

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-100.001 Training and Qualification Standards for Toll Enforcement Officers.

(1) Application and Scope. The purpose of this rule is to establish minimum training and qualification standards for toll enforcement officers. These standards shall be the minimum requirements necessary for eligibility to be a toll enforcement officer for the Department of Transportation (hereinafter Department). Toll enforcement officers are authorized to issue uniform traffic citations for failure to pay tolls on a toll facility owned or operated by a governmental entity, as defined in Section 334.03(12), Florida Statutes. This rule should not be construed to preclude a governmental entity operating a toll facility from establishing more stringent requirements for its toll enforcement officers.

(2) Compliance. Compliance with the rule standards shall be the responsibility of the respective governmental entity which operates the toll facility.

(3) Minimum Training. Toll enforcement officers shall successfully complete the following:

(a) A training course with the Department of Highway Safety and Motor Vehicles on the procedures for issuance of uniform traffic citations.

(b) A minimum of 40 hours of technical instruction on how to access, operate, and maintain the violation enforcement system. The components of the training shall include, at a minimum, equipment configuration and operation.

(4) Minimum Qualifications. The following minimum qualifications shall be applicable to toll enforcement officers:

(a) Toll enforcement officers shall, through their education and work experience, demonstrate to the satisfaction of the hiring governmental entity that they possess the following:

1. The ability to collect and evaluate data related to a violation enforcement system; and
2. The ability to understand and apply applicable agency, evidentiary, and violation enforcement system rules, regulations, policies, and procedures.

(b) Toll enforcement officers shall have visual acuity correctable to 20/20.

(c) Toll enforcement officers shall be subject to a security background check as a condition of employment pursuant to Section 110.1127, Florida Statutes. ~~must:~~

1. ~~Be certified pursuant to Section 943.13, Florida Statutes, and Chapter 11B-27, F.A.C.; or~~

2. ~~Meet the requirements of Sections 943.13(1)-(4), Florida Statutes; and~~

3. ~~Have good moral character, as described in Section 943.13(7), Florida Statutes, and Rule 11B-27.0011(2), (4)(a), (b), and (c)1-6., and (d), F.A.C. (Amended 1-2-97), as determined by a background investigation meeting the requirements of Rule 11B-27.0022(1) and (2), F.A.C. (Amended 1-2-97). The foregoing rules are incorporated herein by reference.~~

Specific Authority 334.044(2) FS. Law Implemented 316.1001, 316.640(1) FS. History—New 10-21-97, Amended 8-13-00,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Basic Training Program Selection Process

RULE NO.: 33-601.234

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarity and ensure consistency with s. 958.045, F.S.

SUBJECT AREA TO BE ADDRESSED: Basic Training Program selection.

SPECIFIC AUTHORITY: 958.04, 958.045 FS.

LAW IMPLEMENTED: 946.40, 958.04, 958.045 FS.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.234 Basic Training Program Selection Process.

(1) In order to participate in the program, a youthful offender as defined by Chapter 958, F.S., shall meet the following criteria:

(a) No change.

(b) If designated by the department as a youthful offender, must be eligible for Meets control release pursuant to criteria identified in s. 947.146(3), F.S.;

(c) through (3) No change.

Specific Authority 958.04, 958.045 FS. Law Implemented 946.40, 958.04, 958.045 FS. History—New 2-26-89, Amended 11-2-90, 1-25-96, 10-23-97, Formerly 33-27.004, Amended 3-13-01, Formerly 33-506.204, Amended 1-17-02,_____.

LAND AND WATER ADJUDICATORY COMMISSION

Tuscany Community Development District

RULE CHAPTER TITLE: Tuscany Community Development

RULE CHAPTER NO.: District

RULE TITLES: Creation
Boundary
Supervisors

RULE NOS.: 42GG-1
42GG-1.001
42GG-1.002
42GG-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (CDD), the Tuscany Community Development District (“District”), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Beverly Hills Development Corporation, requests that the Commission establish by rule the Tuscany CDD. The land to be served by the District consists of two parcels of unimproved property in Citrus County. One parcel consists of approximately 951.14 acres located in the existing Beverly Hills Development of Regional Impact (DRI) and the other parcel consists of 560 acres located outside the Beverly Hills DRI for a total of 1,511.14 acres. 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 3,000 single family units within the DRI portion of the property, 1,120 low density residential units in the non-DRI portion of the property, 1,250 low density multi-family units, a life care center and approximately 307 acres of right-of-way, open space and other acreage.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Tuscany Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Thursday, November 7, 2002

PLACE: Room 2103, 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: Daren L. Shippy, Esquire, Rose, Sundstrom & Bentley, LLP, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, telephone

(850)877-6555 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Disciplinary Guidelines

RULE NO.: 61-20.010

PURPOSE AND EFFECT: The new rule is being created to implement requirements imposed by section 455.2273, Florida Statutes, relating to disciplinary guidelines. The effect will be to provide notice to the regulated public of potential penalties for violating regulatory provisions and to provide guidance to courts and the agency head on the assessment of penalties.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines for Community Association Managers.

SPECIFIC AUTHORITY: 455.2273(1) FS.

LAW IMPLEMENTED: 455.2273 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: Eric R. Hurst, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61-20.010 Disciplinary Guidelines.

(1) PURPOSE. Pursuant to Section 455.2273, Florida Statutes, the department provides within this rule disciplinary guidelines which shall be imposed upon applicants, registrants, or licensees whom it regulates under Chapter 468, Part VIII, Florida Statutes. The purpose of this rule is to notify applicants, registrants, and licensees of the ranges of penalties which will routinely be imposed unless the department finds it necessary to deviate from the guidelines for the stated reasons given in subsection (2). The ranges of penalties provided in this rule are based upon a single count violation of each provision listed. Multiple counts of the violated provisions or a combination of the violation may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants, registrants, or licensees for violations

and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants, registrants, or licensees from violations.

(2) AGGRAVATING AND MITIGATING CIRCUMSTANCES. The department shall be entitled to deviate from the disciplinary guidelines provided by this rule upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the department prior to the imposition of a final penalty. The department must make a specific finding of mitigating or aggravating guidelines. Based upon consideration of the facts present in an individual case, the department shall consider the following factors in aggravation and mitigation when deviating from the disciplinary guidelines set forth in this rule:

- (a) Danger to the public;
- (b) Physical or financial harm resulting from the violation;
- (c) Prior violations committed by the subject;
- (d) Length of time the registrant or licensee has practiced;
- (e) Deterrent effect of the penalty;
- (f) Correction or attempted correction of the violation;
- (g) Effect on the registrant's or licensee's livelihood;
- (h) Any efforts toward rehabilitation;
- (i) Any other aggravating or mitigating factor which is directly relevant under the circumstances.

(3) PENALTIES CUMULATIVE AND CONSECUTIVE. Where several violations occur in one or several cases being considered together, the penalties shall normally be cumulative and consecutive.

(4) STIPULATION OR SETTLEMENT. The provisions of this part are not intended and shall not be construed to limit the ability of the department to dispose disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), Florida Statutes.

(5) VIOLATIONS AND RANGE OF PENALTIES. In imposing discipline upon applicants, registrants, and licensees in proceedings pursuant to Section 120.569 and 120.57(1) and (2), Florida Statutes, the department shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations as set forth in this subsection. The verbal identification of offenses is descriptive only. The full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION:	PENALTY RANGE	
	MINIMUM	MAXIMUM
<u>(a) Section 468.436(1)(b)1., F.S.</u> <u>– Violating any provision of this part, if not otherwise delineated in this rule.</u>		
First Offense	Reprimand	\$1000 fine; costs
Second Offense	\$500 fine	Probation; \$2500 fine; costs
Third Offense	Probation; \$2500 fine	One year suspension; \$5000 fine; costs

<u>(b) Section 468.436(1)(b)2., F.S.</u> <u>– Violating any lawful order or rule, if not otherwise delineated in this rule.</u>		
First Offense	Reprimand	\$1000 fine; costs
Second Offense	\$500 fine	Probation; \$2500 fine; costs
Third Offense	Probation; \$2500 fine	One year suspension; \$5000 fine; costs
<u>(c) Section 468.436(1)(b)3., F.S.</u> <u>– Being convicted of or pleading nolo contendere to a felony.</u>		
First Offense	Reprimand; \$500 fine	Revocation; \$5000 fine; costs
Second Offense	One year suspension; \$1000 fine; costs	Revocation; \$5000 fine; costs
Third Offense	Two years suspension; \$1000 fine	Revocation; \$5000 fine; costs
<u>(d) Section 468.436(1)(b)4., F.S.</u> <u>– Obtaining a license or certification or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.</u>		
First Offense	\$1000 fine; costs	Revocation; \$5000 fine; costs
Second Offense	One year suspension; \$1000 fine; costs	Revocation; \$5000 fine; costs
Third Offense	Revocation	Revocation; \$5000 fine; costs
<u>(e) Section 468.436(1)(b)5., F.S.</u> <u>– Committing acts of gross misconduct or gross negligence in connection with the profession.</u>		
First Offense	\$500 fine	Revocation; \$5000 fine; costs
Second Offense	\$2500 fine; costs	Revocation; \$5000 fine; costs
Third Offense	One year suspension; one year probation; \$2500 fine	Revocation; \$5000 fine; costs
<u>(f) Rule 61-20.002(1), F.A.C. – Change of address, notification, license renewal.</u>		
First Offense	Reprimand	\$500 fine; costs
Second Offense	Reprimand	\$1000 fine; costs
Third Offense	Reprimand	\$2000 fine; costs
<u>(g) Rule 61-20.002(3)(c), F.A.C. – Legal name change, notification.</u>		
First Offense	Reprimand	\$500 fine; costs
Second Offense	Reprimand	\$1000 fine; costs
Third Offense	Reprimand	\$2000 fine; costs
<u>(h) Rule 61-20.503(2), F.A.C. – A licensee or registrant shall not make an untrue statement of a material fact or fail to state a material fact.</u>		
First Offense	Reprimand	One year suspension; \$1000 fine; costs
Second Offense	One year probation; \$500 fine; costs	One year suspension; two years probation; \$5000 fine; costs
Third Offense	Two years suspension; \$2500 fine; costs	Revocation; \$5000 fine; costs

<p><u>(i) Rule 61-20.503(3), F.A.C. – A licensee or registrant shall perform only those services which he or she can reasonably expect to complete with professional competence.</u></p>			<p><u>First Offense</u> <u>Reprimand</u> <u>\$1000 fine; costs</u></p>	<p><u>First Offense</u> <u>Reprimand; \$1000 fine; costs</u> <u>One year suspension; two years probation; \$1000 fine; costs</u></p>
<p><u>Second Offense</u> <u>One year probation; \$500 fine; costs</u></p>			<p><u>Second Offense</u> <u>One year suspension; two years probation; \$5000 fine; costs</u></p>	<p><u>Second Offense</u> <u>One year suspension; two years probation; \$2500 fine; costs</u> <u>Revocation; \$5000 fine; costs</u></p>
<p><u>Third Offense</u> <u>Two years suspension; \$2500 fine; costs</u></p>			<p><u>Third Offense</u> <u>Revocation; \$5000 fine; costs</u></p>	<p><u>Third Offense</u> <u>Two years suspension; two years probation; \$5000 fine; costs</u> <u>Revocation; \$5000 fine; costs</u></p>
<p><u>(j) Rule 61-20.503(4)(a), F.A.C. – A licensee or registrant shall exercise due professional care.</u></p>			<p><u>First Offense</u> <u>Reprimand</u> <u>Fine \$1000; costs</u></p>	<p><u>First Offense</u> <u>Reprimand</u> <u>One year suspension; \$1000 fine; costs</u></p>
<p><u>Second Offense</u> <u>One year probation; \$500 fine</u></p>			<p><u>Second Offense</u> <u>One year suspension; two years probation; \$5000 fine; costs</u></p>	<p><u>Second Offense</u> <u>\$500 fine; costs</u> <u>Two years suspension; \$2500 fine; two years probation; costs</u></p>
<p><u>Third Offense</u> <u>Two years suspension; \$2500 fine; costs</u></p>			<p><u>Third Offense</u> <u>Revocation; \$5000 fine; costs</u></p>	<p><u>Third Offense</u> <u>One year suspension; two years probation</u> <u>Revocation; \$5000 fine; costs</u></p>
<p><u>(k) Rule 61-20.503(4)(b), F.A.C. – A licensee or registrant shall not knowingly fail to comply with the requirements of the documents by which the association is created or operated.</u></p>			<p><u>First Offense</u> <u>Reprimand</u> <u>One year suspension; \$2500 fine; costs</u></p>	<p><u>First Offense</u> <u>\$1000 fine; costs</u> <u>Revocation; \$5000 fine; costs</u></p>
<p><u>Second Offense</u> <u>One year probation; \$1000 fine; costs</u></p>			<p><u>Second Offense</u> <u>One year suspension; two years probation; \$5000 fine; costs</u></p>	<p><u>Second Offense</u> <u>\$2500; two years probation; costs</u> <u>Revocation; \$5000 fine; costs</u></p>
<p><u>Third Offense</u> <u>\$2500 fine; costs</u></p>			<p><u>Third Offense</u> <u>Revocation; \$5000 fine; costs</u></p>	<p><u>Third Offense</u> <u>One year suspension; two years probation; \$5000 fine; costs</u> <u>Revocation; \$5000 fine; costs</u></p>
<p><u>(l) Rule 61-20.503(5), F.A.C. – A licensee or registrant shall not permit others to commit certain acts or omissions.</u></p>			<p><u>First Offense</u> <u>Reprimand</u> <u>One year suspension; \$1000 fine; costs</u></p>	<p><u>First Offense</u> <u>Reprimand</u> <u>\$2500 fine; costs</u></p>
<p><u>Second Offense</u> <u>One year probation; \$500 fine; costs</u></p>			<p><u>Second Offense</u> <u>Two years suspension; two years probation; \$5000 fine; costs</u></p>	<p><u>Second Offense</u> <u>\$1000 fine; costs</u> <u>\$5000 fine; one year suspension; two years probation; costs</u></p>
<p><u>Third Offense</u> <u>Two years suspension; \$2500 fine; costs</u></p>			<p><u>Third Offense</u> <u>Revocation; \$5000 fine; costs</u></p>	<p><u>Third Offense</u> <u>\$2500 fine; costs</u> <u>Revocation; \$5000 fine; costs</u></p>
<p><u>(m) Rule 61-20.503(6)(a), F.A.C. – A licensee or registrant shall not withhold possession of records.</u></p>			<p><u>First Offense</u> <u>Reprimand</u> <u>\$2500 fine; one year suspension; costs</u></p>	<p><u>First Offense</u> <u>Reprimand</u> <u>\$2500 fine; costs</u></p>
<p><u>Second Offense</u> <u>\$500 fine</u></p>			<p><u>Second Offense</u> <u>\$2500 fine; Revocation; costs</u></p>	<p><u>Second Offense</u> <u>\$500 fine; costs</u> <u>Reprimand; \$1000 fine; costs</u></p>
<p><u>Third Offense</u> <u>\$1000 fine</u></p>			<p><u>Third Offense</u> <u>Revocation; \$5000 fine; costs</u></p>	<p><u>Third Offense</u> <u>\$1000 fine; costs</u> <u>One year suspension; two years probation; \$3000 fine; costs</u></p>
<p><u>(n) Rule 61-20.503(6)(b), F.A.C. – A licensee or registrant shall not deny access to association records.</u></p>			<p><u>First Offense</u> <u>Reprimand</u> <u>\$1000 fine; costs</u></p>	<p><u>First Offense</u> <u>Reprimand</u> <u>\$500 fine; costs</u></p>
<p><u>Second Offense</u> <u>\$500 fine; costs</u></p>			<p><u>Second Offense</u> <u>One year suspension; one year probation; costs</u></p>	<p><u>Second Offense</u> <u>\$250 fine; compliance within 60 days</u> <u>Suspension until compliance; \$2500 fine; costs</u></p>
<p><u>Third Offense</u> <u>One year probation; \$3000 fine; costs</u></p>			<p><u>Third Offense</u> <u>One year suspension; two years probation; \$5000 fine; costs</u></p>	<p><u>Third Offense</u> <u>\$1000 fine; compliance within 60 days</u> <u>One year suspension or until compliance, whichever is greater; \$5000 fine; compliance; costs</u></p>
<p><u>(o) Rule 61-20.503(6)(c), F.A.C. – A licensee or registrant shall not create false records.</u></p>			<p><u>First Offense</u> <u>Reprimand</u> <u>\$2500 fine; costs</u></p>	<p><u>First Offense</u> <u>Reprimand</u> <u>\$500 fine; costs</u></p>
			<p><u>Second Offense</u> <u>\$1000 fine; costs</u></p>	<p><u>Second Offense</u> <u>\$1000 fine; costs</u></p>
			<p><u>Third Offense</u> <u>\$2500 fine; costs</u></p>	<p><u>Third Offense</u> <u>\$2500 fine; costs</u></p>
			<p><u>Fourth Offense</u> <u>Revocation</u></p>	<p><u>Fourth Offense</u> <u>Revocation</u></p>
			<p><u>Fifth Offense</u> <u>Revocation</u></p>	<p><u>Fifth Offense</u> <u>Revocation</u></p>
			<p><u>Sixth Offense</u> <u>Revocation</u></p>	<p><u>Sixth Offense</u> <u>Revocation</u></p>
			<p><u>Seventh Offense</u> <u>Revocation</u></p>	<p><u>Seventh Offense</u> <u>Revocation</u></p>
			<p><u>Eighth Offense</u> <u>Revocation</u></p>	<p><u>Eighth Offense</u> <u>Revocation</u></p>
			<p><u>Ninth Offense</u> <u>Revocation</u></p>	<p><u>Ninth Offense</u> <u>Revocation</u></p>
			<p><u>Tenth Offense</u> <u>Revocation</u></p>	<p><u>Tenth Offense</u> <u>Revocation</u></p>
			<p><u>Eleventh Offense</u> <u>Revocation</u></p>	<p><u>Eleventh Offense</u> <u>Revocation</u></p>
			<p><u>Twelfth Offense</u> <u>Revocation</u></p>	<p><u>Twelfth Offense</u> <u>Revocation</u></p>
			<p><u>Thirteenth Offense</u> <u>Revocation</u></p>	<p><u>Thirteenth Offense</u> <u>Revocation</u></p>
			<p><u>Fourteenth Offense</u> <u>Revocation</u></p>	<p><u>Fourteenth Offense</u> <u>Revocation</u></p>
			<p><u>Fifteenth Offense</u> <u>Revocation</u></p>	<p><u>Fifteenth Offense</u> <u>Revocation</u></p>
			<p><u>Sixteenth Offense</u> <u>Revocation</u></p>	<p><u>Sixteenth Offense</u> <u>Revocation</u></p>
			<p><u>Seventeenth Offense</u> <u>Revocation</u></p>	<p><u>Seventeenth Offense</u> <u>Revocation</u></p>
			<p><u>Eighteenth Offense</u> <u>Revocation</u></p>	<p><u>Eighteenth Offense</u> <u>Revocation</u></p>
			<p><u>Nineteenth Offense</u> <u>Revocation</u></p>	<p><u>Nineteenth Offense</u> <u>Revocation</u></p>
			<p><u>Twentieth Offense</u> <u>Revocation</u></p>	<p><u>Twentieth Offense</u> <u>Revocation</u></p>
			<p><u>Twenty-first Offense</u> <u>Revocation</u></p>	<p><u>Twenty-first Offense</u> <u>Revocation</u></p>
			<p><u>Twenty-second Offense</u> <u>Revocation</u></p>	<p><u>Twenty-second Offense</u> <u>Revocation</u></p>
			<p><u>Twenty-third Offense</u> <u>Revocation</u></p>	<p><u>Twenty-third Offense</u> <u>Revocation</u></p>
			<p><u>Twenty-fourth Offense</u> <u>Revocation</u></p>	<p><u>Twenty-fourth Offense</u> <u>Revocation</u></p>
			<p><u>Twenty-fifth Offense</u> <u>Revocation</u></p>	<p><u>Twenty-fifth Offense</u> <u>Revocation</u></p>
			<p><u>Twenty-sixth Offense</u> <u>Revocation</u></p>	<p><u>Twenty-sixth Offense</u> <u>Revocation</u></p>
			<p><u>Twenty-seventh Offense</u> <u>Revocation</u></p>	<p><u>Twenty-seventh Offense</u> <u>Revocation</u></p>
			<p><u>Twenty-eighth Offense</u> <u>Revocation</u></p>	<p><u>Twenty-eighth Offense</u> <u>Revocation</u></p>
			<p><u>Twenty-ninth Offense</u> <u>Revocation</u></p>	<p><u>Twenty-ninth Offense</u> <u>Revocation</u></p>
			<p><u>Thirtieth Offense</u> <u>Revocation</u></p>	<p><u>Thirtieth Offense</u> <u>Revocation</u></p>
			<p><u>Thirty-first Offense</u> <u>Revocation</u></p>	<p><u>Thirty-first Offense</u> <u>Revocation</u></p>
			<p><u>Thirty-second Offense</u> <u>Revocation</u></p>	<p><u>Thirty-second Offense</u> <u>Revocation</u></p>
			<p><u>Thirty-third Offense</u> <u>Revocation</u></p>	<p><u>Thirty-third Offense</u> <u>Revocation</u></p>
			<p><u>Thirty-fourth Offense</u> <u>Revocation</u></p>	<p><u>Thirty-fourth Offense</u> <u>Revocation</u></p>
			<p><u>Thirty-fifth Offense</u> <u>Revocation</u></p>	<p><u>Thirty-fifth Offense</u> <u>Revocation</u></p>
			<p><u>Thirty-sixth Offense</u> <u>Revocation</u></p>	<p><u>Thirty-sixth Offense</u> <u>Revocation</u></p>
			<p><u>Thirty-seventh Offense</u> <u>Revocation</u></p>	<p><u>Thirty-seventh Offense</u> <u>Revocation</u></p>
			<p><u>Thirty-eighth Offense</u> <u>Revocation</u></p>	<p><u>Thirty-eighth Offense</u> <u>Revocation</u></p>
			<p><u>Thirty-ninth Offense</u> <u>Revocation</u></p>	<p><u>Thirty-ninth Offense</u> <u>Revocation</u></p>
			<p><u>Fortieth Offense</u> <u>Revocation</u></p>	<p><u>Fortieth Offense</u> <u>Revocation</u></p>
			<p><u>Forty-first Offense</u> <u>Revocation</u></p>	<p><u>Forty-first Offense</u> <u>Revocation</u></p>
			<p><u>Forty-second Offense</u> <u>Revocation</u></p>	<p><u>Forty-second Offense</u> <u>Revocation</u></p>
			<p><u>Forty-third Offense</u> <u>Revocation</u></p>	<p><u>Forty-third Offense</u> <u>Revocation</u></p>
			<p><u>Forty-fourth Offense</u> <u>Revocation</u></p>	<p><u>Forty-fourth Offense</u> <u>Revocation</u></p>
			<p><u>Forty-fifth Offense</u> <u>Revocation</u></p>	<p><u>Forty-fifth Offense</u> <u>Revocation</u></p>
			<p><u>Forty-sixth Offense</u> <u>Revocation</u></p>	<p><u>Forty-sixth Offense</u> <u>Revocation</u></p>
			<p><u>Forty-seventh Offense</u> <u>Revocation</u></p>	<p><u>Forty-seventh Offense</u> <u>Revocation</u></p>
			<p><u>Forty-eighth Offense</u> <u>Revocation</u></p>	<p><u>Forty-eighth Offense</u> <u>Revocation</u></p>
			<p><u>Forty-ninth Offense</u> <u>Revocation</u></p>	<p><u>Forty-ninth Offense</u> <u>Revocation</u></p>
			<p><u>Fiftieth Offense</u> <u>Revocation</u></p>	<p><u>Fiftieth Offense</u> <u>Revocation</u></p>
			<p><u>Fifty-first Offense</u> <u>Revocation</u></p>	<p><u>Fifty-first Offense</u> <u>Revocation</u></p>
			<p><u>Fifty-second Offense</u> <u>Revocation</u></p>	<p><u>Fifty-second Offense</u> <u>Revocation</u></p>
			<p><u>Fifty-third Offense</u> <u>Revocation</u></p>	<p><u>Fifty-third Offense</u> <u>Revocation</u></p>
			<p><u>Fifty-fourth Offense</u> <u>Revocation</u></p>	<p><u>Fifty-fourth Offense</u> <u>Revocation</u></p>
			<p><u>Fifty-fifth Offense</u> <u>Revocation</u></p>	<p><u>Fifty-fifth Offense</u> <u>Revocation</u></p>
			<p><u>Fifty-sixth Offense</u> <u>Revocation</u></p>	<p><u>Fifty-sixth Offense</u> <u>Revocation</u></p>
			<p><u>Fifty-seventh Offense</u> <u>Revocation</u></p>	<p><u>Fifty-seventh Offense</u> <u>Revocation</u></p>
			<p><u>Fifty-eighth Offense</u> <u>Revocation</u></p>	<p><u>Fifty-eighth Offense</u> <u>Revocation</u></p>
			<p><u>Fifty-ninth Offense</u> <u>Revocation</u></p>	<p><u>Fifty-ninth Offense</u> <u>Revocation</u></p>
			<p><u>Sixtieth Offense</u> <u>Revocation</u></p>	<p><u>Sixtieth Offense</u> <u>Revocation</u></p>
			<p><u>Sixty-first Offense</u> <u>Revocation</u></p>	<p><u>Sixty-first Offense</u> <u>Revocation</u></p>
			<p><u>Sixty-second Offense</u> <u>Revocation</u></p>	<p><u>Sixty-second Offense</u> <u>Revocation</u></p>
			<p><u>Sixty-third Offense</u> <u>Revocation</u></p>	<p><u>Sixty-third Offense</u> <u>Revocation</u></p>
			<p><u>Sixty-fourth Offense</u> <u>Revocation</u></p>	<p><u>Sixty-fourth Offense</u> <u>Revocation</u></p>
			<p><u>Sixty-fifth Offense</u> <u>Revocation</u></p>	<p><u>Sixty-fifth Offense</u> <u>Revocation</u></p>
			<p><u>Sixty-sixth Offense</u> <u>Revocation</u></p>	<p><u>Sixty-sixth Offense</u> <u>Revocation</u></p>
			<p><u>Sixty-seventh Offense</u> <u>Revocation</u></p>	<p><u>Sixty-seventh Offense</u> <u>Revocation</u></p>
			<p><u>Sixty-eighth Offense</u> <u>Revocation</u></p>	<p><u>Sixty-eighth Offense</u> <u>Revocation</u></p>
			<p><u>Sixty-ninth Offense</u> <u>Revocation</u></p>	<p><u>Sixty-ninth Offense</u> <u>Revocation</u></p>
			<p><u>Seventieth Offense</u> <u>Revocation</u></p>	<p><u>Seventieth Offense</u> <u>Revocation</u></p>
			<p><u>Seventy-first Offense</u> <u>Revocation</u></p>	<p><u>Seventy-first Offense</u> <u>Revocation</u></p>
			<p><u>Seventy-second Offense</u> <u>Revocation</u></p>	<p><u>Seventy-second Offense</u> <u>Revocation</u></p>
			<p><u>Seventy-third Offense</u> <u>Revocation</u></p>	<p><u>Seventy-third Offense</u> <u>Revocation</u></p>
			<p><u>Seventy-fourth Offense</u> <u>Revocation</u></p>	<p><u>Seventy-fourth Offense</u> <u>Revocation</u></p>
			<p><u>Seventy-fifth Offense</u> <u>Revocation</u></p>	<p><u>Seventy-fifth Offense</u> <u>Revocation</u></p>
			<p><u>Seventy-sixth Offense</u> <u>Revocation</u></p>	<p><u>Seventy-sixth Offense</u> <u>Revocation</u></p>
			<p><u>Seventy-seventh Offense</u> <u>Revocation</u></p>	<p><u>Seventy-seventh Offense</u> <u>Revocation</u></p>
			<p><u>Seventy-eighth Offense</u> <u>Revocation</u></p>	<p><u>Seventy-eighth Offense</u> <u>Revocation</u></p>
			<p><u>Seventy-ninth Offense</u> <u>Revocation</u></p>	<p><u>Seventy-ninth Offense</u> <u>Revocation</u></p>
			<p><u>Eightieth Offense</u> <u>Revocation</u></p>	<p><u>Eightieth Offense</u> <u>Revocation</u></p>
			<p><u>Eighty-first Offense</u> <u>Revocation</u></p>	<p><u>Eighty-first Offense</u> <u>Revocation</u></p>
			<p><u>Eighty-second Offense</u> <u>Revocation</u></p>	<p><u>Eighty-second Offense</u> <u>Revocation</u></p>
			<p><u>Eighty-third Offense</u> <u>Revocation</u></p>	<p><u>Eighty-third Offense</u> <u>Revocation</u></p>
			<p><u>Eighty-fourth Offense</u> <u>Revocation</u></p>	<p><u>Eighty-fourth Offense</u> <u>Revocation</u></p>
			<p><u>Eighty-fifth Offense</u> <u>Revocation</u></p>	<p><u>Eighty-fifth Offense</u> <u>Revocation</u></p>
			<p><u>Eighty-sixth Offense</u> <u>Revocation</u></p>	<p><u>Eighty-sixth Offense</u> <u>Revocation</u></p>
			<p><u>Eighty-seventh Offense</u> <u>Revocation</u></p>	<p><u>Eighty-seventh Offense</u> <u>Revocation</u></p>
			<p><u>Eighty-eighth Offense</u> <u>Revocation</u></p>	<p><u>Eighty-eighth Offense</u> <u>Revocation</u></p>
			<p><u>Eighty-ninth Offense</u> <u>Revocation</u></p>	<p><u>Eighty-ninth Offense</u> <u>Revocation</u></p>
			<p><u>Ninetieth Offense</u> <u>Revocation</u></p>	<p><u>Ninetieth Offense</u> <u>Revocation</u></p>
			<p><u>One hundred Offense</u> <u>Revocation</u></p>	<p><u>One hundred Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and one Offense</u> <u>Revocation</u></p>	<p><u>One hundred and one Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and two Offense</u> <u>Revocation</u></p>	<p><u>One hundred and two Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and three Offense</u> <u>Revocation</u></p>	<p><u>One hundred and three Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and four Offense</u> <u>Revocation</u></p>	<p><u>One hundred and four Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and five Offense</u> <u>Revocation</u></p>	<p><u>One hundred and five Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and six Offense</u> <u>Revocation</u></p>	<p><u>One hundred and six Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and seven Offense</u> <u>Revocation</u></p>	<p><u>One hundred and seven Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and eight Offense</u> <u>Revocation</u></p>	<p><u>One hundred and eight Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and nine Offense</u> <u>Revocation</u></p>	<p><u>One hundred and nine Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and ten Offense</u> <u>Revocation</u></p>	<p><u>One hundred and ten Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and eleven Offense</u> <u>Revocation</u></p>	<p><u>One hundred and eleven Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and twelve Offense</u> <u>Revocation</u></p>	<p><u>One hundred and twelve Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and thirteen Offense</u> <u>Revocation</u></p>	<p><u>One hundred and thirteen Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and fourteen Offense</u> <u>Revocation</u></p>	<p><u>One hundred and fourteen Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and fifteen Offense</u> <u>Revocation</u></p>	<p><u>One hundred and fifteen Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and sixteen Offense</u> <u>Revocation</u></p>	<p><u>One hundred and sixteen Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and seventeen Offense</u> <u>Revocation</u></p>	<p><u>One hundred and seventeen Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and eighteen Offense</u> <u>Revocation</u></p>	<p><u>One hundred and eighteen Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and nineteen Offense</u> <u>Revocation</u></p>	<p><u>One hundred and nineteen Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and twenty Offense</u> <u>Revocation</u></p>	<p><u>One hundred and twenty Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and twenty-one Offense</u> <u>Revocation</u></p>	<p><u>One hundred and twenty-one Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and twenty-two Offense</u> <u>Revocation</u></p>	<p><u>One hundred and twenty-two Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and twenty-three Offense</u> <u>Revocation</u></p>	<p><u>One hundred and twenty-three Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and twenty-four Offense</u> <u>Revocation</u></p>	<p><u>One hundred and twenty-four Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and twenty-five Offense</u> <u>Revocation</u></p>	<p><u>One hundred and twenty-five Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and twenty-six Offense</u> <u>Revocation</u></p>	<p><u>One hundred and twenty-six Offense</u> <u>Revocation</u></p>
			<p><u>One hundred and twenty-seven Offense</u> <u>Revocation</u></p>	<p><u>One hundred and twenty-seven Offense</u> <u>Revocation</u></p>

