediatric cardiac catheterization programs for January 2005, pursuant to the provisions of Rules 59C-1.008 and 59C-1.032, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 351, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 28, 2002.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the Agency Clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Pediatric Cardiac Catheterization Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

DEPARTMENT OF HEALTH

NOTICE OF FUND AVAILABILITY FOR THE FISCAL YEAR 2002-2003 FLORIDA EMERGENCY MEDICAL SERVICES (EMS) COUNTY GRANTS

AGENCY: Department of Health (DOH)

GRANT TITLE: Florida EMS County Grants

PURPOSE AND EFFECT: To provide grants for prehospital EMS in Florida

AUTHORITY: Chapter 401, Part II, Florida Statutes (F.S.)

ELIGIBILITY: Boards of County Commissioners (grantees) may apply to receive their EMS County grants by submitting their completed Emergency Medical Services County Grant Application and County Resolution to the Department at the address below.

TO OBTAIN AN APPLICATION: An application is being mailed to the chairperson of each county commission. If you do not receive the application, please call Ed Wilson, (850)245-4440, Ext. 2737 or write to the EMS County Grant Program, ATTN: Ed Wilson, 4052 Bald Cypress Way, BIN #C18, Tallahassee, Florida 32399-1738.

DEADLINE: Applications will be accepted beginning with the date of this notice. Completed applications and county resolutions must be received by the Department of Health, Bureau of Emergency Medical Services no later than 5:00 p.m. (EST), January 31, 2003.

P. O. #B00829

On September 25, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Terri Clark, R. N. Clark holds license number RN 3293452. Clark's last known address is 1025 Eagle Lake Trail, #410, Port Orange, Florida 32119. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 25, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Valerie McCalister, CNA certificate number 0496266657826. Valerie McCalister's last known address is 8443 Quarter Horse Drive, Riverview, Florida 33659. 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 September 25, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Donna Pleat, R. N. Pleat holds license number RN 717452. Pleat's last known address is 3620 N. W. 95 Terrace, Sunrise, Florida 33351. 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 September 25, 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 Govind Srinivasan, M.D., license number ME 0048665. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 25, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Lila Florence Swartz, nursing license number PN 5149586. Lila Florence Swartz's last known address is 1711 Verina Court, Tallahassee, Florida 32303-4328. 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 September 25, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Susan Wolchok, RN license number 2700972. Susan Wolchok's last known address is 13111 Beacon Court, Hudson, Florida 34667. 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 September 30, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Tiffany James, R.N. James holds license number RN 9179054. James last known address is 538 Carribbean Circle, Vero Beach, Florida 32960. 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.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN September 23, 2002
 and September 27, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF INSURANCE

4-144.002	9/23/02	10/13/02	27/35	28/7
4-144.005	9/23/02	10/13/02	27/35	28/7
4-144.010	9/23/02	10/13/02	27/35	28/7
4-211.029	9/27/02	10/17/02	27/44	
4-211.030	9/27/02	10/17/02	27/44	
4-211.040	9/27/02	10/17/02	27/44	28/30
4-211.041	9/27/02	10/17/02	27/44	28/30
4-211.042	9/27/02	10/17/02	27/44	28/30

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

5E-1.023	9/27/02	10/17/02	28/31	
----------	---------	----------	-------	--

DEPARTMENT OF EDUCATION

State Board of Education

6A-4.00821	9/27/02	10/17/02	28/32	
6A-20.001	9/25/02	10/15/02	28/32	
6A-20.007	9/25/02	10/15/02	28/32	
6A-20.012	9/25/02	10/15/02	28/32	
6A-20.013	9/25/02	10/15/02	28/32	
6A-20.020	9/25/02	10/15/02	28/32	
6A-20.023	9/25/02	10/15/02	28/32	
6A-20.025	9/25/02	10/15/02	28/32	
6A-20.027	9/25/02	10/15/02	28/32	
6A-20.029	9/25/02	10/15/02	28/32	
6A-20.031	9/25/02	10/15/02	28/32	
6A-20.0371	9/25/02	10/15/02	28/32	
6A-20.038	9/25/02	10/15/02	28/32	
6A-20.039	9/25/02	10/15/02	28/32	
6A-20.040	9/25/02	10/15/02	28/32	
6A-20.041	9/25/02	10/15/02	28/32	
6A-20.042	9/25/02	10/15/02	28/32	
6A-20.043	9/27/02	10/17/02	28/32	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