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

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.213(2), 455.217(2), 455.219(1), 455.271(8), 489.108, 489.118 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.213(2), 455.217(2), 455.219(1), 455.271(7),(8), 489.109 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: Robert Crabill, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Qualification for Certification

RULE NO.: 61G4-15.001

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

SUBJECT AREA TO BE ADDRESSED: Qualification for Certification.

SPECIFIC AUTHORITY: 489.111 FS.

LAW IMPLEMENTED: 489.111 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: Robert Crabill, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Examination and Reexamination

RULE NO.: 61G4-16.009

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

SUBJECT AREA TO BE ADDRESSED: Examination and Reexamination.

SPECIFIC AUTHORITY: 455.217(2), 455.219(1), 489.108, 489.129 FS.

LAW IMPLEMENTED: 455.217, 489.109, 489.111 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: Robert Crabill, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape and Architecture

RULE TITLES: Board Approval of Continuing Education Providers

RULE NOS.: 61G10-18.002

Obligations of Continuing Education Providers

61G10-18.003

PURPOSE AND EFFECT: The Board proposes to review the above-referenced rules to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Board Approval of Continuing Education Providers, and Obligations of Continuing Education Providers.

SPECIFIC AUTHORITY: 455.2124, 455.2179, 481.306, 481.313 FS.

LAW IMPLEMENTED: 455.2179, 481.313, 553.841 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: Immediately following the workshop for Rule 61G10-18.001 (separately noticed) which begins at 9:00 a.m., October 31, 2002

PLACE: Four Seasons Resort, 2800 South Ocean Boulevard, Palm Beach, FL 33480, (561)582-2800

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

Biegalski, Executive Director, Florida Board of Landscape Architecture, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-33R
 RULE CHAPTER TITLE: Stationary Sources – General Requirements
 RULE CHAPTER NO.: 62-210
 RULE TITLE: Definitions
 RULE NO.: 62-210.200

PURPOSE AND EFFECT: The Department is proposing to amend existing Title V program related definitions in Florida Administrative Code Rule 62-210.200, F.A.C., based on recent amendments to or applicability of federal regulations.

A rule development workshop has been scheduled. 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 ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-23R
 RULE CHAPTER TITLE: Stationary Sources – General Requirements
 RULE CHAPTER NO.: 62-210
 RULE TITLE: Forms and Instructions
 RULE NO.: 62-210.900

PURPOSE AND EFFECT: The Department is proposing to expand the scope of the application for air permit (DEP Form 62-210.900(1)) to accommodate air operation permit renewal for Title V sources and initial air operation permitting for sources assuming federally enforceable restrictions to stay below federal regulation applicability thresholds, and to clarify form use for major-source air construction permitting. In addition, the Department is proposing to amend the application for air permit (DEP Form 62-210.900(1)) in response to comments received September 10, 2002, from the Joint Administrative Procedures Committee (JAPC) and update the Phase II Acid Rain part application (DEP Form 62-210.900(1)(a)) in accordance with the U.S. Environmental Protection Agency’s recent updates to the corresponding federal Acid Rain Program form.

A rule development workshop has been scheduled. 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

Division of Medical Quality Assurance

RULE CHAPTER TITLE: Examinations
 RULE CHAPTER NO.: 64B-1
 PURPOSE AND EFFECT: The Department of Health proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new rules should be promulgated pertaining to all matters concerning examinations.
 SUBJECT AREA TO BE ADDRESSED: Examinations.
 SPECIFIC AUTHORITY: 456.004, 456.013, 456.017 FS.
 LAW IMPLEMENTED: 456.013, 456.017 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: Christy Brown, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C90, Tallahassee, Florida 32399-3290
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Inactive and Delinquent Status Fees
 RULE NO.: 64B11-5.006
 PURPOSE AND EFFECT: The Board proposes to discuss the existing language in this rule to determine if amendments are necessary.
 SUBJECT AREA TO BE ADDRESSED: Inactive and delinquent status fees.
 SPECIFIC AUTHORITY: 468.221 FS.
 LAW IMPLEMENTED: 468.221 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 2002
 PLACE: Meet-Me Number (850)488-0979, Suncom 278-0979 (4042 Bald Cypress Way, Room 345N, Tallahassee, Florida 32399)

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).

If a person decides to appeal any decision made by the board with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

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

DEPARTMENT OF HEALTH

School Psychology

RULE TITLE: Continuing Education Credit Guidelines

RULE NO.: 64B21-502.004

PURPOSE AND EFFECT: The Department of Health proposes to review the existing text in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing education credit guidelines.

SPECIFIC AUTHORITY: 490.015 FS.

LAW IMPLEMENTED: 490.0085 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: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN C05, Tallahassee, Florida 32399-3255
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE TITLES: Notifiable Diseases or Conditions to be

RULE NOS.:

Reported, Human	64D-3.002
Notification by Laboratories	64D-3.003
Notifiable Disease Case Report Content	64D-3.004
Quarantine, Requirements	64D-3.007
Public Health Emergency	64D-3.0071
Procedures for Control of Specific Communicable Diseases	64D-3.013

PURPOSE AND EFFECT: The purpose of these amendments is to update provisions for reporting of diseases and to implement provisions in CS/SB 1262 regarding public health

emergencies. The draft amendments will update the list of reportable diseases to eliminate dengue and Hanson’s disease and add acute arboviral disease, Creutzfeldt-Jakob Disease, and saxitoxin poisoning; clarify access to medical records by Department of Health; add provisions related to notification by laboratories; and clarify confidentiality of case report information. Quarantine provisions are revised to clarify the scope of quarantine orders and to change the incorporated materials regarding zoonotic quarantines. A new section of rule related to public health emergencies defines “practical method of quarantine” and provides circumstances for quarantine in private homes. Other changes are made related specifically to control of rabies and of shigella and salmonella infections.

SUBJECT MATTER TO BE ADDRESSED: Responsibilities for disease reporting by health care professionals and laboratories, diseases to be reported, information to be provided, quarantine, public health emergencies, and control of specific communicable diseases.

SPECIFIC AUTHORITY: 381.0011(6)(a),(13), 381.003(2), 381.0031(6), 381.006 (16), 384.25(2), 384.33, 392.66 FS.

LAW IMPLEMENTED: 381.0011(4),(6), 381.003(1), 381.0012, 381.0031, 381.00315(1)(b)4., 384.23, 384.25, 384.27, 385.202, 392.53 FS.

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

TIME AND DATE: 2:00 p.m., Monday, November 18, 2002

PLACE: Department of Health, Conference Room 310A, 2585 Merchants Row Blvd., Prather Building, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Rowe E. Rogero, Division of Disease Control, Department of Health, 4052 Bald Cypress Way, Bin A09, Tallahassee, FL 32399, (850)245-4322, rowe_rogero@doh.state.fl.us

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Public Swimming Pools and

RULE CHAPTER NO.:

Bathing Places 64E-9

PURPOSE AND EFFECT: Revise existing rules for the purpose of clarification, incorporate necessary technical changes and to provide for the protection of public health and safety.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include: Operational requirements, design criteria, construction standards, hydraulic requirements, existing system modification standards, permitting requirements, fees, definitions, forms, supervision and safety, bathing places, and pool service technicians requirements.

SPECIFIC AUTHORITY: 381.0011, 381.006, 514.0115, 514.021, 514.033, 514.05, 514.075 FS.

LAW IMPLEMENTED: 381.006, 381.0011, 381.0015, 381.0025, 386.01, 386.02, 386.03, 386.041, 386.051, 514.011, 514.0115, 514.021, 514.025, 514.028, 514.03, 514.031, 514.033, 514.04, 514.05, 514.06, 514.071 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., November 14, 2002

PLACE: Conference Room “A”, Hurston South Tower, 400 West Robinson Street, Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Robert Pryor, Department of Health, Bureau of Water Programs, Bin #C22, 4052 Bald Cypress Way, Tallahassee, FL 32399-1742, (850)245-4444, Ext. 2369

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

PLACE: The Betty Easley Conference Center, Room 166, 4075 Esplanade Way, Tallahassee, Florida 32399

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.035 Polling Place Accessibility Survey.

The Department of State, Division of Elections, is required to establish a polling place accessibility survey, Form DS-DE 43 (10/02), which is hereby incorporated by reference and available from the Division of Elections, The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 101.715 FS. Law Implemented 101.715 FS. History–New

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Polling Place Accessibility Survey

RULE NO.: 1S-2.035

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

SUMMARY: This rule provides an actual physical survey for supervisors of elections to use in making their determination of the accessibility of a polling place. This rule provides guidance and graphics for such things as entrances, parking, door widths, rooms, stairs, elevators, rest rooms, and telephones along with a variety of other issues that would require accessibility.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 2:00 p.m., December 3, 2002

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy Tuck Whitman, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edward C. Kast, Director, Division of Elections, Department of State

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

DEPARTMENT OF BANKING AND FINANCE

Division of Finance and Securities

RULE TITLES:	RULE NOS.:
Definitions	3E-7.001
Certification as a Certified Capital Company	3E-7.002
Capital Requirements for Certified Capital Companies	3E-7.003
Annual Review	3E-7.004
Requirements to Update Information	3E-7.005
Renewal of Certification	3E-7.006
Books and Records Requirements	3E-7.007
Forms, Instructions and Manuals	3E-7.008

PURPOSE AND EFFECT: These rules will be amended to update and conform the certification procedures for the newly enacted Program Two of the Certified Capital Company Act in Section 288.99, F.S.

SUMMARY: The rules update and conform the certification process and qualifications for Program Two of the Certified Capital Company Act.

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: 288.99(4)(h) FS.

LAW IMPLEMENTED: 288.99(3),(4),(5),(8),(9),(10),(17) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m., November 12, 2002

PLACE: Department of Banking and Finance, The Fletcher Building, 101 E. Gaines Street, Room G-16C, The JAD Room, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael Ramsden, 101 E. Gaines Street, Tallahassee, Florida 32399, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-7.001 Definitions.

Definitions as used in Rule Chapter 3E-7.

(1) through (2) No change.

~~(3) "Net Capital and Net Worth" mean assets minus liabilities in accordance with Generally Accepted Accounting Principles as adopted by the American Institute of Certified Public Accountants, which are incorporated herein by reference.~~

~~(3)(4) "Predominantly engaged," as used in s. 288.99(3)(k), F.S., means any business engaged in retail sales, real estate development, insurance, banking, lending, oil and gas exploration or engaged in professional services provided by accountants, lawyers, or physicians for which: (i) over fifty percent of the revenues of such business, for the preceding fiscal year, are derived from a combination of one or more such activities, or (ii) if a new enterprise, over fifty percent of the projected revenues of such business, for its first fiscal year, are derived from a combination of one or more such activities.~~

~~(4)(5) "Principal Office" means the place where the chief or principal affairs and business of the applicant are transacted.~~

Specific Authority 288.99(4)(h)(+) FS. Law Implemented 288.99(4) FS. History—New 9-15-98, Amended _____.

3E-7.002 Certification as a Certified Capital Company.

(1) Each applicant seeking certification as a certified capital company shall complete, execute, and file with the department not later than ninety 90 days prior to the scheduled deadline for submission of tax credit allocation requests to the Office of Trade, Tourism, and Economic Development contained in s. 288.99(17), F.S. for the respective Program ~~on~~

~~or before December 1, 1998, Form DOSIP-C-1-98, Application for Certification as a Certified Capital Company, which is incorporated herein by reference.~~

(a) An application may be obtained directly from the department in paper copy format, on 3.5" diskette, by e-mail, or by accessing the department's website at www.dbf.state.fl.us.

(b) Diskette and e-mail versions of the application are available only in the following format: Microsoft Word for Windows Version 7.0a.

(2) No change.

(3) Any application filed after the date referenced in paragraph (1) of this section ~~December 1, 1998~~, shall be denied by the department.

(4) through (8) No change.

(9) Whenever an applicant has knowledge that information supplied on or with its application has become inaccurate or obsolete, the applicant shall file an amended application form within 30 days, including an originally executed certification page to the department updating this information. Amended applications may be filed in the same manner as provided for original applications.

(10) The department will make requests for additional information within 30 days, if necessary, after the department receives the application and the full amount of the application fee.

(11) Upon approving an application, the department shall issue a certificate evidencing certification effective ~~from the date issued through December 31, 1999~~ through December 31 of that calendar year. No renewal fees shall be required within 6 months after the date of initial certification.

(12) Copies of all offering materials and advertising materials used by the CAPCO must be filed with the Department no later than the date on which the Certified Capital Company submits tax credit allocation request to the Office of Trade, Tourism, and Economic Development with respect to the Program for which the requests are being submitted.

Specific Authority 288.99(4)(h)(+) FS. Law Implemented 288.99(4) FS. History—New 9-15-98, Amended _____.

3E-7.003 ~~Net~~ Capital Requirements for Certified Capital Companies.

~~Within twenty-four hours after actual knowledge that its minimum net capital is less than the amount required by s. 288.99, F.S., a certified capital company shall notify the department in writing of this deficiency.~~

At the time of application and at all times prior to the receipt of an allocation of tax credits, the applicant shall maintain an equity capitalization in the form of cash and cash equivalents in accordance with s. 288.99(4)(b)(5), F.S. A certified capital company shall notify the Department within twenty-four hours of a failure to maintain such equity capitalization. Any certified capital company that receives an allocation of tax

credits shall immediately be subject to the constraints of s. 288.99(3)(m), F.S. with respect to any distributions or payments.

Specific Authority 288.99(4)(h)(+) FS. Law Implemented 288.99(4) FS. History—New 9-15-98, Amended.

3E-7.004 Annual Review.

(1) through (2) No change.

Specific Authority 288.99(4)(h)(+) FS. Law Implemented 288.99(10) FS. History—New 9-15-98.

3E-7.005 Requirements to Update Information.

No Change.

Specific Authority 288.99(4)(h)(+) FS. Law Implemented 288.99(4) FS. History—New 9-15-98.

3E-7.006 Renewal of Certification.

(1) through (2) No change.

(3) Renewal fees paid by cashier's check, money order or certified check shall be mailed to the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(4) Upon receipt of the required renewal fees, the department shall issue a certificate evidencing renewal of the certification through December 31 of that calendar year.

Specific Authority 288.99(4)(h)(+) FS. Law Implemented 288.99(4) FS. History—New 9-15-98, Amended.

3E-7.007 Books and Records Requirements.

(1) Each certified capital company shall prepare and maintain on a current basis the following records:

(a) A complete executed copy of the application, any amendments thereto and the attached schedules.

(b) Files for each Director and Principal containing the following:

1. Evidence that at least two of the Principals meet the requirements of s. 288.99(4)(c)3., F.S.;

2. Full documentation and details pertaining to each affirmative response to the disciplinary questions on Schedule D to Form DOSIP-C-1-98; and

3. Documentation pertaining to any outstanding or resolved customer complaints, actions, internal reviews or investigations into each Director's and Principal's activities while associated with said certified capital company.

(c) Records concerning all securities issued by the certified capital company which include each of the following:

1. The type of security issued;

2. The name, address, and telephone number of the Investor(s);

3. The date of the transaction;

4. The total dollar amount invested;

5. Copies of any prospectus or offering material used in connection with the sale of securities by the certified capital company; and

6. Evidence that the offering security contains the statement required by s. 288.99(4)(f), F.S.

(d) Records relating to each certified investor in the certified capital company which include each of the following:

1. Evidence demonstrating that the certified investor is subject to premium tax liability pursuant to s. 624.509, F.S.;

2. The names of all affiliates and a description of the affiliation; and

3. The investor's state and federal tax identification numbers and premium tax identification number.

(e) Records relating to each qualified business or early stage technology Business (collectively "business") invested in by the certified capital company which includes each of the following:

1. The name of the business;

2. The location of the headquarters and principal business operations of the business;

3. A description of the type of business engaged in;

4. Evidence that the business meets the definition of a small business as defined by s. 288.99(3)(k), F.S.;

5. The affidavit required by s. 288.99(3)(k)3., F.S. Such affidavit shall be duly sworn and notarized, and shall be completed by an authorized representative of such business;

6. A copy of any contractual agreement entered into between the certified capital company and the business;

7. The amount of investment made in the business;

8. The type of investment made along with all supporting documentation;

9. The date of the investment;

10. A description of the procedures used to select the business for investment including the names of all individuals associated with the certified capital company who participated in the decision;

11. A due diligence file on the business;

12. Copies of any prospectus or offering material used in connection with the sale of securities by the business to the certified capital company.

13. All correspondence between the certified capital company and the qualified business; and

14. A summary listing of all investments made in qualified businesses as of the end of each calendar year beginning with December 31, 2000.

15. Copies of annual financial statements and the quarterly and annual unemployment tax filings for each qualified business. For a qualified business that is not required to file quarterly and annual unemployment tax filings, the qualified business shall maintain end-of-quarter and end-of-year payroll records which shall include contracts for the leasing of staff.

(f) Organizational documents, and any amendments to these documents, as are applicable, based upon the type of organizational structure. These documents should include the following, as applicable:

1. Articles of Incorporation;
2. Partnership Agreement;
3. Articles of Organization;
4. Bylaws; and
5. Evidence of Registration with the Department of State.

(g) Records relating to capital of the certified capital company which is not invested in qualified businesses which include each of the following:

1. A ledger or customer statement from the financial institution or broker-dealer holding the assets which includes the details of all purchases, sales, receipts, and deliveries of securities; and

2. Evidence that each investment complies with the requirements of s. 288.99(5)(b)3., F.S.

(h) Records relating to all qualified distributions by the certified capital company which include each of the following:

1. The date of the distribution;
2. The amount of the distribution;
3. To whom the distribution was paid;
4. The purpose of the distribution; and
5. A statement describing how each distribution complies with the definition found in s. 288.99(4)(m), F.S.

(i) Records relating to all distributions by the certified capital company, other than qualified distributions, which include each of the following:

1. The date of the distribution;
2. The amount of the distribution;
3. Who the distribution was paid to;
4. The purpose of the distribution; and
5. A statement describing how each distribution complies with s. 288.99(9), F.S.

(j) Documentation to support the information provided to the department pursuant to s. 288.99(8)(a), F.S.

(k) Financial records, prepared in accordance with generally accepted accounting principles, which include each of the following:

1. A journal or journals, including cash receipts and disbursements records, and any other records of original entry forming the basis of entries in any ledger;

2. General and auxiliary ledgers (or other comparable records) reflecting asset, liability, reserve, capital, income and expense accounts;

3. All check books, bank statements, canceled checks and cash reconciliations; and

4. All bills or statements (or copies thereof), paid or unpaid, relating to the business of the certified capital company.

(2) through (3) No change.

Specific Authority 288.99(4)(h)(+) FS. Law Implemented 288.99(3),(4),(5),(8),(9) FS. History—New 9-15-98, Amended _____.

3E-7.008 Forms, Instructions and Manuals.

(1) through (2) No change.

Specific Authority 288.99(4)(h)(+) FS. Law Implemented 288.99(4) FS. History—New 9-15-98.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Don Saxon, Director, Department of Baking and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Saxon, Director, Department of Banking and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2002

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Firefighter Death Benefits
RULE CHAPTER NO.: 4A-64

RULE TITLES: Scope
RULE NOS.: 4A-64.001

Definitions 4A-64.002

Ability to Pay of Benefits 4A-64.003

Designation of Beneficiary or Beneficiaries 4A-64.004

Adjustments to Reflect Consumer Price Index 4A-64.005

PURPOSE AND EFFECT: To adopt rules for definitions, procedures for payment of benefits, and price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes.

SUMMARY: This rule chapter implements the firefighter death benefits requirements in Section 112.191, Florida Statutes, and provides for definitions, procedures for payment of benefits, and price level changes based on the consumer price index related thereto.

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

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

SPECIFIC AUTHORITY: 112.191 FS.
LAWS IMPLEMENTED: 112.191 FS.

IF REQUESTED A HEARING WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW (IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD):

TIME AND DATE: 9:00 a.m., November 21, 2002
PLACE: Room 116, Larson Building, 200 East Gaines Street, Room 116, Tallahassee, Florida

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact Kimberly Riordan, (850)413-3607, no later than 48 hours prior to the meeting or workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3608

THE FULL TEXT OF THE PROPOSED RULES IS:

FIREFIGHTERS DEATH BENEFITS

4A-64.001 Scope.

These rules apply to each employer as defined herein.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New

4A-64.002 Definitions.

For purposes of this rule chapter, the following words or terms found this rule chapter or in Section 112.191, Florida Statutes, have the following definitions.

(1) "Department" means the Department of Insurance.

(2) "Division" means the Division of State Fire Marshal.

(3) "Employer" means each state board, commission, department, division, bureau or agency, and each county, municipality, or other political subdivision of the state employing firefighters and includes each private, non-profit corporation, state board, commission, department, division, bureau or agency, and each county, municipality, or other political subdivision of the state utilizing volunteer firefighters which is subject to Section 112.191, Florida Statutes.

(4) "Engaged in the performance of his or her firefighter duties" means that the firefighter is or was in the process of, or in the act of:

(a) Engaging in any activity which is within the firefighter's job or position description or scope of employment, regardless of whether the firefighter was actually "on duty" at his or her place of employment or not; or

(b) Responding to any emergency or reasonably believing that he or she is responding to an emergency; or

(c) Fighting a fire or engaging in any emergency life or property saving activity; or

(d) Returning from responding to any emergency or from having reasonably believed that he or she was responding to an emergency.

(5) "In the line of duty" means engaged in the performance of his or her firefighter duties, as defined in this section.

(6) "Which has been determined to have been caused by an act of arson" means that the Division of State Fire Marshal or any other investigating agency having jurisdiction to investigate fires and arson such as the local law enforcement authority or the local fire department has made a determination

that the fire was caused by an act of arson, as contemplated by Section 806.01, Florida Statutes. It is not necessary to prove beyond a reasonable doubt in a court of law that an act of arson was committed, or was committed by a specific person.

Nothing in this rule chapter is intended to, or does, limit any portion of Section 112.191, Florida Statutes, in any manner with respect to benefits payable under any other standard set forth therein.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New

4A-64.003 Ability to Pay of Benefits.

(1) Each employer shall maintain an ability to pay the benefits provided under Section 112.191, Florida Statutes.

(2) Each employer shall, at request of the Division, provide the Division with evidence of such ability to pay benefits.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New

4A-64.004 Designation of Beneficiary or Beneficiaries.

(1) Each firefighter who has a beneficiary or beneficiaries who may become eligible for payments under Section 112.191, Florida Statutes, shall file with his or her employer a designation of beneficiary or beneficiaries.

(2) Each employer shall maintain in its possession such designation of beneficiary or beneficiaries until the subject firefighter is no longer associated in any manner with the employer.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New

4A-64.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.191, Florida Statutes, requires that the Division adjust the statutory amount based on the Consumer Price Index for all urban consumers published by the United States Department of Labor as of July 1 of each year. Since the effective date of the act is July 1, 2002, the statutory amount for the period from July 1, 2002 to June 30, 2003, shall be:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2): \$50,000.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2): \$50,000.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2): \$150,000.

(2) On or before July 1, 2003, and each year thereafter, the Division shall adopt by rule the Consumer Price Index adjustment for the next annual period, in accordance with the most recent Consumer Price Index available at the time of such adoption.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 6, 2002

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Safety Inspection of Commercial
RULE CHAPTER NO.: 14-56

Motor Vehicles 14-56

RULE TITLES: Purpose and Scope
RULE NOS.: 14-56.001

Truck Safety Inspection Performed
14-56.002

by the Department 14-56.002

Self-Inspectors 14-56.003

Vehicle Inspection Procedures 14-56.004

Fees 14-56.005

Issuance of Decals to Self-Inspectors 14-56.006

Accounting for Issued Decals 14-56.007

Inspection Not to Constitute a Warranty
of Mechanical Condition 14-56.008

Suspension or Revocation of Approval
as Self-Inspector 14-56.009

Notification of Disapproval, Suspension
or Revocation of a Self-Inspector 14-56.010

PURPOSE AND EFFECT: Rule Chapter 14-56, F.A.C., is considered to be obsolete. Although the Motor Carrier Compliance officers continue to inspect commercial motor vehicles as part of their overall inspections for weight, dimensions, and safety, these ten rules are not needed.

SUMMARY: This is a repeal of ten obsolete rules relating to safety inspections of commercial motor vehicles.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 316.610 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-56.001 Purpose and Scope.

Specific Authority 334.044(2) FS. Law Implemented 316.610 FS. History--New 1-1-84, Formerly 14-56.01, Repealed.

14-56.002 Truck Safety Inspection Performed by the Department.

Specific Authority 334.044(2) FS. Law Implemented 316.610 FS. History--New 1-1-84, Formerly 14-56.02, Repealed.

14-56.003 Self-Inspectors.

Specific Authority 334.044(2) FS. Law Implemented 316.610 FS. History--New 1-1-84, Formerly 14-56.03, Repealed.

14-56.004 Vehicle Inspection Procedures.

Specific Authority 334.044(2) FS. Law Implemented 316.610 FS. History--New 1-1-84, Formerly 14-56.04, Repealed.

14-56.005 Fees.

Specific Authority 334.044(2) FS. Law Implemented 316.610 FS. History--New 1-1-84, Formerly 14-56.05, Repealed.

14-56.006 Issuance of Decals to Self- Inspectors.

Specific Authority 334.044(2) FS. Law Implemented 316.610 FS. History--New 1-1-84, Formerly 14-56.06, Repealed.

14-56.007 Accounting for Issued Decals.

Specific Authority 334.044(2) FS. Law Implemented 316.610 FS. History--New 1-1-84, Formerly 14-56.07, Repealed.

14-56.008 Inspection Not to Constitute a Warranty of Mechanical Condition.

Specific Authority 334.044(2) FS. Law Implemented 316.610 FS. History--New 1-1-84, Formerly 14-56.08, Repealed.

14-56.009 Suspension or Revocation of Approval as Self-Inspector.

Specific Authority 334.044(2) FS. Law Implemented 316.610 FS. History--New 1-1-84, Formerly 14-56.09, Repealed.

14-56.010 Notification of Disapproval, Suspension, or Revocation of a Self-Inspector.

Specific Authority 334.044(2) FS. Law Implemented 316.610 FS. History--New 1-1-84, Formerly 14-56.10, Amended 1-18-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lt Col David Binder, Motor Carrier Compliance Office

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2002

PUBLIC SERVICE COMMISSION

DOCKET NO. 020644-TP

RULE TITLE: Design and Construction of Plant

RULE NO.: 25-4.036

PURPOSE AND EFFECT: To incorporate the most recent editions of the National Electrical Safety Code and National Electrical Code.

SUMMARY: The amendment updates the rule so that it incorporates the most recent editions of the National Electrical Safety Code and the National Electrical Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03 FS.

Written comments or suggestions on the proposed rule may be submitted to the FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ray Kennedy, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.036 Design and Construction of Plant.

(1) The plant and facilities of the utility shall be designed, constructed, installed, maintained and operated in accordance with provisions of the 2002 ~~1993~~ Edition of the National Electrical Safety Code (IEEE C2-2002 ~~1993~~), ~~except that Rule 350G of the safety code shall be effective for cable installed on or after January 1, 1996,~~ and the National Electrical Code (NFPA 70-2002 ~~1993~~), pertaining to the construction of telecommunications facilities.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History—Revised 12-1-68, Amended 4-19-77, Formerly 25-4.36, Amended 2-5-86, 3-26-91, 5-3-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Ray Kennedy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

October 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

Vol. 28, No. 18, May 3, 2002

PUBLIC SERVICE COMMISSION

DOCKET NO. 010774-TP

RULE TITLE: Notice to Customers Prior to Increase

RULE NO.:

in Rates or Charges 25-24.491

PURPOSE AND EFFECT: To require interexchange telecommunications companies to provide reasonable prior notice to their customers of any increase in price or changes in terms and conditions of service that would increase the customers' cost of service.

SUMMARY: The proposed rule requires that interexchange telecommunications companies give reasonable prior notice to their customers of any increase in price or changes in terms and conditions of service that would increase the customers' cost of service. The proposed rule provides flexibility in the way such notice may be given and also provides circumstances in which the notice will be presumed reasonable.

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 regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127, 364.0252, 364.19 FS.

LAW IMPLEMENTED: 364.0252, 364.19 FS.

Written comments or suggestions on the proposed rule may be submitted to the FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6199

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.491 Notice to Customers Prior to Increase in Rates or Charges.

(1) All interexchange telecommunications companies shall provide reasonable notice of any increase in intrastate telecommunications rates, or any changes in terms or conditions that would cause a material increase in customer charges, to each of their affected residential and single-line business retail subscribers, prior to implementation of the increase.

(2) The notice shall be clear and conspicuous, shall be identified with the heading: "Notice of Price Increase," or "Notice of Price Change," if the change will result in a price increase for some customers and a price decrease for some customers, and shall be presumed reasonable if provided in any of the following manners:

(a) First class mail postmarked at least 15 days prior to the effective date of the increase in rates or charges to the customer;

(b) A bill insert or bill message mailed to the customer no later than one billing cycle prior to the effective date of the increase in rates or charges to the customer;

(c) For those customers who have elected to receive electronic billing, an electronic message sent at least 7 days prior to the effective date of the increase in rates or charges to the customer; or

(d) Pursuant to a written contract that specifically and conspicuously prescribes a method for notice of price increases.

Specific Authority 350.127, 364.0252, 364.19 FS. Law Implemented 364.0252, 364.19 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Office of Public Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 27, No. 27, July 6, 2001

PUBLIC SERVICE COMMISSION

DOCKET NO. 020644-TP

RULE TITLES:	RULE NOS.:
Pay Telephone Service	25-24.515
Rules Incorporated	25-24.585

PURPOSE AND EFFECT: To incorporate the most recent editions of the National Electrical Safety Code, National Electrical Code, and the American National Standards Institute's Accessible and Usable Building and Facilities standards into the rules.

SUMMARY: The amendments update the rules so that they incorporate the most recent editions of the National Electrical Safety Code, the National Electrical Code and American National Standards Institute's Accessible and Usable Building and Facilities standards. The amendments also remove some compliance deadlines that are no longer relevant and incorporate the requirements of Rule 25-4.036 into Rule 25-24.585, so that the requirements apply to shared tenant service companies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 350.127(2), 427.704(8) FS.

LAW IMPLEMENTED: 350.113, 364.01(4), 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345, 364.016, 364.17, 364.18, 364.183, 364.185, 364.339 FS.

Written comments or suggestions on the proposed rule may be submitted to the FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record,

including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ray Kennedy, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULES IS:

25-24.515 Pay Telephone Service.

(1) through (8) No change.

(9) ~~Each~~ Except as provided in paragraph 9(c), each pay telephone station shall be equipped with a legible sign, card, or plate of reasonable permanence which shall identify the following:

(a) through (b) No change.

~~(c) Pay telephone providers have until June 30, 1999, or six months after the effective date of this rule, which ever is later, to comply with the requirements of placing the certificate number on the pay telephone station sign, card, or plate.~~

(10) through (13)(a) No change.

(b) A pay telephone provider may petition the Commission for an exemption from the incoming call requirement for a period that shall not exceed two years from the effective date of the Order granting the exemption. Requests for exemption from the requirement that each pay telephone station allow incoming calls shall be accompanied by a completed Form PSC/CMP-2 (02/99), entitled "Request to Block Incoming Calls," which is incorporated into this rule by reference and may be obtained from the Commission's Division of Competitive Markets and Enforcement. The form requires an attestation from the owner of the pay telephone, the owner of the pay telephone location, and the chief of the responsible law enforcement agency that the request is sought in order to deter criminal activity facilitated by incoming calls being received at the specified pay telephone. A separate form shall be filed for each telephone number for which an exemption is sought. ~~Exemptions which were granted prior to the two-year limitation will expire two years from the effective date of the amendment establishing the two-year limitation.~~ The provider of the pay telephone may request subsequent two-year exemptions by filing another Form PSC/CMP-2 (02/99). Where incoming calls are not received, central-office based intercept shall be provided at no charge to the end user and a written notice shall be prominently displayed on the

instrument directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement."

(14) through (15)(b) No change.

(16)(a) Where there is a single pay telephone station, a directory shall be maintained at each station. Where there are two or more pay telephone stations located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone pay stations are fully enclosed, a directory shall be maintained at each pay telephone station. For purposes of this rule, the term "directory" shall mean both a current white page directory for the local calling area and a reasonably current yellow page directory that is appropriate for the calling area of the pay telephone station. ~~Companies must comply with this subsection by June 30, 1999, or six months after the effective date of this rule, which ever is longer.~~

(b) through (17) No change.

(18)(a) Except as provided in paragraphs (18)(b)-(d) ~~(a)-(c) and (e)~~ below, each pay telephone station shall conform to sections 703.7.2.3 and 704 4.28.8.4 and 4.29 of the American National Standards Accessible and Usable Buildings and Facilities, approved ~~December 15, 1992~~, by the American National Standards Institute, Inc. (ANSI A117.1-1998 1992), which is incorporated by reference into this rule.

(b) through (c) No change.

~~(d) Pay telephone stations located in buildings which are not wheelchair accessible must comply with all ANSI provisions cited in this subsection except that these stations are exempt from complying with ANSI sections 4.29.2 through 4.29.4, 4.29.7, and 4.29.8 until the building is modified to make it wheelchair accessible.~~

~~(d)(e)~~ Pay telephones shall not be installed where the required "clear floor or ground space" provided for in ANSI section 704.2.1 would be ~~4.29.2~~ is reduced by a vehicle parked in a designated parking space.

~~(f) Each pay telephone provider shall modify its pay telephone station to comply with ANSI section 4.29.5 within six months from the effective date of these rules.~~

(19) through (22) No change.

(23) Pay telephone facilities shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2002) and the National Electrical Code (NEPA 70-2002).

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99.

25-24.585 Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to shared tenant service companies:

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.019	Records and Reports in General	All
25-4.020	Location and Preservation of Records	All except (1) and (3)
<u>25-4.036</u>	<u>Design and Construction of Plant</u>	<u>All</u>
25-4.043	Response to Commission Staff Inquiries	All
25-4.0161	Regulatory Assessment Fees; Telecommunication Companies	All
25-4.160	Operation of Telecommunications Relay Service	All

(2) No change.

Specific Authority 350.127(2), 427.704(8) FS. Law Implemented 350.113, 364.016, 364.17, 364.18, 364.183, 364.185, 364.339 FS. History--New 1-28-91, Amended 12-29-91, 11-13-95, 7-29-97, 4-8-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Kennedy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28, No. 18, May 3, 2002

DEPARTMENT OF CORRECTIONS

<u>RULE TITLES:</u>	<u>RULE NOS.:</u>
Criteria for Assignment to Staff Housing	33-208.504
Responsibilities of Staff Housing Occupants	33-208.507
Staff Housing Inspections	33-208.508
Termination of Staff Housing Assignment	33-208.510

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to clarify procedures related to staff housing.

SUMMARY: The proposed rules clarify staff housing rule provisions regarding employee owned mobile homes, officer quarters, responsibilities for correction of deficiencies, and issuance of notices of expiration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 945.025 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.025 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

- (1) No change.
- (2) Mobile Home Spaces.
- (a) through (c) No change.

(d) Mobile homes owned by employees are not considered staff housing and will not be subject to annual inspections, but if there is cause to suspect illegal activities are occurring at that location, the Inspector General's Office shall be contacted.

- (3) through (5) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, 9-5-89, Formerly 33-26.004, 33-602.504, Amended 8-16-00, 4-8-02, _____.

33-208.507 Responsibilities of Staff Housing Occupants.

- (1) No change.
- (2) General.
- (a) through (i) No change.
- (j) Occupants of officer quarters shall not permit family or other persons to reside or be overnight guests in their rooms.
- (k) through (n) No change.

(o) If an occupant of a personally owned mobile home leaves or transfers from the institution, he or she shall be responsible for removing the mobile home from the institutional grounds prior to or at the time of transfer. Occupants of personally-owned mobile homes who sell or transfer title to their mobile home to someone who is not assigned to occupy a mobile home space shall ensure that the mobile home is removed from the institution grounds prior to or at the time of sale or title transfer. If the new owner is someone who is assigned to occupy a mobile home space, he or she will be required to provide proof of ownership by title or registration as provided in paragraph 33-208.505(2)(b), F.A.C.

- (p) through (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.007, 33-602.507, Amended 8-16-00, _____.

33-208.508 Staff Housing Inspections.

(1) through (2) No change.

(3) Deficiencies found to be the responsibility of the occupant shall be corrected within one week unless an exception is granted by the warden. The occupant shall report corrective action taken in writing to the warden.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.008, 33-602.508, Amended 8-16-00,_____.

33-208.510 Termination of Staff Housing Assignment.

(1) Expiration.

(a) No change.

(b) Written notice of expiration under subparagraphs (1)

(a) 1 or 2 above, including the effective date, shall be issued to an occupant by the warden with an effective date which shall not exceed fourteen (14) days from the date of written notice. If the occupant is the warden, the regional director shall issue the notice of expiration within the stated time frame.

(c) through (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Amended 6-22-89, Formerly 33-26.010, 33-602.510, Amended 8-16-00, 4-8-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ethan Colchiski

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 6, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: Probation and Parole – Use of Force

RULE NO.: 33-302.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures for use of force and reporting use of force by correctional probation officers.

SUMMARY: The proposed rule clarifies procedures for use of force and reporting use of force by correctional probation officers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.35 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.105 Probation and Parole – Use of Force.

(1) Physical force shall not be used on offenders under supervision in the performance of duty unless required:

(a) No change.

(b) To prevent damage to property owned or leased by the department; or

(c) To quell a disturbance on property owned or leased by the department; or

(d) To overcome physical resistance to application of handcuffs or authorized restraining devices a lawful command; or

(e) through (f) No change.

(2) No change.

(3) Whenever force is used, the highest ranking official involved or the most senior highest ranking official shall inform the circuit administrator immediately. Whenever force is used, except as provided in paragraph (5)(f), a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. This report shall be completed within one working day (Monday through Friday) of the incident. Form DC3-210, Community Corrections Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior highest ranking official involved shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC3-210 part I shall prepare a Community Corrections Report of Force Used Staff Supplement, Form DC3-211, within one working day (Monday through Friday) of the incident. The report shall describe in detail the type and amount of force used by himself or herself. Any additional employee who does not agree with the facts and circumstances as reported in Form DC3-210 part I shall prepare a separate Form DC3-210, Community Corrections Report of Force Used within one working day (Monday through Friday) of the incident. Any employee who witnesses the use of force, but was not directly or physically involved in the use of force, shall complete Form DC3-225, Community Corrections Incident Report, within one working day (Monday through Friday) of the incident. Forms DC3-210, DC3-211 and DC3-225 shall be submitted to the circuit administrator upon completion. Forms DC3-210, DC3-211 and DC3-225 are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections,

2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is _____. Staff or Offender Injury Sustained During Use of Force Incident.

(a) Medical attention for any injury sustained by staff during an incident involving the use of force shall be sought through Worker's Compensation, unless injuries warrant the summoning of emergency medical personnel.

(b) When safety is not jeopardized, the offender will be asked if any injury was sustained as soon as possible following a use of force incident. If the offender responds in the affirmative and the offender is in the custody of law enforcement, the correctional probation officer shall convey the reported injury to law enforcement. The officer shall document details of this reported injury in case notes, including the name of the law enforcement officer and any witnesses.

(c) If the offender is not in custody, the officer shall call emergency services for the offender as soon as possible, without jeopardizing the officer's safety. Documentation of contacts for medical services shall be included in the Community Corrections Report of Force Used.

(4) Use of Handcuffs.

(a) Officers shall use handcuffs in accordance with subsection (1) of this rule only in case of emergencies in the office involving the following:

1. Self-defense or the protection of others; or
2. To prevent damage to property; or
3. To quell a disturbance; or
4. To overcome physical resistance to a lawful command;

or

5. To prevent an offender from inflicting injury to herself or himself; or

6. When assisting law enforcement in the lawful performance of their duties.

(b) A minimum of one set of The handcuffs shall be maintained by the supervisor in an accessible location in the office.

(c) No change.

(d) In any case in which handcuffs are used, an accurate record shall be maintained by the circuit administrator as to the location and reason for use, and a factual description of the circumstances and the incident. This information shall be reflected on the Community Corrections Report of Force Used, Form DC3-210. ~~The officer who used the handcuffs shall complete the report within five working days (Monday through Friday) after the incident.~~ Any additional officer(s) physically involved in the handcuffing who agrees with the facts and circumstances as reported on the DC3-210, shall prepare a Community Corrections Report of Force Used – Staff Supplement, DC3-211. ~~Form DC3-211 is hereby incorporated by reference. A copy of this form may be obtained from the~~

Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is October 2, 2001.

(5) Use of chemical agents.

(a) Officers shall use chemical agents in accordance with subsection (1) of this rule. Chemical agents shall be used ~~only~~ for self-defense or defense of another and only after all other reasonable efforts to avoid confrontation with a disorderly person or persons or animal posing an immediate threat of bodily harm to an officer have been exhausted. Chemical agents will never be used to punish an offender. Chemical agents will be used when this level of force is the least likely to cause injuries to all parties involved, and when a lesser level of force or persuasion is ineffective.