61G15-18.011	9/26/02	10/16/02	28/34	
61G15-21.001	9/24/02	10/14/02	28/34	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-204.800	9/24/02	10/1/02	28/33	
------------	---------	---------	-------	--

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-5.002	9/24/02	10/14/02	28/33	
64B3-5.007	9/24/02	10/14/02	28/33	
64B3-6.002	9/24/02	10/14/02	28/34	
64B3-11.001	9/23/02	10/13/02	28/29	

Board of Clinical Social Work, Marriage and Family

64B4-3.003	9/25/02	10/15/02	28/33	
64B4-4.002	9/25/02	10/15/02	28/33	
64B4-4.015	9/25/02	10/15/02	28/33	
64B4-5.001	9/25/02	10/15/02	28/33	
64B4-6.003	9/25/02	10/15/02	28/33	
64B4-6.009	9/25/02	10/15/02	28/33	
64B4-22.110	9/25/02	10/15/02	28/33	

Board of Orthotists and Prosthetists

64B14-1.003	9/24/02	10/14/02	28/19	28/35
-------------	---------	----------	-------	-------

Board of Psychology

64B19-17.007	9/25/02	10/15/02	28/33	
--------------	---------	----------	-------	--

School Psychology

64B21-500.001	9/23/02	10/13/02	28/34	
64B21-500.003	9/23/02	10/13/02	28/34	
64B21-500.013	9/23/02	10/13/02	28/34	

Council of Licensed Midwifery

64B24-5.001	9/26/02	10/16/02	28/24	
-------------	---------	----------	-------	--

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
FLORIDA HOUSING FINANCE CORPORATION									
67-44.001	9/24/02	10/14/02	28/33		67-47.070	9/24/02	10/14/02	28/33	
67-44.002	9/24/02	10/14/02	28/33		67-47.080	9/24/02	10/14/02	28/33	
67-44.003	9/24/02	10/14/02	28/33		67-47.090	9/24/02	10/14/02	28/33	
67-44.004	9/24/02	10/14/02	28/33		67-47.100	9/24/02	10/14/02	28/33	
67-44.005	9/24/02	10/14/02	28/33		67-47.110	9/24/02	10/14/02	28/33	
67-44.006	9/24/02	10/14/02	28/33		67-47.115	9/24/02	10/14/02	28/33	
67-44.007	9/24/02	10/14/02	28/33		67-47.120	9/24/02	10/14/02	28/33	
67-44.008	9/24/02	10/14/02	28/33		67-47.130	9/24/02	10/14/02	28/33	
67-44.009	9/24/02	10/14/02	28/33		67-47.140	9/24/02	10/14/02	28/33	
67-44.010	9/24/02	10/14/02	28/33		67-47.150	9/24/02	10/14/02	28/33	
67-44.011	9/24/02	10/14/02	28/33		67-47.160	9/24/02	10/14/02	28/33	
67-46.001	9/24/02	10/14/02	28/33		67-47.170	9/24/02	10/14/02	28/33	
67-46.002	9/24/02	10/14/02	28/33		FISH AND WILDLIFE CONSERVATION COMMISSION				
67-46.003	9/24/02	10/14/02	28/33		Freshwater Fish and Wildlife				
67-46.004	9/24/02	10/14/02	28/33		68A-4.0051	9/26/02	10/16/02	28/31	
67-46.005	9/24/02	10/14/02	28/33		68A-13.004	9/26/02	10/16/02	28/31	
67-46.006	9/24/02	10/14/02	28/33		68A-15.005	9/26/02	10/16/02	28/31	
67-46.007	9/24/02	10/14/02	28/33		68A-15.062	9/26/02	10/16/02	28/31	
67-47.010	9/24/02	10/14/02	28/33		Marine Fisheries				
67-47.020	9/24/02	10/14/02	28/33		68B-3.008	9/26/02	10/16/02	28/31	
67-47.030	9/24/02	10/14/02	28/33		68B-33.001	9/26/02	10/1/02	28/33	
67-47.035	9/24/02	10/14/02	28/33		68B-33.002	9/26/02	10/1/02	28/33	
67-47.040	9/24/02	10/14/02	28/33		68B-33.0035	9/26/02	10/1/02	28/33	
67-47.050	9/24/02	10/14/02	28/33		68B-33.004	9/26/02	10/1/02	28/33	
67-47.060	9/24/02	10/14/02	28/33						