(b) Chemical agents shall be used only by persons trained by instructors certified by the Florida Department of Law Enforcement, and shall be used only for authorized purposes as outlined in this rule. ~~FDLE training shall be coordinated by the director of the Florida Corrections Academy.~~ Officers shall receive training within 6 months after hire and shall receive retraining yearly. Training documentation shall be maintained in the employee's personnel file. Chemical agents shall be used only according to the principles taught by FDLE and only in situations authorized in this rule.

(c) Only those chemical agents containing oleoresin capsicum and that are non-flammable shall be approved for use. Chemical agents may be issued to correctional probation staff including clerical support staff who have received training pursuant to paragraph (5)(b). Trained support staff are authorized to be issued a chemical agent with not more less than two (2) ounces. The Receipt for Chemical Agents, Form DC3-254, will be utilized to document the issuance, testing, and return of chemical agents. This form is hereby incorporated by reference. The Chemical Agent Inventory, Form DC3-253, is utilized by the circuit office to maintain control of the chemical agents issued, stored, returned, and disposed of within the circuit. ~~The circuit office will conduct semi-annual chemical agent inventories.~~ This form is hereby incorporated by reference. Copies of Form DC3-254 and DC3-253 may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is October 2, 2001. Staff who have received training may carry chemical agents upon their persons during working hours. Nothing in this rule authorizes staff to carry department issued chemical agents while off duty. Support staff must ~~shall~~ store chemical agents safely and securely in the office after working hours. If an employee has a question regarding chemical agents, he or she shall refer to the manufacturer's instructions or shall contact his or her supervisor.

(d) through (e) No change.

procedures of the Department of Corrections, as well as information particular to the local institution shall be explained to the inmate. The warden shall review and approve the contents of the orientation to ensure that the security of the institution is not compromised. The reception centers shall provide a more in-depth orientation of overall department rules, while the receiving institutions which serve as the inmates' permanent locations shall emphasize the local operating procedures in their orientation. As inmates are received into the department, reception centers shall provide each inmate with a printed copy of Rules 33-601.301-601.314, F.A.C., Inmate Discipline. Translations or translation assistance shall be provided as needed. Copies of the rules and procedures shall be available to inmates upon request to read or review (not for retention). In cases where the inmate is unable to read or comprehend English, translation shall be made available. Copies of the rules and procedures shall also be available for inmate inspection in the institutional library.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jerry Vaughan
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: Care of Inmates
 RULE NO.: 33-602.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete orientation language which is being moved to a new orientation rule in order to provide clarity in organization of rule provisions, and to provide guidelines for receipt and possession of books on tape by impaired inmates.

SUMMARY: The proposed rule deletes orientation language which is being moved to a new orientation rule and provides guidelines for receipt and possession of books on tape by impaired inmates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.101 Care of Inmates.

~~(1) Upon initial arrival in the Department of Corrections, as well as upon transfer within the department, each inmate shall be provided with orientation at which time the Rules and Regulations and Directives of the Department of Corrections, as well as the local institutional operating procedures shall be explained to him. The warden shall review and approve the contents of the orientation to ensure that the security of the institution is not compromised. The reception centers shall provide a more in-depth orientation of overall department rules, while the receiving institutions which serve as the inmates' permanent locations shall emphasize the local operating procedures in their orientation. As inmates are received into the department they shall be provided with a printed copy of rules 33-601.301-601.314, Inmate Discipline. Translations or translation assistance shall be provided as needed. Copies of the Department Rules shall be available to inmates upon request to read or review (not for retention). In cases where the inmate is unable to read or comprehend English, translation must be made available. Copies of the Rules and Regulations shall also be available for inmate inspection in the institutional library.~~

(2) through (10) renumbered (1) through (9) No change.

~~(10)(11)~~ Inmates who are unable to handle or read written material due to physical impairment (this includes those who are visually impaired, paraplegic or quadriplegic, or severely affected with arthritis) and who receive assistance from the Bureau of Braille and Talking Book Library Services shall be allowed to possess a tape player or record player from the Bureau. Any alteration of equipment provided by the Bureau shall result in confiscation of the equipment and suspension of those privileges. A tape recorder shall be available for inmate use at a location determined by the warden which allows for supervision of use and which does not unduly restrict access. Inmates shall obtain approval from the chief health officer to utilize the tape recorder in lieu of pen and paper for correspondence purposes. Any material or equipment that an inmate receives from the Bureau of Braille and Talking Book Library Services remains the Bureau's property and must be returned to the Bureau if an inmate loses the use of this material or equipment for disciplinary reasons. Impaired inmates shall be limited to possession of four books on tape. An inmate who has four books on tape in his possession will not be allowed to receive additional books until some are returned to the Bureau of Braille and Talking Book Library Services.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-8-76, Formerly 33-3.02, Amended 4-19-79, 4-24-80, 1-9-85, 11-3-87, 9-16-88, 7-23-89, 8-27-91, 3-30-94, 11-14-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Vaughan
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Telephone Use
RULE NO.: 33-602.205

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the application of telephone privileges and the process for making changes to the inmate telephone list.

SUMMARY: The proposed rule clarifies the application of telephone privileges and the process for making changes to the inmate telephone list.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.205 Inmate Telephone Use.

(1) This subsection sets forth the minimum telephone privileges that shall be granted to inmates housed in institutions or facilities other than community correctional centers, ~~Florida State Prison, or inmates housed on death row at Union Correctional Institution.~~ All inmate calls, with the exception of those calls placed to attorneys pursuant to paragraph (3)(a) shall be subject to monitoring and recording. Due to the high level of security needs on at Florida State Prison and death row at Union Correctional Institution, the only telephone privileges available to ~~FSP and UCI~~ death row

inmates are those set forth in paragraph (3)(a), private calls to attorneys, and subsection (4), calls made in the event of family crisis.

(2) Inmate telephone procedures will be conducted as follows:

(a) No change.

(b) The reception center classification staff shall compile the inmate calling list through use of Form DC6-223, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 shall become part of the inmate's permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. The effective date of this form is ~~_____ February 7, 2000.~~

(c) An inmate shall be allowed to change his or her telephone list once every six months by completing a new Form DC6-223, Inmate Telephone Agreement and Number List. Changes can be made more frequently for the following reasons only:

1. The number for a person already on the inmate's list has been changed. The inmate shall be responsible for providing documentation of the change to his or her classification officer before the list will be amended. Documentation shall be in the form of copies of the cover page of both the old and new telephone statement of the person whose number has been changed. The cover page must include the name, address and telephone number of the individual.

2. through 3. No change.

(d) through (14) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Vaughan

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 6, 2002

DEPARTMENT OF ELDER AFFAIRS

Aging and Assisted Living Programs

RULE TITLES:	RULE NOS.:
Definitions	58A-1.001
Responsibilities of the Department of Elder Affairs as the State Agency on Aging	58A-1.004
The Area Agency on Aging's Area Plan	58A-1.006
Area Agency on Aging Functions and Responsibilities	58A-1.007

PURPOSE AND EFFECT: The purpose of the amendments to Rules 58A-1.001, .004, .006, and .007, F.A.C., is to delete all references to the Department of Elder Affairs Programs and Services Manual and incorporate instead the Home and Community-Based Services Manual.

SUMMARY: The proposed rule revisions delete references to the Department of Elder Affairs Programs and Services Manual from Chapter 58A, F.A.C. The rule revision will instead incorporate a new manual to be entitled the Home and Community-Based Services Manual that will provide standards and guidelines for service providers under contract or subcontract with the Department of Elder Affairs to follow in the performance of normal business operations.

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

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

SPECIFIC AUTHORITY: 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla.

LAW IMPLEMENTED: 20.41, 410.011, 410.016, 430.03(6), 430.06 FS., ch. 91-115, s. 10, Laws of Fla.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., November 13, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Thomas, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000, (850)414-2000

THE FULL TEXT OF THE PROPOSED RULE IS:

58A-1.001 Definitions.

(1) through (44) No change.

(45) HOME AND COMMUNITY-BASED SERVICES MANUAL PROGRAMS AND SERVICES MANUAL is the Department of Elder Affairs Home and Community-Based Services Manual Programs and Services Manual, dated January 1, 2003 ~~July 1994 and revised November 1994~~, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 ~~in the Office of the Secretary and at each Area Agency on Aging~~, and herein incorporated by reference.

(46) through (57) No change.

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41(2), 410.011, 410.016, 430.03(6) FS., ch. 91-115, Laws of Fla. History–New 12-23-81, Formerly 10A-11.01, 10A-11.001, Amended 3-28-95,_____.

58A-1.004 Responsibilities of the Department of Elder Affairs as the State Agency on Aging.

(1) through (5) No change.

(6) The Department will coordinate the development of programs and services, including those of Titles III and VII of the Older Americans Act, pursuant to State and Federal law and pursuant to and establish policy and minimum standards ~~for them as prescribed defined~~ in the Department of Elder Affairs Home and Community-Based Programs and Services Manual, dated July 1994 and revised November 1994, available in the Office of the Secretary and at each Area Agency on Aging, and herein incorporated by reference.

(7) through (8) No change.

(9) For the purpose of acquiring programmatic and fiscal information for Federal and State data and analysis the Department shall establish, through contract, reporting requirements for Area Agencies on Aging and service providers ~~in accordance with the Department of Elder Affairs Programs and Services Manual, Chapter I-4, Program Reporting Responsibilities, dated July 1994 and revised November 1994, available in the Office of the Secretary and at each Area Agency on Aging, and herein incorporated by reference.~~

(10) No change.

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41, 410.011, 410.016, 430.06 FS., ch. 91-115, s. 10, Laws of Fla. History–New 12-23-81, Formerly 10A-11.04, 10A-11.004, Amended 3-28-95,_____.

58A-1.006 The Area Agency on Aging’s Area Plan.

(1) No change.

(2) Preparation and submission of a formal Area Plan will be done pursuant to contract provisions with ~~in accordance with the prescribed Area Plan Format and the Department of Elder Affairs Programs and Services Manual, dated July 1994 and revised November 1994, available in the Office of the Secretary and at each Area Agency on Aging, and herein incorporated by reference.~~

(a) through (g) No change.

(3) through (6) No change.

(7) Withdrawal of an Area Agency on Aging designation will be done in conformity with Federal Regulations governing the Older Americans Act program and in accordance with the Administrative Procedures Act, Chapter 120, F.S., ~~subsection 58A-1.005(4), F.A.C., above, and the Department’s Programs and Services Manual, Chapter IV-1, General Policies, Older American Act, dated July 1, 1994, available at Department headquarters and at each Area Agency on Aging, and incorporated herein by reference.~~

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41, 410.016(2)(h), (m), 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History—New 12-23-81, Formerly 10A-11.06, 10A-11.006, Amended 3-28-95,_____.

58A-1.007 Area Agency on Aging Functions and Responsibilities.

(1) through (2) No change.

(3) The Area Agency on Aging is authorized to plan and administer under contract with the Department the following programs as established by Federal and requirements, Florida State law, and policies of the Department of Elder Affairs, Programs and Services Manual:

(a) through (h) No change.

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41, 409.508(4), 410.016(2)(d), (f), (h), (i), (m), 410.401, 410.402, 410.403, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History—New 12-23-81, Formerly 10A-11.07, 10A-11.007, Amended 3-28-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terry White, Secretary

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry White, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2002

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Human Resource Management

RULE TITLES:	RULE NOS.:
General Responsibilities	60L-31.001
Job Family Descriptions, Occupational Group Characteristics, and Occupation Profiles	60L-31.002
Position Descriptions	60L-31.003
Exercise of Classification Authority	60L-31.004

PURPOSE AND EFFECT: To implement the “broad-branding” classification and compensation program required by section 110.2035, F.S., which replaces the classification plan required by section 110.207, F.S.

SUMMARY: Amends existing rules to effect the classification portion of the “broad-branding” classification and compensation program developed under section 110.2035, F.S.

SPECIFIC AUTHORITY: 110.1055, 110.2035(6) FS.

LAW IMPLEMENTED: 110.2035 FS.

IF REQUESTED AND NOT DEEMED UNECESSARY 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 26, 2002

PLACE: Department of Management Services, 4040 Esplanade Way, Suite 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frederick J. Springer, Department of Management Services, Office of General Counsel, 4050 Esplanade Way, Suite 260, Tallahassee, FL 32399-0950, (850)487-1898, springf@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-31.001 General Responsibilities.

(1) ~~The official broadband level code class titles and class codes~~ shall be used on all personnel and payroll records and in the preparation of legislative and operating budgets.

(2) Positions shall not be allocated to a broadband level class that has not been approved as part of the classification plan.

(3) The Department shall prescribe, and each employing agency shall maintain, a position numbering system that identifies each individual position.

(4) The Department shall assign to each position those designators the Department has established under sub-paragraph 60L-31.002(3)(e). ~~designate all classes as excluded or included (in FLSA terms, exempt or non-exempt). If any agency finds that a position allocated to a class designated as excluded does not meet the FLSA requirements for exemption, the agency shall:~~

~~(a) If the position is in the selected exempt service or senior management service, notify the Department in writing and await advice on what action is necessary to comply with the FLSA; or~~

~~(b) In all other instances, either remove the duties that prevent the position from being deemed to fall within a class designated as excluded, or reallocate the position to a class designated as included.~~

(5) The Department shall be responsible for the following.

(a) The overall establishment, coordination, review, and maintenance of the classification plan.

~~(b) The establishment of new classes and the revision or abolishment of existing classes.~~

~~(c) The determination of all designations for the classes in the classification plan.~~

~~(b)(d)~~ The conducting of periodic studies and surveys to assure that the classification plan is maintained on a current basis.

~~(c)(e)~~ The post audit of the action taken by an employing agency in classifying or reclassifying positions.

~~(d)(f)~~ The development of model forms to be used by all agencies in describing essential functions of the position, assigned duties, supervisory relationships, special skills required, and other information necessary to determine the proper classification of each position. When deemed necessary

for the maintenance of the classification plan, the Department may require submission of forms or any other related information.

(6) Except as expressly delegated to an agency, the Department shall assign positions to the selected exempt service and senior management service in accordance with the specific designations under Section 110.205, Florida Statutes, and the organization structures determined in accordance with Chapters 20 and 216, Florida Statutes, or other applicable law. The Department may assign positions that are not so designated by taking into account as a minimum:

(a) through (f) No change.

Specific Authority 110.1055, 110.131(3), 110.201(1), 110.2035(1), ~~110.207(1)(f), 110.403(1)(c), 110.605(1)~~ FS. Law Implemented 110.131, 110.201, 110.2035, 110.20, 110.403, 110.605 FS. History–New 1-1-02, Amended _____.

(Substantial rewording of Rule 60L-31.002 follows. See Florida Administrative Code for present text.)

60L-31.002 Job Family Descriptions, Occupational Group Characteristics, and Occupation Profiles Class Specifications.

(1) The Department shall establish and maintain the job family descriptions, occupational group characteristics, and occupation profiles.

(2) Each job family description shall include a list of occupational groups within the job family and a list of all occupations within the occupational group.

(3) For each occupational group, the Department shall establish and maintain:

- (a) A description of the occupational group;
- (b) An effective date;
- (c) The primary performance factors within the occupational group;
- (d) Performance typically associated with each broadband level; and
- (e) Position designators valid within each broadband level.

(4) For each occupation, the Department shall establish and maintain:

- (a) A description of the occupation;
- (b) An effective date;
- (c) Examples of work;
- (d) Examples of job characteristics;
- (e) Examples of knowledge, skills and abilities as established and maintained by the Department for positions that will be allocated to the broadband level (while the exact duties and responsibilities of positions in the broadband level may differ, all positions allocated to the broadband level shall be sufficiently similar as to kind of work, level of difficulty or responsibility, and qualification requirements to warrant like treatment); and
- (f) Licensure, certification or registration requirements.

Specific Authority 110.1055, 110.131(3), 110.201(1), 110.2035(1), ~~110.207(1)(f), 110.403(1)(c), 110.605(1)~~ FS. Law Implemented 110.131, 110.201, 110.2035, 110.20, 110.403, 110.605 FS. History–New 1-1-02, Amended _____.

60L-31.003 Position Descriptions.

(1) The employing agency shall ~~prepare~~ maintain a current position description for each established position authorized for the agency ~~prepared in accordance with this rule.~~ The position description shall include: an accurate description of the duties and responsibilities normally assigned to the position; and the job related knowledge, skills, and abilities required for the position; any licensure, certification or registration required for the position (including testing); and any position designators. The current position description shall serve as the official record of the duties and responsibilities assigned the position and shall be used to officially classify the position.

(2) When a position description is prepared, it shall be completed and signed by the appropriate authority as determined by the agency to certify that the duties described are accurate and reflect the responsibilities officially assigned to the position.

(3) Each position description and any attached information shall be maintained by the employing agency or by the Department's designee and a copy shall be made available to each incumbent of the position.

~~(4) The agency shall furnish to the Department~~ shall have electronic access to the official a copy of each position description for selected exempt service and senior management service positions.

(5) Upon good cause shown in writing, the Department may excuse an agency from this rule's requirement of maintaining records electronically. In assessing good cause, the Department shall consider the agency's technological capability and whether the records are electronically accessible via the Department's designee.

Specific Authority 110.1055, 110.131(3), 110.201(1), 110.2035(1), ~~110.207(1)(f), 110.403(1)(c), 110.605(1)~~ FS. Law Implemented 110.131, 110.201, 110.2035, 110.20, 110.403, 110.605 FS. History–New 1-6-02, Amended _____.

60L-31.004 Exercise of Classification Authority.

(1) No change.

(2) Classification actions taken by an employing agency shall be within the classification system classes of positions established by the Department, ~~shall be in accordance with the concepts and allocation factors for the classes established by the Department,~~ and shall be in accordance with these rules.

(3) Any classification action to be taken by an employing agency shall be initiated by preparation of a current position description.

(a) If Office of Policy and Budget approval is required to effect a classification action, the employing agency shall not effect the classification action until the required approval has been obtained.

(b) An agency requesting a revision of the classification system ~~new class or class revision~~ shall furnish to the Department position descriptions, the a proposed changes class specification, and any other material the agency believes justifies the request.

(4) Classification actions of the employing agency shall be subject to post audit review by the Department. If the Department determines that the duties and responsibilities officially assigned to the position are not in accordance with the classification system ~~allocation factors contained in the Department's class specification~~, the action may be changed as provided in Chapter 110, Florida Statutes.

(5) No change.

Specific Authority 110.1055, 110.131(3), 110.201(1), 110.2035(1), 110.207(1)(f), 110.403(1)(c), 110.605(1) FS. Law Implemented 110.131, 110.201, 110.207, 110.403, 110.605 FS. History--New 1-22-02, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert H. Hosay, Assistant Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

DEPARTMENT OF MANAGEMENT SERVICES

Division of Human Resource Management

RULE TITLES:	RULE NOS.:
Determining Salary upon Appointment	60L-32.001
Increases to Base Rate of Pay	60L-32.0011
Salary Additives	60L-32.0012
Computation of Hourly Rate	60L-32.002
Dual Employment and Compensation	60L-32.003
Benefits	60L-32.005

PURPOSE AND EFFECT: To implement the "broad-branding" classification and compensation program required by Section 110.2035, F.S., which replaces the compensation plan required by Section 110.209, F.S.

SUMMARY: Amends existing rules to effect the compensation portion of the "broad-branding" classification and compensation program developed under Section 110.2035, F.S.

SPECIFIC AUTHORITY: 110.1055, 110.2035(6) FS.

LAW IMPLEMENTED: 110.2035 FS.

IF REQUESTED AND NOT DEEMED UNECESSARY 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 26, 2002

PLACE: Department of Management Services, 4040 Esplanade Way, Suite 301, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frederick J. Springer, Department of Management Services, Office of General Counsel, 4050 Esplanade Way, Suite 260, Tallahassee, FL 32399-0950, (850)487-1898, springf@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-32.001 Determining Salary upon Appointment.

Upon appointment, an agency shall set an employee's base rate of pay within the pay band salary range for the broadband level class to which appointed; provided, that an employee given trainee status shall be paid during the training period in accordance with the individual training scheduled, subject to FLSA requirements. ~~An agency may use an advanced appointment rate to set the base rate of pay above the minimum in the range.~~

Specific Authority 110.1055, 110.131(3), 110.201(1), 110.2035(1), ~~110.209(1)(e), 110.209(3),~~ 110.403(1)(c), 110.605(1) FS. Law Implemented 110.131, 110.201, 110.2035, ~~110.209~~, 110.403, 110.603 FS. History--New 1-6-02, Amended

60L-32.0011 Increases to Base Rate of Pay.

An agency may increase an employee's base rate of pay within the established pay band range at any time, based upon documented justification, provided funds are available for the increase, and the increase is not specifically prohibited by law.

Specific Authority 110.1055, 110.131(3), 110.201(1), 110.2035(1), ~~110.209(1)(e), 110.209(3),~~ 110.403(1)(c), 110.605(1) FS. Law Implemented 110.131, 110.201, 110.2035, ~~110.209~~, 110.403, 110.603 FS. History--New 1-1-02, Amended

60L-32.0012 Salary Additives.

(1) Salary additives are temporary increases to the base rate of pay. ~~The Department shall approve salary additives for specific classes within the career service.~~ Employees filling positions for which a salary additive has been approved shall receive the salary additive. A salary additive shall be removed or adjusted upon a change in the conditions upon which it was granted.

(2) For career service employees, salary additives include the following:

(a) through (b) No change.

(c) Hazardous Duty Additive – An agency may approve this additive for specific positions ~~within a class~~ when it can be demonstrated that such positions are required to perform duties and responsibilities that are exceptionally hazardous or dangerous. Such duties and responsibilities shall not be customarily associated with all positions in the broadband level class.

(d) Leadworker Additive – An agency may approve this additive for individuals with sufficient knowledge and experience to lead others ~~within the same class~~ when assigned

such responsibilities on a continuing basis. The leadership does not include evaluating other's performance or administering disciplinary actions, and it does not justify reclassification. Duties must be reflected on the position description and in accordance with Chapter 60L-31.

(e) Temporary Special Duty Additive – An agency may approve this additive, for a period of ninety days, when a position has been assigned temporary duties and responsibilities not customarily assigned to the position. An agency ~~shall not may request Office of Policy and Budget approval to~~ extend the period without Department approval.

(f) Trainer Additive – An agency may approve this additive when an employee is assigned the responsibility to provide on-the-job training to other employees as part of an agency-approved formalized training program; provided, that such training is not part of the customarily assigned duties of the position class.

(g) Competitive Area Differential Additive – An agency shall not grant this additive without Department approval. This additive is justified ~~for a class~~ based on geographical, localized recruitment, turnover, or competitive pay problems. This additive ~~shall~~ should apply to all positions with similar duties and responsibilities in the approved occupation class within the geographical area for which the Department approves the additive.

~~(h) Coordinator Additive – An agency may approve this additive for individuals with sufficient knowledge and experience to coordinate others across classes when assigned such responsibilities on a continuing basis. The coordination does not justify reclassification. Duties must be reflected on the position description and in accordance with Chapter 60L-31.~~

~~(h)(i)~~ Critical Market Pay Additive – An agency shall not grant this additive without Department approval. This additive is justified when pay for a position is substantially below the prevailing market rate, resulting in hiring and retention difficulties. In considering requests for this additive, the Department shall conduct all relevant analyses to determine the need for a pay adjustment for the position. An agency requesting this additive shall assist the Department in any analyses the Department requests.

Specific Authority 110.1055, 110.131(3), 110.201(1), 110.2035(1), ~~110.209(1)(e), 110.209(3),~~ 110.403(1)(c), 110.605(1) FS. Law Implemented 110.131, 110.201, 110.2035, ~~110.209~~; 110.403, 110.603 FS. History–New 1-22-02, Amended.

60L-32.002 Computation of Hourly Rate.

(1) through (2) No change.

(3) Calculate hourly regular rate of pay as follows:

Biweekly Base Rate of Pay x 26 = Hourly Regular Base Rate of Pay
2080 hours

Monthly Base Rate of Pay x 12 = Hourly Regular Base Rate of Pay
2080 hours

(4) No change.

Specific Authority 110.1055, 110.131(3), 110.201(1), 110.2035(1), ~~110.209(1)(e), 110.209(3),~~ 110.403(1)(c), 110.605(1) FS. Law Implemented 110.131, 110.201, 110.2035, ~~110.209~~; 110.403, 110.603 FS. History–New 1-1-02, Amended.

60L-32.003 Dual Employment and Compensation.

(1) through (4) No change.

Specific Authority 110.1055, 110.131(3), 110.201(1), 110.2035(1), ~~110.209(1)(e), 110.209(3),~~ 110.403(1)(c), 110.605(1) FS. Law Implemented 110.131, 110.201, 110.2035, ~~110.209~~; 110.403, 110.603, 216.262(1)(e) FS. History–New 1-6-02.

60L-32.005 Benefits.

(1) through (2) No change.

(3) Adoption benefits are available to employees of the state as outlined below:

(a) through (d) No change.

~~(e) Payment of monthly installments shall begin in the calendar month immediately after the calendar month the lump sum payment is made.~~

~~(e)(f)~~ The benefit is a non-qualified plan under Section 125 of the Internal Revenue Code, subject to withholding taxes.

~~(g) If employment terminates, the monthly installments shall continue for the remainder of the benefits.~~

~~(f)(h)~~ If funds are appropriated for payment of new adoptions, the The Department shall administer the funds appropriated for this benefit. The Department shall hold an annual open enrollment period for submission of applications between the first business day of April and the last business day of May. To apply for this benefit, the applicant shall fully complete and submit the Department's Application for Adoption Benefits Form (Form DMS/HRM/ADOPT, eff. 1/1/02), which is hereby incorporated by reference.

1. through 2. No change.

~~(g)(i)~~ No change.

Specific Authority 110.1055, 110.15201, 110.201(1), 110.2035(1), 110.403(1)(c), 110.605(1) FS. Law Implemented 110.152, 110.201, 110.209, 110.403, 110.603 FS. History–New 1-1-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert H. Hosay, Assistant Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

DEPARTMENT OF MANAGEMENT SERVICES

Division of Human Resource Management

RULE TITLES:	RULE NOS.:
General Principles	60L-33.002
Status Upon Appointment	60L-33.003
Reinstatement	60L-33.0031
Shared Employment	60L-33.0032
Appointment of Veterans	60L-33.0033
Workforce Reduction and Employee Transition	60L-33.004
Equal Employment Opportunity and Affirmative Action	60L-33.007

PURPOSE AND EFFECT: To make minor changes necessary to harmonize terminology with “broad-branding” classification and compensation program implemented under section 110.2035, F.S.

SUMMARY: Amends existing rules to harmonize terminology with the “broad-branding” classification and compensation program developed under section 110.2035, F.S.

SPECIFIC AUTHORITY: 110.1055, 110.2035(6) F.S.

LAW IMPLEMENTED: 110.2035 FS.

IF REQUESTED AND NOT DEEMED UNECESSARY 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 26, 2002

PLACE: Department of Management Services, 4040 Esplanade Way, Suite 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES DEVELOPMENT IS: Frederick J. Springer, Department of Management Services, Office of General Counsel, 4050 Esplanade Way, Suite 260, Tallahassee, FL 32399-0950, (850)487-1898, springf@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

60L-33.002 General Principles.

(1) No change.

(2) Any person appointed to a position must meet any licensure, certification or registration requirements ~~minimum qualifications~~ established for the position class ~~(or equivalent qualifications)~~, and any required entry-level knowledge, skills, ~~and abilities, and any other requirements the agency establishes~~ for the position, unless the appointment is with trainee or temporary status in accordance with paragraph 60L-33.003(2)(b)(~~d~~) or (c)(~~e~~), F.A.C.

(3) through (4) No change.

(5) Every employee not permanent in a position ~~the career service~~ shall serve at the pleasure of the agency and shall be subject to any personnel action, including but not limited to suspension, dismissal, reduction in pay, demotion, or reassignment, at the discretion of the agency. Except when taken with respect to ~~a permanent~~ career service employees

permanent in their position, such personnel actions are exempt from the provisions of Section 110.227 and Chapter 120 of the Florida Statutes.

Specific Authority 110.1055, 110.131(3), 110.201(1), 110.217(1)(a), 110.217(5), 110.227(2), 110.403(1), 110.503(2), 110.605(1) FS. Law Implemented 110.131, 110.201, 110.217, 110.227, 110.403, 110.503, 110.605 FS. History–New 1-22-02, Amended.

60L-33.003 Status Upon Appointment.

(1) No change.

(2) An employee appointed to fill a position in the career service shall be given status in accordance with the following:

(a) through (b) No change.

(c) Trainee Status – An employee appointed to a position as a trainee shall be given trainee status in accordance with the trainee program developed by the agency. The program shall include an outline of the proposed pay schedule for the training period, including justification for the proposed schedule. Upon successful completion of the trainee program, the employee may be appointed to a position in the same broadband level class requiring the same licensure, certification or registration requirement and required entry-level knowledge, skills, and abilities. An agency may approve appointments with trainee status in the following programs: cooperative education program; vocational rehabilitation or blind services program; agency trainee program; or return to work program. Time spent on trainee status shall not count toward completion of a probationary period.

(d) Probationary or Permanent Status – An employee shall be given probationary status or permanent status in accordance with the following.

1. Upon original appointment, promotion or demotion to a different broadband occupational level, or any time an employee moves between agencies, an employee shall be given probationary status unless a demotion is to a position in which the employee has previously held permanent status in the agency or unless the legislature has designated that an employee shall be moved but shall not have status as a new employee.

2. through 4. No change.

Specific Authority 110.1055, 110.131(3), 110.201(1), 110.217(1)(a), 110.217(5), 110.403(1), 110.503(2), 110.605(1) FS. Law Implemented 110.131, 110.201, 110.213, 110.2135, 110.217, 110.403, 110.503, 110.605 FS. History–New 1-22-02, Amended.

60L-33.0031 Reinstatement.

(1) An employee may be reinstated when the employee returns to the same position and broadband level class within the same agency within thirty-one calendar days from the effective date of the resignation from employment in a career service position.

(2) No change.

Specific Authority 110.1055, 110.201(1), 110.217(1), 110.217(5) FS. Law Implemented 110.201, 110.217 FS. History–New 1-1-02, Amended.

60L-33.0032 Shared Employment.

(1) Agencies shall identify a shared employment position as a single position, which will retain its unity for purposes of classification, assignment to a pay ~~band~~ grade, and other personnel transactions that apply to the position.

(2) through (4) No change.

Specific Authority 110.1055, 110.201(1), 110.21 FS. Law Implemented 110.201, 110.21 FS. History--New 1-1-02, Amended.

60L-33.0033 Appointment of Veterans.

An honorably discharged veteran seeking preference under Section 295.08 or 295.085, Florida Statutes, must furnish documentation of the following.

(1) Military status, dates of service, and discharge type, i.e., the Department of Defense Form DD-214 or equivalent certification from the U.S. Department of Veterans' Affairs;

(2) If claiming disability, certification from the U.S. Department of Veterans' Affairs or Armed Services that the applicant has a service-connected disability of ~~thirty percent or more~~.

(3) Proof of Florida residence.

(4) Possession of the required licensure, certification or registration, minimum qualifications and any required entry-level knowledge, skills, and abilities, and any other requirements the agency establishes ~~established~~ for the position, as indicated on the position description.

Specific Authority 110.1055, 110.201(1), 110.217(1), 110.217(5) FS. Law Implemented 110.2135, 295.08, 295.085 FS. History--New 1-1-02, Amended.

60L-33.004 Workforce Reduction and Employee Transition.

(1) through (5) No change.

(6) Agencies shall update and maintain the workforce transition database and Upon request, agencies shall provide to the Department upon request any additional and information related to the database necessary to update and maintain the workforce transition database.

(7) No change.

Specific Authority 110.1055, 110.201(1), 110.227(2) FS. Law Implemented 110.201, 110.227 FS. History--New 1-1-02, Amended.

60L-33.007 Equal Employment Opportunity and Affirmative Action.

(1) through (2) No change.

(3) Each agency shall conduct an analysis of its work force to determine whether underrepresentation exists, that is, whether the percentage of an EEO group within an occupation class of positions or an EEO job category is lower than the corresponding percentage in the available labor market. If underrepresentation exists, the agency shall establish annual affirmative action goals in an effort to achieve full utilization of EEO groups underrepresented in its work force.

(4) Each agency shall develop and implement a written plan to promote equal employment opportunity and to meet the agency's established affirmative action goals. The plan shall include the following elements:

(a) through (f) No change.

(g) Work force analysis, which shall include:

1. through 2. No change.

3. Measurable goals for the applicable time period for all EEO job categories with underrepresentation. Measurable goals may also be established in occupations job classes with underrepresentation.

4. No change.

Specific Authority 110.1055, 110.112(2)(a), 110.201(1)(a), 110.112(2), 110.1221 FS. Law Implemented 110.105(2), 110.112(1), 110.1221, 110.233(1), 110.403(1)(h), 110.605(1)(d) FS. History--New 1-1-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert H. Hosay, Assistant Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Courses Required for Initial Licensure, 64B5-12.019
Renewal, or Reactivation

PURPOSE AND EFFECT: The Board proposes the rule amendment to implement Section 456.013(7), Florida Statutes, requiring a two (2) hour course on prevention of medical errors.

SUMMARY: The Board is amending the rule to update licensure continuing education requirements for a course on prevention of medical errors pursuant to Section 456.013(7), Florida Statutes.

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: 456.031, 456.033 FS.

LAW IMPLEMENTED: 456.031, 456.033, 456.013 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 NOVEMBER 16, 2002 IN FT. LAUDERDALE, FLORIDA. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.019 Courses Required for Initial Licensure, Renewal, or Reactivation.

(1) No license shall be granted and no license shall be renewed or reactivated unless the applicant or licensee submits confirmation to the Board that he or she has successfully completed, within 24 months prior to seeking initial licensure, renewal or reactivation, a Board-approved course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), and other infectious diseases pertinent to the practice of dentistry and dental hygiene, and a Board-approved course on domestic violence, and a Board-approved course on prevention of medical errors.

(2) though (9) No change.

(10) To receive Board approval, courses on prevention of medical errors shall include a study of root cause analysis, error reduction and prevention, and patient safety. Every such course shall have a minimum of two (2) hours dedicated to the subject areas set forth.

Specific Authority 456.031, 456.033 FS. Law Implemented 456.031, 456.033, 456.013 FS. History--New 1-18-89, Amended 10-28-91, 2-1-93, Formerly 21G-12.019, Amended 6-14-94, Formerly 61F5-12.019, Amended 11-15-95, 2-10-97, Formerly 59Q-12.019, Amended 10-29-00, 8-2-01, 9-27-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Courses Required of Licensees for Renewal and Reactivation

RULE NO.:

64B5-12.020

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to implement Section 456.013(7), Florida Statutes, which requires a two (2) hour course in prevention of medical errors.

SUMMARY: The Board is amending the rule to update licensure continuing education requirements for a course in prevention of medical errors pursuant to Section 456.013(7).

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: 466.004 FS.

LAW IMPLEMENTED: 456.013(6),(7),(8), 466.0135, 466.014 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 NOVEMBER 16, 2002 IN FT. LAUDERDALE, FLORIDA.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.020 Courses Required of Licensees for Renewal and Reactivation.

Licensed dentists and dental hygienists are required to complete the following continuing education during each license renewal biennium.

(1) through (2) No change.

(3) A course in the prevention of medical errors of at least 2 hours in relevant topics including a study of root cause analysis, error reduction and prevention, and patient safety.

Specific Authority 466.004 FS. Law Implemented 456.013(6),(7),(8), 466.0135, 466.014 FS. History--New 4-11-94, Amended 7-18-94, Formerly 61F5-12.020, 59Q-12.020, Amended 1-23-01, 6-7-01, 9-27-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Ownership of Dental Instruments by a Dental Hygienist

RULE NO.: 64B5-17.0105

PURPOSE AND EFFECT: The Board proposes a new rule to allow dental hygienists to own and use dental instruments in the provision of their dental hygiene services so long as utilized under a supervising dentist.

SUMMARY: The Board proposes a new rule to address the ownership and use of dental instruments by dental hygienists under the authority of a supervising dentist.

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: 466.004 FS.

LAW IMPLEMENTED: 466.0285 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED FOR THE BOARD'S NEXT MEETING BE HELD ON NOVEMBER 16, 2002 IN FT. LAUDERDALE, FLORIDA.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

Specific Authority 466.004 FS. Law Implemented 466.0285 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Fees; Renewal of License

RULE NO.: 64B11-2.009

PURPOSE AND EFFECT: To amend the language due to legislative changes.

SUMMARY: The Board has determined to amend this rule pursuant to s. 456.025(1), 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: 468.204, 468.221 FS.

LAW IMPLEMENTED: 468.221 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.009 Fees; Renewal of License.

Each licensed occupational therapist shall submit a biennial fee of ~~\$55.00~~ ~~\$150.00~~ by check or money order made payable to the order of the Department of Health.

Specific Authority 468.204, 468.221 FS. Law Implemented 468.221 FS. History--New 4-28-76, Amended 8-9-76, 11-15-78, 9-9-85, Formerly 21M-13.09, Amended 6-29-89, 7-23-91, Formerly 21M-13.009, 61F6-13.009, 59R-61.009, Amended 12-16-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2002

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Fees; Renewal of License

RULE NO.: 64B11-3.007

PURPOSE AND EFFECT: To amend the language due to legislative changes.

SUMMARY: The Board has determined to amend this rule pursuant to s. 456.025(1), 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: 468.204, 468.221 FS.

LAW IMPLEMENTED: 468.221 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.007 Fees; Renewal of License.

Each licensed occupational therapist assistant shall submit a biennial fee of \$55.00 ~~\$150.00~~ by check or money order made payable to the order of the Department of Health.

Specific Authority 468.204, 468.221 FS. Law Implemented 468.221 FS. History--New 4-28-76, Amended 8-9-76, 11-15-78, 9-9-85, Formerly 21M-14.08, Amended 6-29-89, 7-23-91, Formerly 21M-14.008, 61F6-14.008, 59R-62.008, Amended 2-7-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2002

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Continuing Education RULE NO.: 64B17-9.001

PURPOSE AND EFFECT: The Board proposes to add to current rule text.

SUMMARY: The Board decided that up to three contact hours in prevention of medical errors could be included in the 24 contact hours required within a biennium.

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

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

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 486.109(2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-9.001 Continuing Education.

(1) through (2) No change.

(3) Acceptable subject areas for physical therapy continuing education include professional ethics, clinical education, clinical practice, clinical research, clinical management, clinical science, Florida law relating to physical therapy, basic sciences, risk management, and HIV/AIDS. No more than five contact hours of courses in risk management shall be accepted within a biennium. Up to three contact hours in HIV/AIDS education pursuant to Rule Chapter 64B17-8, F.A.C., may be included in the twenty-four contact hours. Up to three contact hours in prevention of medical errors education pursuant to Rule Chapter 64B17-8 may be included in the twenty-four contact hours.

(4) through (7) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

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

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Applicant Administrative Appeal Procedures RULE NO.: 67-21.0035

PURPOSE AND EFFECT: The purpose of this Rule is to outline the procedures by which the Corporation handles appeals from applicants regarding the scoring of applications.

SUMMARY: The proposed amendments revise the appeal process for Applicants.

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: 420.507, 420.508 FS.

LAW IMPLEMENTED: 120.569, 120.57, 420.507, 420.508 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):

DATE AND TIME: 10:00 a.m., November 8, 2002

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULE IS:

67-21.0035 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by Rule 67-21.003, each Applicant will be provided with its final score and notice of rights, which shall constitute the ~~sole~~ point of entry to contest any issue related to the Applicant's Application for the Program.

(2) Each Applicant that wishes to contest its final score must file a petition with the Corporation on or before the 21st Calendar Day after the date Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), F.A.C., as applicable, and specify in detail each issue and score sought to be challenged. Submission by facsimile or other electronic means will not be accepted. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227

North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders.

(4) Following the entry of final orders in all petitions filed pursuant to Section 120.57(2), F.S., and in accordance with ~~the prioritization of the QAP and~~ Rule Chapter 67-21, F.A.C., the Corporation shall issue final rankings. For an Applicant that filed a petition pursuant to Section 120.57(1), F.S., which challenged the scoring of its own Application but has not had a final order entered as of the date the final rankings are approved by the Board, the Corporation shall, if any such Applicant ultimately obtains a final order that modifies the score so that its Application would have been in the funding range of the applicable final ranking had it been entered prior to the date the final rankings were presented to the Board, provide the requested ~~funding and/or~~ allocation (~~as applicable~~) from the next available ~~funding and/or~~ allocation (~~as applicable~~), whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable credit underwriting requirements.

(5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the ~~sole~~ point of entry to contest any ranking or scoring issue related to any other Applications for the Program. An Applicant that wishes to contest the final ranking or score of another Applicant may do so only if:

(a) The competing Applicant files a petition on or before the 21st Calendar Day after the receipt of the notice of rights pursuant to this subsection (5). Submission by facsimile or other electronic means will not be accepted. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), F.A.C., as applicable, and specify in detail each issue, score or ranking sought to be challenged.

(b) For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must (i) be one that could not have been cured pursuant to subsection 67-48.004(14), F.A.C., or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, ~~it is presumed that a contested issue would have been cured, unless a petitioner must~~ can prove by ~~competent substantial evidence~~ that the contested issue was not feasibly curable within the time allowed for cures in subsection 67-21.003(6) a reasonable ~~time~~.

(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors in the challenged Application, its Application would have been in the funding range at the time Florida Housing provided the Applicant with its final ranking.

(d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board.

(6) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding as described in subsection (5) above concerning the final ranking of another Application, shall be allowed the opportunity to submit written arguments to the Board. Any written arguments should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders.

(7) For those Applicants that have filed a petition pursuant to subsection (5) above, the Corporation shall, if any such Applicant ultimately obtains a final order that demonstrates that its Application would have been in the funding range of the applicable final ranking, provide the requested allocation from the next available allocation, whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable credit underwriting requirements. The filing of a petition pursuant to subsection (5) above shall not stay the Corporation's provision of funding to Applicants per the final rankings referenced in subsection (4) above.

Specific Authority 420.507(12), 420.508(3)(a), ~~420.508(6)~~ FS. Law Implemented 120.57, 120.569(2)(b), 420.502, 420.507(4), (13), (14), (18), (20), (21), (24), 420.508 FS. History—New 11-4-99, Amended 2-12-01, 3-17-02, 10-8-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wayne Conner, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Kaplan, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28, No. 7, February 15, 2002

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Applicant Administrative Appeal Procedures

RULE NO.: 67-48.005

PURPOSE AND EFFECT: The purpose of this Rule is to outline the procedures by which the Corporation handles appeals from applicants regarding the scoring of applications.

SUMMARY: The proposed amendments revise the appeal process for Applicants.

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: 420.507 FS.

LAW IMPLEMENTED: 120.57, 120.569, 420.5087, 420.5089, 420.5099 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):

DATE AND TIME: 10:00 a.m., November 8, 2002

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULE IS:

67-48.005 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by Rule 67-48.004, each Applicant will be provided with its final score and notice of rights, which shall constitute the sole point of entry to contest any issue related to the Applicant's Application for the ~~State Apartment Incentive Loan (SAIL)~~ Program, the ~~HOME Investment Partnerships (HOME)~~ Program or the ~~Housing Credit (HC)~~ Program.

(2) Each Applicant that wishes to contest its final score must file a petition with the Corporation on or before the 21st Calendar Day after the date Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), F.A.C., as applicable, and specify in detail each issue and score sought to be challenged. Submission by facsimile or other electronic means will not be accepted. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders.

(4) Following the entry of final orders in all petitions filed pursuant to Section 120.57(2), F.S., and in accordance with the prioritization of the QAP and Rule Chapter 67-48, F.A.C., the Corporation shall issue final rankings. For an Applicant that filed a petition pursuant to Section 120.57(1), F.S., which challenged the scoring of its own Application but has not had a final order entered as of the date the final rankings are approved by the Board, the Corporation shall, if any such Applicant ultimately obtains a final order that modifies the score so that its Application would have been in the funding range of the applicable final ranking had it been entered prior to the date the final rankings were presented to the Board, provide the requested funding and/or allocation (as applicable) from the next available funding and/or allocation (as applicable), whether in the current year or a subsequent year. Funding refers to SAIL or HOME and allocation refers to HC. Nothing contained herein shall affect any applicable credit underwriting requirements.

(5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the sole point of entry to contest any ranking or scoring issue related to any other Applications for the ~~State Apartment Incentive Loan (SAIL)~~ Program, the HOME Investment Partnerships (HOME) Program or the ~~Housing Credit (HC)~~ Program. An Applicant that wishes to contest the final ranking or score of another Applicant may do so only if:

(a) The competing Applicant files a petition on or before the 21st Calendar Day after the receipt of the notice of rights pursuant to this subsection (5). Submission by facsimile or other electronic means will not be accepted. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), F.A.C., as applicable, and specify in detail each issue, score or ranking sought to be challenged.

(b) For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must (i) be one that could not have been cured pursuant to subsection 67-48.004(14), F.A.C., or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, ~~it is presumed that a contested issue would have been cured, unless a petitioner must can prove by competent substantial evidence that the contested issue was not feasibly curable within the time allowed for cures in subsection 67-48.004(6) a reasonable time.~~

(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors in the challenged Application, its Application would have been in the funding range at the time Florida Housing provided the Applicant with its final ranking.

(d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board.

(6) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding as described in subsection (5) above concerning the final ranking of another Application, shall be allowed the opportunity to submit written arguments to the Board. Any written arguments should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida

32301-1329, no later than 5:00 p.m., Eastern Time, on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders.

(7) For those Applicants that have filed a petition pursuant to subsection (5) above, the Corporation shall, if any such Applicant ultimately obtains a final order that demonstrates that its Application would have been in the funding range of the applicable final ranking, provide the requested funding and/or allocation (as applicable) from the next available funding and/or allocation (~~as applicable~~), whether in the current year or a subsequent year. Funding refers to SAIL or HOME and allocation refers to HC. Nothing contained herein shall affect any applicable credit underwriting requirements. The filing of a petition pursuant to subsection (5) above shall not stay the Corporation's provision of funding to Applicants per the final rankings referenced in subsection (4) above.

Specific Authority 420.507 FS. Law Implemented 120.57, 120.569, 420.5087, 420.5089(4), 420.5099 FS. History--New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.005, Amended 4-7-98, 11-9-98, 2-24-00, 2-22-01, 3-17-02, 10-8-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerey Carpenter, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Kaplan, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28, No. 7, February 15, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Registration of Off-Road Vehicles

RULE NO.: 68A-11.001

PURPOSE AND EFFECT: The purpose of this proposed rule is to delete this rule which was authorized pursuant to Chapter 375, F.S. This statute was amended during the 2002 legislative session thereby deleting the authority of the Commission to charge a fee and annually register off-road vehicles used on public lands. The rule is being deleted because it is inconsistent with the new provisions in Chapter 375, F.S.

SUMMARY: The proposed rule would delete the requirement of annual registration of off-road vehicles used on public land. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule will cost the agency \$205 for administrative preparation and review and \$69 for legal advertising costs.

Any person who wished 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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec 9, Fla. Const.

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

TIME AND DATES: 8:30 a.m. each day, November 20-22, 2002

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida 33050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-11.001 Registration of Off-Road Vehicles.

~~(1) Registration of off-road vehicles is required.~~

~~(a) Any "off-road vehicle," as defined in s. 375.312(4), F.S., operated upon "public lands," as defined in s. 375.312(2), F.S., not currently registered and licensed under Chapter 320, F.S., shall be registered as provided herein.~~

~~(b) Upon filing of an application on forms furnished by the Commission to register an off-road vehicle, the owner of such vehicle shall receive a certificate of registration, a permanent registration decal and a current validation sticker. All tracked vehicles used in the South Region to take wildlife or freshwater fish shall be inspected to determine compliance with the provisions of 68A-11.005 prior to being initially registered.~~

~~1. The registration decal with the current validation sticker attached, shall be displayed on all two- or three-wheeled vehicles on the left fork leg.~~

~~2. On all other off-road vehicles, the registration decal with current validation sticker attached shall be displayed on the left front in a prominent visible manner.~~

~~(c) The annual registration fee for each off-road vehicle shall be \$10. Validation stickers expire on June 30.~~

~~(d) The certificate of registration shall be presented for inspection upon the request of any duly authorized law enforcement officer.~~

~~(e) The provisions of this rule shall not be construed as authorizing the operating or use of such vehicles contrary to Chapter 316 or 589, Florida Statutes.~~

~~(f) No person shall remove and transfer any registration decal to any other vehicle.~~

Specific Authority Art. IV, Sec. 9, Fla. Const., 375.313 FS. Law Implemented 375.315 FS. History--New 8-1-79, Amended 11-17-81, 6-21-82, Formerly 39-11.01, 39-11.001, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Use of Tracked Vehicles in the South Region

RULE NO.: 68A-11.005

PURPOSE AND EFFECT: The purpose of the proposed rule is to make necessary corrections to conform to changes made to Chapter 375, F.S., during the 2002 legislative session which deleted the requirement to annually register all off-road vehicles used on public land. Proposed changes to the rule will also clarify that tracked vehicles used in the South Region to take wildlife or freshwater fish shall have a permanent no cost registration decal that shall be displayed on the left front in a prominent and visible location.

SUMMARY: The proposed rule deletes language referencing an annual registration requirement for tracked vehicles and clarifies that a permanent registration decal shall be required for tracked vehicles used to take wildlife or freshwater fish in the South Region.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule will cost the agency approximately \$275 for administrative preparation and review and \$33 for legal advertising.

Any person who wished 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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, November 20-22, 2002

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida 33050

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-11.005 Use of Tracked Vehicles in the South Region. In the South Region, no person shall take wildlife or freshwater fish from any tracked vehicle that does not meet the following specifications:

(1) through (3) No change.

(4) ~~Tracked vehicles registered as required by Rule 68A-11.001 and~~ affixed with a TRG decal prior to January 1, 1982, shall be exempt from the engine limitations in subsection (2).

(5) All tracked vehicles used in the South Region to take wildlife or freshwater fish shall be inspected to determine compliance with this section prior to being issued a permanent TR registration decal.

(6) TRG or TR permanent registration decals shall be displayed on the left front in a prominent and visible location.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 6-21-82, Amended 7-1-85, Formerly 39-11.05, Amended 6-8-87, Formerly 39-11.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Fish Management Area Regulations

RULE NO.: 68A-20.005

PURPOSE AND EFFECT: The proposed rule would establish Lake Rachael, Madison County, as a Fish Management Area (FMA) for the purpose of allowing public access to private property and to manage angler activities.

SUMMARY: The proposed rule would establish Lake Rachael as an FMA for the purpose of allowing public access to private property in return for fishery management and, at the request of the landowners, would include regulations specifying use of electric motors only, catch and release only for largemouth bass, and prohibiting discharge of firearms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$200 for administrative preparation, \$71.28 for advertising, and less than \$400 for miscellaneous expenses such as new signs or brochures. Costs for fish management activities including aquatic plant management and improved angler access are estimated at \$10,000 and \$2,000 respectively.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, November 20-22, 2002

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida 33050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-20.005 Specific Fish Management Area Regulations.

(1) Northwest Region:

(2) North Central Region:

(a) through (j) No change.

(k) Lake Rachael, Madison County:

1. The use of boats propelled by gasoline motors is prohibited.

2. No person shall kill or possess any black bass.

3. Discharge of firearms is prohibited.

(3) through (5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 2-19-80, 5-19-80, 6-4-81, 9-28-81, 6-21-82, 7-1-83, 11-17-83, 7-1-84, 7-1-85, Formerly 39-20.05, Amended 2-27-86, 6-1-86, 5-10-87, 4-13-88, 7-1-89, 7-1-90, 4-11-91, 7-1-91, 7-2-92, 8-23-92, 4-20-93, 7-1-94, 8-15-95, 10-23-95, 4-1-96, 2-16-97, 6-1-97, 6-29-97, 1-1-98, 7-1-98, 11-2-98, Formerly 39-20.005, Amended 4-30-00, 7-1-00, 10-10-00, 4-1-01, 7-1-01, 10-9-01, 7-1-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darrell Scovell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
	68B-14
RULE TITLES:	RULE NOS.:
Purpose and Intent, 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, Season Closures, Bag and Trip Limits	68B-14.0045
Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation	68B-14.005

PURPOSE AND EFFECT: The primary purpose of these rule amendments and new rules is to implement minimum size limits for the possession and sale of imported reef fishes, and, secondarily, to eliminate outdated provisions, reorganize reef fish regulations, and 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.

SUMMARY: Subsections (2) and (3) of Rule 68B-14.001, F.A.C., are deleted as outdated and transitional. Existing subsection (4) of the rule is renumbered as subsection (2) and amended in paragraph b) to alphabetize the listing of groupers and seabasses. Rule 68B-14.002, F.A.C., is amended to insert the term "goliath grouper" in place of the outdated term "jewfish" and alphabetize the listing of definitions. Rule 68B-14.0035, F.A.C., is amended to incorporate commercial size limits being deleted from Rule 68B-14.0045 and to conform certain size limits to existing size limits in adjacent federal waters.

New Rule 68B-14.00355 establishes size limits for importation and sale of reef fish and prohibits possession and sale of undersize fish. Rule 68B-14.0036, F.A.C., is amended to make minor organizational changes in the rule, and to substitute the term "goliath grouper" for the term "jewfish". Rule 68B-14.0045, F.A.C., is amended to delete commercial size limits that have been moved elsewhere, delete closure notice provisions made unnecessary by federal fishery-wide closures, use the term "goliath grouper" where appropriate, conform

commercial requirements for certain species to federal regulations, and make technical and grammatical improvements. Rule 68B-14.005, F.A.C., is amended to move black sea bass trap provisions to a more logical place in the rule and to correct cross-references.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule will clarify that possession of 19 species of snapper and grouper is limited to compliance with minimum size limits. The adoption of the possession language is to ensure compliance with a sustainable harvest of these fish stocks through closing avenues for poaching. However, reef fish species below these minimum size limits are available for purchase from other countries in the Caribbean basin. The rule proposal creates a new section to clarify that imported reef fish species must comply with minimum size limits. Three workshops were held in Miami and Tampa to elicit testimony on this issue and 150 wholesale dealers identified by the Florida Department of Agriculture and Consumer Services, Bureau of Seafood Marketing as reef fish importers were sent workshop notices and a briefing paper. Only five persons attended the workshops in opposition to the rule. They stated that the rule would affect their small businesses that import small reef fish and that employment levels would be affected by effective enforcement of minimum size limits. Based on the level of testimony received the rule should not affect local government's costs or revenues. The rule will not create additional agency costs except for promulgation and will aid in the understanding of existing provisions. The rule will not create additional reporting or paperwork requirements.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 20-22, 2002

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida

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

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

Section 286.0105, Florida Statutes, provide that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

~~68B-14.001 Purpose and Intent, Repeal of Section 370.11(2)(a)8., F.S., Designation as Protected Species, Designation as Restricted Species.~~

(1) Purpose and intent.

(a) The purpose of this chapter is to protect and replenish Florida's reef fish resources by imposing minimum size limits, recreational bag limits, and restrictions on gear used to harvest the families, genera and species listed herein.

(b) The prohibitions contained in this chapter are not intended to supersede or conflict with provisions of any federal management plan or regulations operative in Exclusive Economic Zone (EEZ) waters adjacent to Florida waters.

~~(2) Repeal of Section 370.11(2)(a)8., F.S. This chapter is intended to repeal and replace Section 370.11(2)(a)8., F.S., and the remainder of Section 370.11(2)(a), F.S., as it pertains to grouper. This chapter is not intended, and shall not be construed, to repeal any other subdivision of Section 370.11, F.S., or any other existing general or local law applicable to snapper, grouper, or sea bass.~~

~~(3) Designation as protected species. Red snapper and jewfish are hereby declared and designated as protected species. The purposes of this designation are to increase public awareness of the need for extensive conservation action in order to prevent this resource from becoming endangered and to encourage voluntary conservation practices.~~

~~(2)(4) Designation as restricted species. The following species are hereby designated as restricted species pursuant to Section 370.01(21), Florida Statutes:~~

(a) Amberjacks – Genus *Seriola*:

1. Almaco jack – *Seriola rivoliana*.
2. Banded rudderfish – *Seriola zonata*.
3. Greater amberjack – *Seriola dumerili*.
4. Lesser amberjack – *Seriola fasciata*.

(b) Groupers and Sea Basses – Family Serranidae:

1. Bank sea bass – *Centropristis ocyurus*.
2. Black grouper – *Mycteroperca bonaci*.

3. Black sea bass – *Centropristis striata*.
 4. Coney – *Epinephelus fulvus*.
 5. Gag – *Mycteroperca microlepis*.
 6. Graysby – *Epinephelus cruentatus*.
 7. Misty grouper – *Epinephelus mystacinus*.
 8. Red grouper – *Epinephelus morio*.
 9. Red hind – *Epinephelus guttatus*.
 10. Rock hind – *Epinephelus adscensionis*.
 11. Rock sea bass – *Centropristis philadelphica*.
 12. Scamp – *Mycteroperca phenax*.
 - ~~13. Speckled hind – *Epinephelus drummondhayi*.~~
 - ~~13,14. Snowy grouper – *Epinephelus niveatus*.~~
 14. Speckled hind – *Epinephelus drummondhayi*.
 15. Tiger grouper – *Mycteroperca tigris*.
 16. Warsaw grouper – *Epinephelus nigritus*.
 17. Yellowedge grouper – *Epinephelus flavolimbatus*.
 18. Yellowfin grouper – *Mycteroperca venenosa*.
 19. Yellowmouth grouper – *Mycteroperca interstitialis*.
- (c) Snappers – Family Lutjanidae:
1. Black snapper – *Apsilus dentatus*.
 2. Blackfin snapper – *Lutjanus buccanella*.
 3. Cubera snapper – *Lutjanus cyanopterus*.
 4. Dog snapper – *Lutjanus jocu*.
 5. Gray (mangrove) snapper – *Lutjanus griseus*.
 6. Lane snapper – *Lutjanus synagris*.
 7. Mahogany snapper – *Lutjanus mahogoni*.
 8. Mutton snapper – *Lutjanus analis*.
 9. Queen snapper – *Etelis oculatus*.
 10. Red snapper – *Lutjanus campechanus*.
 11. Schoolmaster – *Lutjanus apodus*.
 12. Silk snapper – *Lutjanus vivanus*.
 13. Vermilion snapper – *Rhomboplites aurubens*.
 14. Wenchman – *Pristipomoides aquilonaris*.
 15. Yellowtail snapper – *Ocyrus chrysurus*.
- (d) Gray triggerfish – *Balistes capricus*.
- (e) Hogfish – *Lachnolaimus maximus*.
- (f) Red porgy – *Pagrus pagrus*.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 7-29-85, Formerly 46-14.001, Amended 12-11-86, 2-1-90, 3-1-94, 12-31-98, 1-1-00,_____.

68B-14.002 Definitions.

For purposes of this chapter, except where the context clearly requires otherwise:

(1) “Atlantic Ocean” means that body of water south and east of the line beginning at the point where the Natural Resources Boundary Line intersects 83 deg. W. longitude (24 deg. 29 min. N. latitude), thence north along 83 deg. W. longitude to where it intersects 24 deg. 35 min. N. latitude (near the Dry Tortugas), thence eastward along that parallel

through Rebecca Shoal and the Quicksand Shoal to 82 deg. 13 min. W. longitude, then following the Territorial Sea Boundary south and east to the point it intersects 24 deg. 33 min. N. latitude, thence eastward along that parallel to the point where it intersects Key West, then continuing along a line eastward to the terminus of U.S. Highway 1 to the point where it intersects the mainland at the east end of Florida Bay.

(2) “Charter vessel” means a vessel operated by a captain licensed by the United States Coast Guard to carry passengers for hire.

(3) “Fork length” means the length of a fish as measured from the tip of the snout to the rear center edge of the tail.

(4) “Goliath grouper” means any fish of the species *Epinephelus itajara*, or any part thereof.

~~(5)~~(4) “Gulf of Mexico” means that body of water north and west of the line described in the definition of “Atlantic Ocean” contained in subsection (1) of this rule.

~~(6)~~(5) “Harvest” means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive and unharmed if undersize.

~~(6)~~ “Headboat” means a vessel that holds a valid Certificate of Inspection issued from the U.S. Coast Guard to carry passengers for hire when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

(7) “Harvest for commercial purposes” means the taking or harvesting of fish for purposes of sale or with intent to sell or in excess of established bag limits.

(8) “Headboat” means a vessel that holds a valid Certificate of Inspection issued from the U.S. Coast Guard to carry passengers for hire when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew. “Jewfish” means any fish of the species *Epinephelus itajara*, or any part thereof.

(9) “Land,” when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(10) “Nassau grouper” means any fish of the species *Epinephelus striatus*, or any part thereof.

(11) “Person” means any natural person, firm, entity or corporation.

(12) “Recreational harvester” means any person, other than a person harvesting for commercial purposes, who harvests fish in or from the waters of the State of Florida.

(13) "Spearing" means the catching or taking of a fish by bow hunting, giggering, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).

(14) "Total length" means the length of a fish as measured from the tip of the snout to the tip of the tail.

(15) "Trip" means a fishing trip of whatever duration which begins with departure of the fishing vessel from a dock, berth, beach, seawall, or ramp and which terminates with return to a dock, berth, beach, seawall, or ramp.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-29-85, Formerly 46-14.002, Amended 12-11-86, 2-1-90, 12-31-92, 3-1-94, 1-1-98, 12-31-98, 1-1-00, _____.

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall ~~harvest in or from state waters at any time, land, possess, unnecessarily destroy, purchase, exchange, or sell or offer for sale (except as provided in Rule 68B-14.0045, F.A.C.)~~ any of the following species harvested in or from state waters, of a length less than set forth as follows:

(1) Amberjacks (measured in terms of fork length)

(a) Banded rudderfish no less than 14 inches, no greater than 22 inches.

(b) 1. Greater amberjack harvested recreationally 28 inches.

2. Greater amberjack harvested commercially 36 inches.

(c) Lesser amberjack no less than 14 inches, no greater than 22 inches.

(2) Black sea bass 10 inches total length.

(3) Gray triggerfish 12 inches total length.

(4) Grouper (measured in terms of total length)

(a) 1. Black grouper harvested recreationally from the Atlantic Ocean and all waters of Monroe County 24 inches.

2. ~~(b) 1. Black grouper harvested recreationally from the Gulf of Mexico except from all waters of Monroe County 22 inches.~~

(b) 2. Black grouper harvested commercially from the Gulf of Mexico except from all waters of Monroe County 24 inches.

(c) 1. Gag (gray) grouper harvested recreationally from the Atlantic Ocean and all waters of Monroe County 24 inches.

2. ~~(d) 1. Gag (gray) grouper harvested recreationally from the Gulf of Mexico except from all waters of Monroe County 22 inches.~~

(d) 2. Gag (gray) grouper harvested commercially from the Gulf of Mexico except from all waters of Monroe County 24 inches.

(e) Red grouper 20 inches.

(f) 1. Scamp harvested from the Atlantic Ocean and all waters of Monroe County 20 inches.

2. Scamp harvested from the Gulf of Mexico except from all waters of Monroe County 16 inches.

(g) Yellowfin grouper 20 inches.

(h) Yellowmouth grouper 20 inches.

(5) Hogfish 12 inches fork length.

(6) Red porgy harvested in waters of the Atlantic Ocean 14 inches total length.

(7) Snapper (measured in terms of total length)

(a) Blackfin snapper 12 inches.

(b) Cubera snapper 12 inches.

(c) Dog snapper 12 inches.

(d) 1. Gray (mangrove) snapper harvested recreationally 10 inches.

2. Gray (mangrove) snapper harvested commercially 12 inches.

(e) Lane snapper 8 inches.

(f) Mahogany snapper 12 inches.

(g) Mutton snapper 16 inches.

(h) Queen snapper 12 inches.

(i) Red snapper harvested from the Atlantic Ocean 20 inches.

(j) 1. Red snapper harvested recreationally from the Gulf of Mexico 16 inches.

2. Red snapper harvested commercially from the Gulf of Mexico 15 inches.

(k) Silk snapper 12 inches.

(l) Schoolmaster snapper 10 inches.

(m) Vermilion snapper harvested recreationally 10 inches.

(n) 1. Vermilion snapper harvested commercially from the Atlantic Ocean 12 inches.

2. Vermilion snapper harvested commercially from the Gulf of Mexico 10 inches.

(o) ~~(n)~~ Yellowtail snapper 12 inches.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 12-31-98, Formerly 46-14.0035, Amended 3-1-99, 1-1-00, 1-1-01, 1-1-01, _____.

68B-14.00355 Size Limits for Importation and Sale.

(1) No person shall possess for purposes of sale, purchase, sell, or exchange any of the following species of a length less than set forth as follows:

(a) Black sea bass 10 inches total length.

(b) Greater amberjack 36 inches fork length.

(c) Gray triggerfish 12 inches total length.

(d) Grouper (measured in terms of total length).

1. Black grouper 24 inches.

2. Gag 24 inches.

3. Red grouper 20 inches.

4. Scamp 16 inches.

5. Yellowfin grouper 20 inches.

(e) Hogfish 12 inches fork length.

(f) Snapper (measured in terms of total length).

1. Cubera snapper 12 inches.

2. Dog snapper 12 inches.
3. Gray (mangrove) snapper 12 inches.
4. Lane snapper 8 inches.
5. Mahogany snapper 12 inches.
6. Mutton snapper 16 inches.
7. Red snapper 15 inches.
8. Schoolmaster snapper 10 inches.
9. Vermilion snapper 10 inches.
10. Yellowtail snapper 12 inches.

(2) Minimum size limits do not apply to the possession, purchase, sale, or exchange of the following species that have been imported from another state, or foreign country: banded rudderfish, lesser amberjack, yellowmouth grouper, blackfin snapper, queen snapper, silk snapper, or red porgy.

(3) The possession, purchase, sale, or exchange of any Nassau grouper or goliath grouper is prohibited.

(4) A person may possess any species listed in subsection 68B-14.001(2) that have been imported into Florida from another state or foreign country, provided that those species comply with the provisions specified in paragraphs (1) and (2) of this section, and the purchaser possesses a receipt(s), bill(s) of sale, or bill(s) of lading to show that the fish were harvested and purchased in another state or foreign country and are entering the state in interstate or international commerce. Such documentation shall accompany the fish through retail or restaurant sale. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute violation of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption.

(1) Snapper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than a total of 10 snapper per day, in any combination of species.

(b) Gray (mangrove) snapper. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than 5 gray (mangrove) snapper per day. Such bag and possession limit shall be counted for purposes of the aggregate snapper bag and possession limit prescribed in paragraph (a).

(c) Red snapper. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, more than 2 red snapper per day, nor shall a recreational harvester harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, more than 4 red snapper per day. Such bag

and possession limit shall be counted for purposes of the aggregate snapper bag and possession limit prescribed in paragraph (a).

(d) 1. Atlantic vermilion snapper. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, more than 10 vermilion snapper per day. Such bag and possession shall not be counted for purposes of the aggregate snapper bag and possession limits prescribed in paragraph (a).

2. Gulf vermilion snapper. Vermilion snapper harvested in state waters of the Gulf of Mexico shall not be subject to nor counted for purposes of determining compliance with the bag and possession limits established in paragraph (a).

(e) ~~Gulf lane and Gulf vermilion snapper.~~ Lane snapper ~~and vermilion snapper~~ harvested in state waters of the Gulf of Mexico shall not be subject to nor counted for purposes of determining compliance with the bag and possession limits established in paragraph (a).

(f) Cubera snapper.

1. Cubera snapper of a length less than 30 inches shall be included in the aggregate snapper bag and possession limit established in paragraph (a), and the exception provided in subsection ~~(7)(6)~~.

2. No recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than 2 cubera snapper 30 inches in total length or larger per day, and no more than 2 such cubera snapper shall be possessed aboard any vessel in or on state waters at any time. Such larger cubera snapper shall not be included in the aggregate snapper bag and possession limit prescribed in paragraph (a).

(2) Grouper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than a total of 5 grouper per day, in any combination of species.

(b) Gag and black grouper. Except as provided elsewhere in this rule, in all state waters of the Atlantic Ocean and all state waters of Monroe County, within the aggregate bag and possession limit established in paragraph (a), no more than 2 fish may be gag or black grouper, either individually or in combination. No recreational harvester may harvest in or from state waters of the Atlantic Ocean or in or from state waters of Monroe County, nor possess while in or on the waters of the Atlantic Ocean or in or on state waters of Monroe County, more than 2 such fish.

(c) Speckled hind and Warsaw grouper. No recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than one speckled hind or more than one Warsaw grouper per day, and no more than one of each species shall be possessed aboard any vessel in or on

state waters, at any time. Such fish shall be counted for purposes of the aggregate grouper bag and possession limit prescribed in paragraph (a).

(d) Nassau grouper and goliath grouper jewfish. No person shall harvest in or from state waters, nor possess while in or on the waters of the state, or land, any Nassau grouper or goliath grouper jewfish. The purchase, sale, or exchange of any Nassau grouper or goliath grouper jewfish is prohibited.

(3) Hogfish. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than 5 hogfish per day.

(4) Black sea bass. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, more than 20 black sea bass per day.

(5) Red porgy. No recreational harvester shall harvest from state waters of the Atlantic Ocean more than 1 red porgy per day, nor possess more than 1 such fish while in, on, or above state waters of the Atlantic Ocean or on any dock, pier, bridge, beach, or any fishing site adjacent to such waters.

(6) Amberjacks. Except as allowed for those persons harvesting for commercial purposes pursuant to Rule 68B-14.0045, F.A.C.:

(a) Greater amberjack. No person shall harvest from state waters, more than 1 greater amberjack per day, nor possess more than 1 such fish while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or any fishing site adjacent to such waters.

(b) Banded rudderfish and lesser amberjack. No person shall harvest from state waters, more than an aggregate bag limit of 5 banded rudderfish and lesser amberjack per day either individually or in combination, nor possess more than 5 such fish while in, on, or above the waters of the state or on any dock, pier, bridge, beach or any fishing site adjacent to such waters.

(7) Exception.

(a) Any person harvesting pursuant to the bag limits established in paragraphs (a), (b), (c), (d)1., and (f)1., of subsection (1), paragraphs (a) and (b) of subsection (2), and subsections (3), (4), (5), ~~and~~ (6)(a) and (b) of this rule, who has fished for more than one day, may possess double the bag limit once such person has landed the fish, departed the fishing site and is no longer within 100 yards of any state waters, docks, fishing piers, or other fishing sites.

(b) Any person harvesting pursuant to the bag limits established in paragraphs (a), (b), (c), (d)1., and (f)1., of subsection (1), paragraphs (a) and (b) of subsection (2), and subsections (3), (4), ~~and~~ (5), ~~and~~ (6)(a) and (b) of this rule, who has fished aboard a charter vessel or headboat on a trip that spans more than 24 hours may possess and land double the bag

limit if the vessel has a sleeping berth for each passenger aboard the vessel and each such passenger possess a receipt issued on behalf of the vessel that verifies the length of the trip.

(8) Wholesale/retail purchase exemption. Except as provided in paragraph (2)(c), the possession limits of this rule do not apply to any licensed seafood dealer, or to any fish purchased from a licensed wholesale or retail seafood dealer. The burden shall be upon the person claiming the benefit of this exemption to show, by receipts, bills of sale, or other appropriate documentation, that such fish were purchased from a licensed wholesale or retail seafood dealer. Failure to maintain such receipts, bills of sale, or other appropriate documentation shall constitute a violation of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01,_____.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits Special Restrictions.

(1) Licenses.

(a) Each person harvesting any of the species listed in subsection 68B-14.001(2)(4), F.A.C., for commercial purposes in state waters shall possess a valid saltwater products license with a restricted species endorsement and

1. If fishing in state waters of the Atlantic Ocean, either a valid transferable commercial permit or a trip-limited commercial permit for South Atlantic snapper-grouper;

2. If fishing in state waters of the Gulf of Mexico, a valid commercial vessel permit for Gulf reef fish, and if fishing for red snapper, a Class 1 or Class 2 Gulf red snapper license. The requirement of a valid commercial vessel permit for Gulf reef fish shall not apply to the harvest of bank sea bass, black sea bass, rock sea bass, or red porgy for commercial purposes in the Gulf of Mexico.

(b) No person harvesting for commercial purposes pursuant to this subsection shall sell or attempt to sell any of the indicated species, or any part of the indicated species, without possessing and presenting to the purchaser the state and federal licenses and permits specified in paragraph (a). No wholesale dealer, as defined in Section 370.07(1), Florida Statutes, shall purchase any of these species, or any part thereof, without confirming that the seller thereof possesses the state and federal licenses and permits specified in this rule.

(2) Season closures.

(a) Persons harvesting any of the species listed in subsection 68B-14.001(2)(4), F.A.C., for commercial purposes shall have a season that begins on January 1 and continues through December 31 each year.

(b) If at any time adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of any of the species listed in subsection 68B-14.001(2)(4), F.A.C., corresponding state waters shall also be closed to commercial

harvest of the species affected by the federal closure, beginning from the date of such closure until federal waters are reopened to the commercial harvest of such species.

(c) During the period of any closure pursuant to paragraph (b), the harvest, possession, or landing in quantities greater than the bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale or exchange, of any species to which the closure applies, is prohibited.

~~(d) Notice of any closure for state waters required by paragraph (b), and notice of any resulting prohibition as required by paragraph (e), shall be given by the Executive Director of the Fish and Wildlife Conservation Commission in the manner provided in s. 120.81(5), Florida Statutes.~~

~~(d)(e)~~ The closure specified in paragraph (b), and the prohibitions specified in paragraph (c), shall not apply when the species to which the closure applies is legally harvested outside the waters of the closed area. Any person possessing such species during the time period of a closure shall establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, to show that such species originated from a point outside the closed area. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this subsection.

~~(e)(f)~~ 1. During the months of March and April each year, the harvest, possession, or landing in quantities greater than the recreational bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale, or exchange, of gag grouper, or black grouper harvested from state waters of the Atlantic Ocean and from all state waters of Monroe County, is prohibited.

2. Beginning February 15 and continuing through March 14 of each year, the harvest, possession, or landing in quantities greater than the recreational bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale, or exchange, of gag grouper, black grouper, or red grouper harvested from state waters of the Gulf of Mexico, except from all waters of Monroe County, is prohibited.

~~(f)(g)~~ During the months of March, April and May of each year, the harvest and possession in quantities greater than the recreational bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale and exchange of any species of amberjack harvested from state waters, is prohibited.

~~(g)(h)~~ Beginning January 1 and continuing through April 30 each year, no person harvesting for commercial purposes shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, any red porgy; provided, however, a person harvesting other species for commercial purposes during this closure may harvest and possess one red porgy. ~~a recreational bag limit of red porgy pursuant to Rule 68B-14.0036(5), F.A.C.~~ During this closed season, the purchase, sale, or exchange of any red porgy harvested from state waters of the Atlantic Ocean is prohibited.

(3) Bag and Trip Limits Special restrictions.

(a) Snapper.

1. Cubera snapper. No person harvesting for commercial purposes shall harvest in or from state waters more than 2 cubera snapper 30 inches in total length or larger per day and no more than 2 such cubera snapper shall be possessed aboard any vessel in or on state waters, at any time.

~~2. Gray (mangrove) snapper. No person shall buy, sell, or exchange any gray (mangrove) snapper of a total length less than 12 inches.~~

~~3. Mutton snapper. During May and June of each year, no person harvesting for commercial purposes shall possess harvest in or from state waters more than 10 mutton snapper per day or 10 mutton snapper per trip, whichever is more restrictive during the months of May or June each year. During this period each year, no such person shall possess more than 10 mutton snapper while in or on state waters.~~

~~3.4. Red snapper. No person harvesting for commercial purposes shall harvest in or from state waters of the Atlantic Ocean, more than 2 red snapper per day. No person harvesting for commercial purposes shall harvest in or from state waters of the Gulf of Mexico, more than 4 red snapper per day.~~

~~5. Vermilion snapper. No person shall buy, sell, or exchange any vermilion snapper harvested from state waters of the Atlantic Ocean of a total length less than 12 inches.~~

(b) Grouper.

1. Nassau grouper and goliath grouper jewfish. No person harvesting for commercial purposes shall harvest in or from state waters, nor possess while in or on the waters of the state, or land, any Nassau grouper, or goliath grouper jewfish. The purchase, sale, or exchange of any Nassau grouper or goliath grouper jewfish is prohibited.

2. Speckled hind and Warsaw grouper. No person shall harvest in or from state waters any speckled hind or Warsaw grouper for commercial purposes and the purchase, sale, or exchange of such fish is prohibited.

(c) Amberjack.

~~1. No person harvesting for commercial purposes shall harvest or land any amberjack with a fork length less than 36 inches. No person shall purchase, sell, or exchange any amberjack with a fork length less than 36 inches.~~

~~1.2. Except during the three-month closed season specified in paragraph (2)(f) above, no person harvesting for commercial purposes shall harvest in or from state waters of the Atlantic Ocean, possess while in or on such waters, or land from such waters more than 1,000 pounds of greater amberjack harvested in or from state waters of the Atlantic Ocean shall be possessed aboard any vessel or landed from such a vessel per day.~~

~~2.3. No person harvesting for commercial purposes shall, on the same trip, harvest or possess greater amberjack pursuant to the bag limit specified in subsection 68B-14.0036(6), F.A.C.~~

(d) Red Porgy. Except during the closed season specified in paragraph (2)(g) above, no person harvesting for commercial purposes shall harvest in or from state waters of the Atlantic Ocean, possess while in or on such waters, or land from such waters more than 50 pounds of red porgy shall be possessed aboard any vessel in or on state waters of the Atlantic Ocean, or landed from such a vessel, per day.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, _____.

68B-14.005 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation, ~~Black Sea Bass Traps~~.

(1) Allowable gear. Except as provided in subsection (2), the following shall be the only gear types and methods allowed for the harvest in or from state waters of any of the species specified in subsection 68B-14.001(2)(4), F.A.C.:

(a) Hook and line gear.

(b) A black sea bass trap meeting the requirements of Section 370.1105(1)(c), Florida Statutes. Additionally, each such trap shall comply with the following specifications:

1. Biodegradable panel. For purposes of Section 370.1105(1)(c), Florida Statutes, a black sea bass trap shall be considered to have a “biodegradable panel” or a “degradable panel” if one of the following methods is used in construction of the trap:

a. The trap lid tie-down strap is secured to the trap at one end by a single loop of untreated jute twine. The trap lid must be secured so that when the jute degrades, the lid will no longer be securely closed.

b. The trap lid tie-down strap is secured to the trap at one end with a corrodible loop composed of non-coated steel wire measuring 24 gauge or thinner. The trap lid must be secured so that when the loop degrades, the lid will no longer be securely closed.

c. The trap lid tie-down strap is secured to the trap at one end by an untreated pine dowel no larger than 2 inches in length by 3/8 inch in diameter. The trap lid must be secured so that when the dowel degrades, the lid will no longer be securely closed.

d. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

e. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than

3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed. “Untreated pine” means raw pine wood that has not been treated with any preservative or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

f. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

g. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by rings made of non-coated 24 gauge or thinner wire or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

2. Escape vents. All black sea bass traps shall have an unobstructed escape vent opening on at least two opposite vertical sides, excluding top and bottom, that complies with one of the following minimum sizes:

a. A rectangular vent, 1.125 inches (2.9 cm) by 5.75 inches (14.6 cm).

b. A circular vent, 2 inches (5.1 cm) in diameter.

c. A square vent with sides of 1.75 inches (4.4 cm) measured inside the square.

(c) Spearing. This provision shall not be construed to allow the use of any powerhead, bangstick, or handheld device employing an explosive charge for the harvest in state waters of any snapper or grouper listed in Rule 68B-14.001, F.A.C.

(2) Incidental bycatch. No person shall harvest in or from state waters any of the species specified in Rule 68B-14.001(2)(4), F.A.C., by or with the use of any gear other than those types of gear specified in subsection (1); provided, however, that such fish harvested as an incidental bycatch of other species lawfully harvested with other types of gear shall not be deemed to be unlawfully harvested in violation of this section, if:

(a) The quantity of such fish so harvested does not exceed the bag and possession limits established in Rule 68B-14.0036, F.A.C.; and

(b) The harvesting of such fish would not violate any other provision of applicable law.

SUMMARY: Paragraph (1)(c) of Rule 68B-31.010, F.A.C., is amended to make the skimmer trawl an allowable form of food shrimp production gear throughout the Northwest Region, and delete language limiting the gear's use to a specified portion of Apalachicola Bay.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULE AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 20-22, 2002

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida

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

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

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-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 subsection 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) ~~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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

reason of employment in a regularly established position with a state employer commencing after April 1, 2002; or with a district school board employer commencing after July 1, 2002; or with a local employer commencing after October 1, 2002

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 34, which is the August 23, 2002, issue of the Florida Administrative Weekly.

1) In Rule 19-10.003(6), the first sentence will now read: “The amount transferred to each investment product shall be based on the percentage of total investment allocated to each fund by the participant on his or her election form as described in subsection (3)(b), above.”

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-128.025
RULE TITLE: Confidentiality of Consumer Personal Financial and Health Information Pursuant to Section 627.3111, F.S.

NOTICE OF CHANGE

Notice is hereby given of a technical change to Rule 4-128.024, published in Vol. 28, No. 34, on August 23, 2002, and filed for adoption on October 1, 2002. The number of the rule has been changed to Rule 4-128.025, F.A.C. The remainder of the rule remains unchanged.

DEPARTMENT OF INSURANCE

RULE NO.: 4-211.042
RULE TITLE: Effect of Law Enforcement Records on Applications for Licensure

NOTICE OF CORRECTION

The Notice of Rule Development for the referenced rule published in Vol. 28, No. 40, October 4, 2002, included an incorrect date for the rule development workshop. The date of the workshop has been changed to 9:30 a.m., November 6, 2002.

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-10.003
RULE TITLE: Asset Transfer Procedures: For employees who become eligible to participate in PEORP by

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-11.001
RULE TITLE: Procedures regarding Employer Contributions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 34, which is the August 23, 2002, issue of the Florida Administrative Weekly.

1) In subsection (2), paragraph (d) is deleted and subsequent paragraphs renumbered.
2) In subsection (4)(a), the second sentence is amended to read: “The TPA will perform the market value calculation using a period certain which begins on the first day of the month immediately following the calendar month in which the contributions are due, or the next succeeding business day if the first day of the month immediately following the calendar month in which the contributions are due falls on a weekend or a legal holiday, in which contributions would have been processed, and ending on the date used by the TPA to provide “as of” pricing for covered payroll.”

STATE BOARD OF ADMINISTRATION

RULE NOS.: 19-12.001, 19-12.007
RULE TITLES: Definitions, Acceptance of Rollovers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 34, which is the August 23, 2002, issue of the Florida Administrative Weekly.

1) Rule 19-12.001(3) will now read: "Code" means the U.S. Internal Revenue Code, as amended. The Code is available free on the Internet at the following two web sites: www4.law.cornell.edu and uscode.house.gov. The Code is also available at all law school libraries and at many public libraries. The Code can be researched at the offices of the Florida State Board of Administration, 1801 Hermitage Boulevard, Tallahassee, Florida, Office of the General Counsel, (telephone: (850)488-4406)) during normal business hours.

2) In Rule 19-12.007(4), the first sentence will be deleted. The second sentence will now read: "Payment to the Plan must be in cash in the form of a check."

DEPARTMENT OF PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 21SS-6.003
 RULE TITLE: Range of Penalties; Aggravating & Mitigating Circumstances

NOTICE OF CHANGE

Notice is hereby gives notice that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 38, September 20, 2002, issue of the Florida Administrative Weekly.

The changes are as follows:

1. The Rule to be Repealed should be 21SS-6.003, not 61SS-6.003, which is how the rule was listed on the title page of its Proposed Rules.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: 40E-1
 RULE CHAPTER TITLE: General and Procedural
 RULE NO.: 40E-1.659
 RULE TITLE: Forms and Instructions

NOTICE OF WITHDRAWAL

Pursuant to Section 120.54(3)(e)5., Florida Statutes, notice is hereby given that the above proposed rule amendment, as noticed in Vol. 25, No. 18, March 7, 1999, 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 CHAPTER NO.: 40E-4
 RULE CHAPTER TITLE: Environmental Resource Permits
 RULE NO.: 40E-4.091
 RULE TITLE: Publications Incorporated by Reference

(Proposed amendments to section 4.4 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – November 1996" incorporated by reference in Rule 40E-4.091, F.A.C.)

NOTICE OF WITHDRAWAL

Pursuant to Section 120.54(3)(e)5., F.S., notice is hereby given that the above proposed rule amendment, as noticed in Vol. 25, No. 18, March 7, 1999, 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.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.010
 RULE TITLE: Payment Methodology for Nursing Home Services

NOTICE OF HEARING

The Agency for Health Care Administration announces a public hearing to which all persons are invited.

DATE AND TIME: 11:00 a.m., November 14, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

PURPOSE: To review comments received from the Centers for Medicare and Medicaid Services (CMS) regarding Florida Title XIX Long-Term Care Reimbursement Plan, Version XXIII.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Estes, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

NOTICE OF HEARING

The Agency for Health Care Administration announces a public hearing to which all persons are invited.

DATE AND TIME: 10:00 a.m., November 14, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

PURPOSE: To review comments received from the Centers for Medicare and Medicaid Services (CMS) regarding Florida Title XIX Inpatient Hospital Reimbursement Plan, Version XXI.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Estes, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-21.007 RULE TITLE: Re-examination

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 28, No. 30, July 26, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from staff at the Joint Administrative Procedures Committee.

- 1. Subsection (1) shall be deleted.
2. The remaining subsection (2) shall read as follows:

If an applicant fails five times to pass the examination, the applicant must take additional courses in order to reapply for examination. The applicant must submit to the Board of Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours of college level courses in the applicant's area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering as described in paragraphs 61G15-20.007(2)(a),(b), and (d), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upperlevel or higher courses in engineering, as defined in paragraph 61G15-20.007(2)(d), F.A.C.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Administrators and Inspectors

RULE NO.: 61G19-9.004 RULE TITLE: Approval of Courses

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 28, No. 30, July 26, 2002 issue of the Florida Administrative Weekly. The Board, at its meeting on September 20, 2002 in Tampa, Florida, voted to make changes to the rule based upon comments received at a public hearing.

- 1. Subsection (9) shall now read as follows:

Of the required fourteen (14) continuing education hours, up to three (3) hours credit may be earned by attending a meeting of the Board. Licensees shall give at least seven (7) days advance notice to the Board of their intention to attend the meeting for continuing education credit. Licensees shall check in with the Clerk of the Board prior to the meeting and must sign in and out for breaks and lunch periods. Continuing education credit will be awarded on an hour-for-hour basis. A maximum of three (3) hours of continuing education credit per biennium may be earned in this manner. Licensees shall not be credited for attending any meeting in which the licensee is a party in a disciplinary matter. At the conclusion of the meeting, the clerk will provide a certificate of attendance which licensees will maintain for three (3) years.

- 2. Rule 61G19-9.004, Subsection (11) shall now read as follows:

The Board approves those continuing education courses approved by the Construction Industry Licensing Board; the Electrical Contractors' Licensing Board; and the Board of Architecture and Interior Design.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, 1940 N. Monroe Street, Tallahassee, Florida 32399

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-23R

RULE CHAPTER NO.: 62-210 RULE CHAPTER TITLE: Stationary Sources - General Requirements

RULE NO.: 62-210.900 RULE TITLE: Forms and Instructions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed pursuant to Sec. 120.551, F.S., at the Department's official notice Internet site at www.dep.state.fl.us under the link titled "Official Notices," and for which a summary of the notice was published in Vol. 28, No. 32 (August 9, 2002), of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-28.009 RULE TITLE: Continuing Education

AMENDED NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, May 31, 2002 issue of the Florida Administrative Weekly and a Notice of Change published in Vol. 28, No. 40, October 4, 2002 issue of the Florida Administrative Weekly. The change is in response to comments received from the Joint Administrative Procedures Committee.

Subsection (3)(b) of the rule shall now read as follows:

(3)(b) Except as provided in section 64B7-28.009(1), F.A.C., two hours must cover instruction in professional ethics, two hours must be in a course relating to the prevention of medical errors, and two hours must cover instruction in Chapters 480 and 456, Florida Statutes, and Rule Chapter 64B7, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-30.008
 RULE TITLE: Probationary Conditions and Definitions.

AMENDED NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, May 31, 2002, issue of the Florida Administrative Weekly and a Notice of Change published in Vol. 28, No. 40, October 4, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (3)(d) of the rule shall now read as follows:

(3)(d) The supervisor/monitor must be a licensee under Chapter 480, Florida Statutes, in good standing and without restriction or limitation on his license. In addition, the Board shall reject any proposed supervisor/monitor on the basis that he or she has previously been subject to any disciplinary action against his/her license. The supervisor/monitor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board. The Board will also reject any proposed supervisor/monitor whom the Board finds has violated the Board's Rules or Chapters 456 or 480, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.832
 RULE TITLE: Standards of Practice for Filling Prescriptions Generated Through the Internet

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 27, July 5, 2002, issue of the Florida Administrative Weekly.

The entire paragraph has been re-written to now read as:

1. It has come to the attention of the Board that Florida licensed pharmacies and pharmacists are dispensing prescription medications which have been authorized by prescribers licensed in Florida and elsewhere based solely upon the answers to an electronic medical questionnaire. For the purpose of dispensing by a Florida licensed pharmacist or pharmacy, a prescription issued by a practitioner to a patient with whom the practitioner has not established a valid physician-patient relationship is not a valid prescription. A pharmacy or pharmacist that dispenses a prescription that the pharmacist or pharmacy knows or reasonably should know has been issued in a manner that is not in compliance with applicable State and Federal regulations governing the prescriber's authority and standard of practice is dispensing outside the course of the professional practice of pharmacy.

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 3, 2002 IN MIAMI, FLORIDA.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NO.: 68C-22.007
 RULE TITLE: Indian River County Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed amendments to Rule 68C-22.007, F.A.C., in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 28, No. 26) on June 28, 2002. Public hearings were held on July 15 (in Vero Beach) and on September 12, 2002 (in Kissimmee).

On September 12, the Commission approved the proposed rule amendments with two changes: [1] the proposed year-round zones for the Jungle Trail Narrows were revised to allow speeds up to 30 MPH in the Intracoastal Waterway (ICW)

channel throughout the length of the waterway instead of only north of marker "95" – the Slow Speed zones outside of the ICW were approved as proposed – and [2] language was added at the end of the rule regarding when the rule amendments take effect. The rule text for the revised paragraphs as changed is shown below, followed by a map showing the final zones for the Jungle Trail Narrows area. For additional information, or for a copy of the final amendments in their entirety, contact Scott Calleson, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

68C-22.007 Indian River County Zones.

(1) For the purpose of protecting manatees and manatee habitat in regulating the speed and operation of motorboats within Indian River County, the following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, channels and boat basins, unless otherwise designated or excluded:

- (a) No change from original proposal
- (b) SLOW SPEED ZONE (Year-round)
- 1. through 6. No change.

7. Jungle Trail Narrows to Hole-in-the-Wall Island Area: All waters of the Indian River, Jungle Trails Narrows, and associated waters, south of a line bearing 40° from a point (approximate latitude 27° 45' 20.6" North, approximate longitude 80° 24' 37.6" West) on the northeastern shoreline of Pine Island, north of a line bearing 80° from a point (approximate latitude 27° 43' 09.2" North, approximate longitude 80° 24' 03.2" West) on the eastern shoreline of Hole-in-the-Wall Island to a point (approximate latitude 27° 43' 11.9" North, approximate longitude 80° 23' 45.6" West) on the western shoreline of Barker Island, west of the eastern shoreline of Jungle Trail Narrows and a line bearing 194° from a point (approximate latitude 27° 43' 29.8" North, approximate longitude 80° 23' 36.6" West) on the eastern shoreline to a point (approximate latitude 27° 43' 19.8" North, approximate longitude 80° 23' 39.5" West) on the northern shoreline of Barker Island, and east of a line that begins at a point (approximate latitude 27° 43' 09.2" North, approximate longitude 80° 24' 03.2" West) on the eastern shoreline of Hole-in-the-Wall Island and runs northerly along the shoreline

of Hole-in-the-Wall Island for a distance of 1290 feet to another point (approximate latitude 27° 43' 21.8" North, approximate longitude 80° 24' 05.3" West) on the eastern shoreline of Hole-in-the-Wall Island, then bears 19° to a point (approximate latitude 27° 43' 32.3" North, approximate longitude 80° 24' 01.1" West) on the southwestern shoreline of Pine Island, and then runs southeasterly then northerly along the southwestern and then eastern shorelines of Pine Island to the line's terminus at a point (approximate latitude 27° 45' 20.6" North, approximate longitude 80° 24' 37.6" West) on the northeastern shoreline of Pine Island, excepting those waters of the Atlantic Intracoastal Waterway channel and associated waters otherwise designated under (1)(d)1.b.

~~8.7.~~ No change.

~~9.8.~~ No change.

(c) No change.

(d) No change.

~~(d)(e)~~ MAXIMUM 30 MPH ZONE (Year-round)

1. Atlantic Intracoastal Waterway Areas: Those portions of the main marked channel of the Atlantic Intracoastal Waterway, including those waters within 100 feet of its eastern and western boundaries, described as follows:

a. No change.

b. ~~South~~ Southerly of Red Intracoastal Waterway Channel Marker "78" (approximate latitude 27° 45' 53.7" North, approximate longitude 80° 25' 17.3" West), and north of a line bearing 80° from a point (approximate latitude 27° 43' 09.2" North, approximate longitude 80° 24' 03.2" West) on the eastern shoreline of Hole-in-the-Wall Island to a point (approximate latitude 27° 43' 11.9" North, approximate longitude 80° 23' 45.6" West) on the western shoreline of Barker Island northerly of a line which bears North 40°00'00" East (True) running through the northernmost tip of an unnamed island (approximate latitude 27°45'27" North, approximate longitude 80°24'31" West);

c. No change.

d. through e. No change.

2. No change.

(e) through (f) No change.

(2) through (3) No change.

(4) The amendments to Rule 68C-22.007, as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

INSERT MAP
PAGE 1 OF 1

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Manatees

RULE NO.: RULE TITLE:
68C-22.013 Hillsborough County Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed amendments to Rule 68C-22.013, F.A.C., in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 28, No. 25) on June 21, 2002. Public hearings were held on July 8 (in Gibsonton) and on September 12, 2002 (in Kissimmee).

On September 12, the Commission approved the rule amendments as proposed except that language was added at the end of the rule regarding when the amended zones take effect. The rule text that was added is shown below. For additional information, or for a copy of the final amendments in their entirety, please contact Scott Calleson, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399 (850)922-4330.

68C-22.013 Hillsborough County Zones.

(1) through (3) No change.

(4) The amendments to Rule 68C-22.013, F.A.C., as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Manatees

RULE NO.: RULE TITLE:
68C-22.014 Manatee County Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed Rule 68C-22.014, in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 28, No. 25) on June 21, 2002. Public hearings were held on July 9 (in Bradenton) and on September 12, 2002 (in Kissimmee).

On September 12, the Commission approved the proposed rule with four changes: [1] the western boundary of the 500-foot Slow Speed shoreline buffer on the south side of Rattlesnake Key was moved approximately 500 feet to the northeast, [2] the bearing of the southwestern boundary line of the 500-foot Slow Speed shoreline buffer east of Flounder Pass was revised and the area between this buffer and the buffer around Bird Key was included in the 25 MPH zone, [3] language was added to explicitly include Flounder Pass in the 25 MPH zone, and [4] language was added at the end of the rule regarding when the rule takes effect. The rule text for the revised paragraphs as changed is shown below, followed by a map showing the final zones. For additional information, or for a copy of the final amendments in their entirety, please contact Scott Calleson, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399 (850)922-4330.

68C-22.014 Manatee County Zones.

(1) No change.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, and boat basins unless otherwise designated or excluded.

(a) No change.

(b) SLOW SPEED (All Year).

1. Western Terra Ceia Bay Area: All waters within 500 feet of the general contour of the following shorelines:

a. South Side of Rattlesnake Key: North and east of a line bearing 110° from a point (approximate latitude 27° 32' 54.8" North, approximate longitude 82° 37' 46.9" West) on the eastern shoreline of Terra Ceia Point and west and northwest of a line bearing 221° from the easternmost point (approximate latitude 27° 33' 19.4" North, approximate longitude 82° 36' 13.9" West) of Rattlesnake Key at Flounder Pass.

b. No change.

2. Terra Ceia Bay Area:

a. All waters within 500 feet of the general contour of all shorelines of Bird Key, the northern shoreline of Terra Ceia Bay east of Flounder Pass and north of a line bearing 90° from the southwesternmost point (approximate latitude 27° 33' 21.1" North, approximate longitude 82° 36' 10.9" West) of the peninsula at the southeastern end of Flounder Pass, and the southeastern and eastern shorelines of Terra Ceia Bay east and north of Snead Cut, except as otherwise designated under (2)(a) and (2)(b)2.b.

b. No change.

3. No change.

(c) 25 MPH (All Year) Western Terra Ceia Bay / Flounder Pass Area: All waters of Flounder Pass south of a line bearing 106° from a point (approximate latitude 27° 33' 38.1" North, approximate longitude 82° 36' 24.7" West) on the northeastern shoreline of Rattlesnake Key; All waters of Terra Ceia Bay east of a line bearing 203° from a point (approximate latitude 27° 32' 52.2" North, approximate longitude 82° 37' 49.6" West) on the southeastern shoreline of Terra Ceia Point and west of a line beginning at a point (approximate latitude 27° 32' 33.3" North, approximate longitude 82° 36' 22.0" West) on the eastern shoreline of the unnamed mangrove island immediately north of Snead Island and bearing 44° to a point (approximate latitude 27° 33' 05.0" North, approximate longitude 82° 35' 48.9" West) in Terra Ceia Bay east of Bird Key, and then bearing 360° to the line's terminus at a point (approximate latitude 27° 33' 31.8" North, approximate longitude 82° 35' 48.9" West) on the northern shoreline of Terra Ceia Bay, except as otherwise designated under (2)(b)1. and (2)(b)2.a.

(3) No change.

(4) Rule 68C-22.014, as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

INSERT MAP
PAGE 1 OF 1

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NO.:
68C-22.015

RULE TITLE:
Charlotte County (and Part of
DeSoto County) Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed Rule 68C-22.015, in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 28, No. 25) on June 21, 2002. Public hearings were held on July 11 (in Punta Gorda) and on September 12, 2002 (in Kissimmee).

On September 12, the Commission approved the proposed rule with four changes: [1] provisions were added to the rule to allow speeds up to 25 MPH in two additional marked channels in the Placida Harbor section of southern Lemon Bay if the channels are marked with permitted aids to navigation, [2] a 25 MPH corridor was added to the Harbor Heights section of the Peace River running northwest of Long Island and east of Bird Key, [3] the section of Hunter Creek south of Jim Long Lake was changed to a 25 MPH zone instead of Slow Speed, and [4] language was added at the end of the rule regarding when the rule takes effect. All references to Channel Marker "23" have also been changed to "24" to account for the fact that the channel marker was recently renumbered. The rule text for the revised paragraphs as changed is shown below, followed by maps showing the final zones in the Lemon Bay and Peace River areas. For additional information, or for a copy of the final amendments in their entirety, please contact Scott Calleson, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

68C-22.015 Charlotte County (and Part of DeSoto County) Zones.

(1) No change.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, and boat basins unless otherwise designated or excluded. As used in this rule, ICW means the Intracoastal Waterway.

(a) No change.

(b) SLOW SPEED (All Year)

1. Lemon Bay Area: All waters of Lemon Bay south of the Sarasota/Charlotte County line, north of the Boca Grande Causeway, and west of State Road (SR) 775 (south of SR 776 on Gottfried Creek), excluding the ICW channel and the marked channel through Stump Pass as designated under (2)(c)1. and the marked channels in Placida Harbor as designated under (2)(c)2. Also excluded from this zone are the portion of the waterway known as "Ski Alley" south of a line

bearing 258° from the northernmost point (approximate latitude 26° 54' 47.3" North, approximate longitude 82° 21' 03.7" West) of Peterson Island, and the areas described below:

a. through b. No change.

2. No change.

3. Peace River, Interstate 75 (I-75) Bridge to Harbor Heights Area: All waters east of the centerline of the southbound I-75 Bridge, south and southwest of a line bearing 310° through Channel Marker "24," and west of Shell Creek, excluding the main marked channel of the Peace River and the corridor north of Long Island and east of Bird Key as designated under (2)(c)4., and the waters east of a line beginning at a point (approximate latitude 26° 58' 01.0" North, approximate longitude 81° 59' 24.3" West) on the southern shoreline of the Peace River (northeast of Harbor Avenue) and bearing 345° for a distance of approximately 1216 feet to the southernmost point (approximate latitude 26° 58' 12.8" North, approximate longitude 81° 59' 27.8" West) of the peninsula to the north.

4. Shell Creek: All waters of Shell Creek east of the Peace River and west of the dam located approximately two miles upstream (east) of the US 17 Bridge over Shell Creek, including the cut that connects Shell Creek to the Peace River north of Channel Marker "24" but excluding that portion of Shell Creek otherwise designated under (2)(c)6.

5. Hunter Creek: All waters of Hunter Creek, Jim Long Lake, and associated waterways north of a line bearing 143° from a point (approximate latitude 27° 00' 57.2" North, approximate longitude 81° 58' 36.1" West) on the western shoreline of Hunter Creek (south of Jim Long Lake), and east of the general contour of the eastern shoreline of the Peace River.

6. No change.

(c) 25 MPH (All Year)

1. No change.

2. Placida Harbor Area: All waters in the marked channel that runs from the ICW to Gasparilla Pass on the northwest side of the Boca Grande Causeway, and; All waters in the marked channel that runs in a general east-west direction from the marina and boat ramp basin on the northwest side of Boca Grande Causeway, across the ICW, to Little Gasparilla Island. This designation only applies if the channels are marked in accordance with permits issued by all applicable state and federal authorities and if the channel locations and marking schemes are approved in advance by the Commission. In the absence of properly permitted and approved channels, these areas are as designated under (2)(b)1.

~~3.~~ No change.

4. Peace River, Interstate 75 (I-75) Bridge to Harbor Heights Area: All waters in the main marked channel of the Peace River east of the centerline of the southbound I-75 Bridge, and southwest of Channel Marker "24", and all waters within 150 feet of a line beginning at a point (approximate

latitude 26° 57' 35.6" North, approximate longitude 82° 00' 58.2" West) in the main marked channel of the Peace River south of Bird Key and bearing 32° to a point (approximate latitude 26° 57' 49.4" North, approximate longitude 82° 00' 48.6" West) east of Bird Key, then bearing 22° to a point (approximate latitude 26° 58' 11.2" North, approximate longitude 82° 00' 39.2" West) northeast of Bird Key and northwest of Long Island, then bearing 48° to a point (approximate latitude 26° 58' 28.4" North, approximate longitude 82° 00' 18.2" West) west of the southern end of the unnamed island north of Long Island, then bearing 27° to a point (approximate latitude 26° 58' 44.7" North, approximate longitude 82° 00' 09.1" West) west of the northern end of said unnamed island north of Long Island, and then bearing 63° to the line's terminus at a point (approximate latitude 26° 58' 53.8" North, approximate longitude 81° 59' 49.9" West) in the Peace River northwest of Channel Marker 24."

5. Peace River, North of Harbor Heights Area: All waters of the Peace River and associated waterways, northeast of a line bearing 310° through Channel Marker "24" and south of the SR 761 Bridge in DeSoto County, except as otherwise designated under (2)(b)5. and (2)(b)6., and excluding those

waters of Whidden Bay and the waterways associated with the bay west and northwest of the general contour of the western shoreline of the Peace River.

6. Shell Creek: All waters of Shell Creek west of the Railroad Trestle and east of a line bearing 172° from the southernmost point (approximate latitude 26° 58' 43.3" North, approximate longitude 81° 59' 28.6" West) of the peninsula on the eastern side of the cut that connects Shell Creek to the Peace River north of Channel Marker "24," excluding the embayments and associated waterways immediately north of Shell Creek.

7. Lower Hunter Creek: All waters of Hunter Creek south of a line bearing 143° from a point (approximate latitude 27° 00' 57.2" North, approximate longitude 81° 58' 36.1" West) on the western shoreline of Hunter Creek (south of Jim Long Lake), and east of the general contour of the eastern shoreline of the Peace River.

(3) No change.

(4) Rule 68C-22.015, as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

INSERT MAP
PAGE 1 OF 2

INSERT MAP
PAGE 2 OF 2

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NO.:
68C-22.026

RULE TITLE:
Sarasota and Associated County
(Parts of Manatee and Charlotte)
Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed amendments to Rule 68C-22.026, F.A.C., in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 28, No. 25) on June 21, 2002. Public hearings were held on July 10 (in Sarasota) and on September 12, 2002 (in Kissimmee).

On September 12, the Commission approved the proposed rule amendments with two changes: [1] the ending date of the seasonal No Entry zone on Warm Mineral Springs/Salt Creek was changed to March 15 instead of March 31, and [2] language was added at the end of the rule regarding when the amended zones take effect. The rule text for the revised paragraphs as changed is shown below. For additional information, or for a copy of the final amendments in their entirety, please contact Scott Calleson, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

68C-22.026 Sarasota and Associated County (Parts of Manatee and Charlotte) Zones.

(1) through (2) No change.

(3) For the purpose of establishing safe havens and regulating the speed and operation of motorboats within the Myakka River-Big Slough area of Sarasota County and associated waters of Charlotte County, the following year-round and seasonal ~~slow speed~~ zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, channels and boat basins, unless otherwise designated or excluded:

(a) No change.

(b) NO ENTRY ZONE (November 15 – March 15) – Warm Mineral Springs/Salt Creek Area: Those waters of Salt Creek and Warm Mineral Springs north of U.S. Highway 41, south of the weir (approximate latitude 27° 03' 16.8" North, approximate longitude 82° 15' 51.7" West) located approximately 2300 feet downstream (southwest) of the headwaters of Warm Mineral Springs, and west of a line bearing 7° from a point (approximate latitude 27° 02' 56.3" North, approximate longitude 82° 15' 42.9" West) on the southern shoreline of Salt Creek approximately 2600 feet east of the confluence with the Warm Mineral Springs run.

(4) through (6) No change.

(7) The amendments to Rule 68C-22.026, F.A.C., as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

**Section IV
Emergency Rules**

NONE

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

DEPARTMENT OF EDUCATION

NOTICE IS HEREBY GIVEN that on September 30, 2002, the Florida Department of Education (FDOE) received a petition for waiver from Jim and Elyse Linn pursuant to Section 120.542, Florida Statutes. The petition seeks permanent relief from the Rule 6A-1.09441, Fla. Admin. Code, as it pertains to the honors credit for Latin I and Latin II.

A copy of the petition may be obtained from: Mary Klein, (850)488-7707.

The FDOE 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 Department of Education, Office of the General Counsel, 325 W. Gaines Street, Suite 1244, Tallahassee, FL 32399-0400.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation (hereafter the "Department") has received a Petition for Variance from Rule 14-94, Florida Administrative Code, from St. Johns County, Florida, on October 1, 2002, seeking a variance from the level of service standards of Rule 14-94.003, Florida Administrative Code. Rule 14-93.003, Florida Administrative Code, contains criteria for setting levels of service on the State Highway System based upon population of the surrounding area. Currently, rural portions of Interstate 95 within St. Johns County are designated level of service B based upon the rural population status. St. Johns County seeks to immediately reduce the level of service to C for those rural portions of Interstate 95 within the County, and to reduce the level of service to D for the portion of Interstate 95 between State Road 16 and the Duval County line after December 31, 2004, provided certain conditions are met by St. Johns County. In addition, St. Johns County seeks to reduce the level of service to D for the portion of Interstate 95 between State Road 207 and State Road with the construction of a roadway by St.

Johns County connecting State Road 207 and State Road 16. The basis for the variance is that a significant portion of traffic on Interstate 95 through St. Johns County does not originate or have destinations with the County. However, this traffic is counted toward St. Johns County's level of service limits. Further, the County proposes to plan and construct an arterial county road parallel to Interstate 95 to relieve local traffic use of that facility. Comments on this proposed variance should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice.

A copy of the Petition for Variance may be obtained from the Clerk of Agency Proceedings. For additional information, contact Robert Downie, Assistant General Counsel, (850)414-5265.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s petition for waiver from paragraph 25-4.073(1)(f), Florida Administrative Code, filed May 14, 2002, in Docket No. 020421-TL was approved by the Commission by Order No. PSC-02-0953-PAA-TL, issued July 15, 2002, consummated by Order No. PSC-02-1074-CO-TL, issued August 8, 2002. The rule states that menu-driven, automated, interactive answering systems shall not contain promotional or merchandising material unless the customer selects and chooses to receive such information. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on June 7, 2002.

A copy of the Order can be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Luxury Resort International, Inc. d/b/a The Atlantic, filed September 20, 2002, in Docket No. 021005-EU, seeking waiver from paragraph 25-6.049(5)(a), Florida Administrative Code. The rule provides that individual electric metering by the utility company shall be required for each separate occupancy unit of new condominiums for which construction commenced after January 1, 1981. Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services. For additional information, please contact Katherine Echternacht, Division of Legal Services, at the above address or telephone (850)413-6218.

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (District) announces its intent to grant a variance from the provisions of paragraph 40C-4.302(1)(c), F.A.C., and the associated portion of the Applicant's Handbook: Management and Storage of Surface Waters, including Section 12.2.5(c), (F.O.R. Number 2002-041) to Windsor Properties, Inc., to construct a community observation pier and mitigation area. Some of the planned construction is proposed to occur directly in the Indian River in Indian River County, which is categorized as Class II waters that are classified by the Department of Agriculture and Consumer Services as conditionally restricted for shellfish harvesting. This variance is sought in conjunction with St. Johns River Water Management District Permit application number 4-061-18758-3 to construct a community observation pier and mitigation area. Notice of the petition for variance was published in the Florida Administrative Weekly on June 28, 2002. The District's Governing Board is scheduled to take final action on the Petition for Variance at its October Regulatory meeting, which begins at 1:00 p.m. on October 8, 2002.

A person whose substantial interests are or may be determined by the District's proposed decision has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Sections 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the rights to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57, Florida Statutes, and Rules 28-106.111 and 28-106.401-405, Florida Administrative Code. Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, P. O. Box 1429 Palatka, Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) within nineteen (19) days of the District depositing notice of District decision in the mail (for those persons to whom the District mails actual notice) or within fourteen (14) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition for an administrative hearing is deemed filed upon delivery of the petition to the District Clerk at the District Headquarters in Palatka, Florida. Such a petition must comply with Chapter 28-106, Florida Administrative Code. The right to an administrative hearing and the relevant procedures to be followed are governed by

Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code and Rule 40C-1.1007, Florida Administrative Code.

If the Governing Board takes action which substantially differs from the notice of District decision, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may choose to pursue mediation as an alternative remedy as described above. Pursuant to District Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) at the office of the District Clerk at the address described above, within nineteen (19) days of the District depositing notice of final District decision in the mail (for those persons to whom the District mails actual notice) or within fourteen (14) days of newspaper publication of the notice of its final agency action (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.

Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure within 30 days of the rendering of the final District action. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.

A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy on the Department of Environmental Protection and any person named in the order within 20 days of the rendering of the District order. Review by the Florida Land and Water Adjudicatory Commission is not available for final orders resulting from an evidentiary hearing held under Sections 120.569 and 120.57, F.S., or for rules adopted after issuance of a final order resulting from an evidentiary hearing under Section 120.56, F.S.

Failure to observe the relevant time frames for filing a petition for judicial review or for Commission review as described above, will result in waiver of that right to review.

The Petition for Variance and permit application files are available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays at St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177. Request for copies or inspection of these files should be made to Mary Ellen Jones, Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429 or telephone (386)312-2340.

NOTICE IS HEREBY GIVEN that on October 3, 2002, South Florida Water Management District (District) received a petition for waiver from the Florida Department of Transportation, Application No. 02-0911-1M, for utilization of Works or Lands of the District known as the C-13 Canal, Broward County, for an existing bridge. 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 for bridges 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
Louise D'Avanzo, Mount Dora, Florida	October 7, 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 the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP received on June 27, 2002, a petition from the U.S. Army Corps of Engineers (File No. 0176979-002-EV) for a waiver from paragraph 62-4.244(5)(c), F.A.C. to establish a temporary mixing zone greater than 150 meters on the shoreline of Keewaydin Island. On October 3, 2002, the Department issued intent to grant the variance.

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 title "Official Notices".

DEP received on August 21, 2002, a petition from Chevron Products Company (Chevron Facility No. 368324) a waiver pursuant to Section 376.3071(12)(k)5., F.S., of certain record

keeping requirements under Section 376.3071(12)(e), F.S. On September 13, 2002, the Department partially granted and partially denied this petition.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEP received on July 8, 2002, a request from Guyton Energy for a waiver pursuant to Section 120.542, F.S., of the requirement for the prohibition of installing storage tanks within 100 feet of a potable well as required by paragraph 62-761.510(3)(d), F.A.C. On October 2, 2002, the Department denied this petition.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

NOTICE OF WITHDRAWAL – Notice is hereby given that the Notice of Petition for Variance and Waiver on Angela M. Glazer, as noticed in Vol. 28, No. 41, of the Florida Administrative Weekly on October 11, 2002, has been withdrawn.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

DEPARTMENT OF LEGAL AFFAIRS

The Nominating Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Monday, October 28, 2002, 11:30 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Ad Hoc Committee to Review State Commissions on the Status of Women of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Tuesday, October 29, 10:00 a.m.

PLACE: Call: (850)414-3300, for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATES AND TIMES: November 14, 2002, 8:30 a.m. – 5:00 p.m.; November 15, 2002, 8:30 a.m. – 12:30 p.m.

PLACE: Hyatt Regency Westshore, Tentatively The Herring Gull Room, 6200 Courtney Campbell Causeway, Tampa, Florida 33607, (813)874-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104, 106 and Section 105.071, Florida Statutes, and to the late filing of campaign treasurer's reports.

For a copy of the agenda call Patsy Rushing, (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing, at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

DEPARTMENT OF BANKING AND FINANCE

The Florida **Board of Funeral and Cemetery Services** announces a telephone conference Board Meeting and all persons are invited to attend.

DATE AND TIME: November 19, 2002, 9:00 a.m. – 10:30 a.m.

PLACE: Telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

To obtain further information on how to participate contact: Frances Restifo, Administrative Assistant II, Division of Securities and Finance, 101 East Gaines St., Fletcher Bldg., Room 649B, Tallahassee, FL 32399-0350, (850)410-9853. An agenda will be available seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are

hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The Florida **Board of Funeral and Cemetery Services** announces a public Rules Committee Meeting and all persons are invited to attend.

DATE AND TIME: November 19, 2002, 10:30 a.m. – 3:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of Board Rules 3F-11.001, 3F-11.002, 3F-11.003, 3F-12.001, 3F-13.001, 3F-13.002, 3F-13.003, 3F-13.004 and other business as necessary.

To obtain further information and to obtain a copy of the agenda contact: Frances Restifo, Administrative Assistant II, Division of Finance, 101 East Gaines St., Fletcher Bldg., Room 649B, Tallahassee, FL 32399-0350, (850)410-9853, seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF INSURANCE

NOTICE OF CORRECTION – The Florida **Department of Insurance** recently announced a meeting of the Three-Member Panel to which all persons are invited. The notice of the meeting contained a typographical error. The year for the meeting was incorrectly stated to be 2001. The full and correct notice is as follows:

DATE AND TIME: Monday, October 28, 2002, 1:00 p.m. – 5:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting will be to receive and evaluate information required by Senate Bill 108, adopted by the 2002 Florida Legislature, relative to the development of recommendations on methods to improve the workers' compensation health care delivery system.

CONTACT: Shirley Kerns, Bureau Chief, Bureau of Property and Casualty Forms and Rates, Florida Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5310.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, please advise the Department at least 5 calendar days before the meeting by contacting Shirley Kerns, (850)413-5310.

The **Department of Insurance** announces public meeting to which all persons are invited.

DATE AND TIME: November 1, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: The Florida Department of Insurance, Room B33, 200 East Gaines Street, Tallahassee, Florida 32399-0328

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Small Group Standard and Basic Benefit Plan Review.

A copy of agendas may be obtained by contacting: Rich Robleto, Chief, Florida Department of Insurance, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5110.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Animal Industry Technical Council.

DATE AND TIME: November 7, 2002, 10:00 a.m. – 2:00 p.m.

PLACE: Florida Farm Bureau, 5th Floor, Board Room, 5700 S. W. 34th St., Gainesville, FL 32608, (352)374-1542

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss animal health issues of concern to the agricultural industry both intrastate and interstate and to provide a forum for the Department to keep agricultural industry groups abreast of state and national activities as they relate to animal health issues in Florida, and activities of other states and USDA, affecting Florida's agriculture animal industries.

A copy of the agenda can be obtained by contacting: Dr. Leroy Coffman, Florida Department of Agriculture and Consumer Services, Room 335, Mayo Building, Tallahassee, FL 32399-0800, (850)410-0900.

If special accommodations are needed to attend this meeting because of a disability, please contact the above mentioned as soon as possible.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Aquaculture Review Council.

DATE AND TIME: November 8, 2002, 1:00 p.m.

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf, 1203 Governor’s Square Boulevard, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf as soon as possible.

DEPARTMENT OF EDUCATION

The Florida Center for Advising and Academic Support (FCAAS) announces a public meeting to which all persons are invited.

DATE AND TIME: October 28, 2002, 9:00 a.m. – 12:30 p.m.

PLACE: Turlington Building, Suite 1414, 325 W. Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the FCAAS Executive Committee will be held to discuss the agenda for the November 8, 2002, Board meeting.

A copy of the agenda may be obtained by writing: FCAAS, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact Yvette Hargreaves, FCAAS, (850)201-7363, at least seven days in advance so that their needs can be accommodated.

The Duval County Research and Development Authority announces a business meeting will be held on:

DATE AND TIME: November 19, 2002, 12:00 Noon – 2:00 p.m.

PLACE: University of North Florida, University Center, Room 1058, 12000 Alumni Drive, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business Meeting.

A copy of the meeting agenda may be obtained by contacting: Earle Traynham, Executive Director, Duval County Research and Development Authority, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224-2645.

DEPARTMENT OF COMMUNITY AFFAIRS

The Florida Building Commission announces the following meetings to which all persons are invited.

PLACE: Eden Roc Renaissance Resort, 4525 Collins Avenue, Miami Beach, Florida, (305)531-0000

DATE AND TIME: October 27, 2002

10:00 a.m. Meeting of the Energy Technical Advisory Committee (TAC).

10:00 a.m. Meeting of the Structural Technical Advisory Committee.

DATE AND TIME: October 28, 2002, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Accessibility Advisory Council to consider the following applications for waiver of accessibility code requirements: Cost of Wisconsin; International Drive, Orlando, Florida; Palmer College Academic Building, Port Orange, Florida; Star Child Academy, 1550 North Wekiwa Springs Road, Apopka, Florida; Eagle Realty, Inc., 9699 N. E. 2nd Avenue, Miami Shores, Florida; Kappa Alpha Fraternity House, 418/424 West College Avenue, Tallahassee, Florida; Premiere Theaters – Oaks 10, 1800 West Hibiscus Boulevard, Melbourne, Florida; Zooz Sandwich Café, 445 Lincoln Road, Miami Beach, Florida; Oristo of Florida Parking Garage, 31975 U.S. Highway 19, North, Palm Harbor, Florida; Shari (Shi) Sushi Lounge, 621 Central Boulevard, Orlando, Florida; The Shamrock Condominium, 4001 N. Pine Island Boulevard, Sunrise, Florida; Sweet Shop, 701 West Jefferson, Street, Tallahassee, Florida.

DATE AND TIME: October 28, 2002

8:00 a.m. Meeting of the Electrical TAC.

8:00 a.m. Meeting of the Joint Fire TAC.

10:00 a.m. Meeting of the Education TAC.

11:00 a.m. Meeting of the Education Program Oversight Committee (POC).

1:00 p.m. Meeting of the Product Approval/Prototype Building/Manufactured Buildings POC.

1:00 p.m. Meeting of the Code Administration Technical Advisory Committee.

Residential Rehabilitation Subcommittee

Commercial Rehabilitation Subcommittee

1:00 p.m. Mechanical TAC.

3:00 p.m. Plumbing TAC.

3:00 p.m. Meeting of the Accessibility Technical Advisory Committee.

DATE AND TIME: October 29, 2002

8:30 a.m. Meeting of the Plenary Session of the Florida Building Commission.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda review and approval. Review and approval of September 24, 2002, Meeting minutes. Review and update of Commission work-plan. Chair’s Discussion Issues and Recommendations. Report and Discussion on Rule Development Workshop Comments on Amendments to Rule 9B-74, Prototype Buildings and Amendment to Rule 9B-3, Private Inspections Forms, F.A.C. Consideration of requests for waiver of accessibility code requirements:

Cost of Wisconsin; International Drive, Orlando, Florida; Palmer College Academic Building, Port Orange, Florida; StarChild Academy, 1550 North Wekiwa Springs Road, Apopka, Florida; Eagle Realty, Inc., 9699 N. E. 2nd Avenue, Miami Shores, Florida; Kappa Alpha Fraternity House, 418/424 West College Avenue, Tallahassee, Florida; Premiere

Theaters – Oaks 10, 1800 West Hibiscus Boulevard, Melbourne, Florida; Zooz Sandwich Café, 445 Lincoln Road, Miami Beach, Florida; Oristo of Florida Parking Garage, 31975 U.S. Highway 19, North, Palm Harbor, Florida; Shari (Shi) Sushi Lounge, 621 Central Boulevard, Orlando, Florida; The Shamrock Condominium, 4001 N. Pine Island Boulevard, Sunrise, Florida; Sweet Shop, 701 West Jefferson, Street, Tallahassee, Florida.

To Hear Public Comment on draft Policy for First Update of the FBC. Legal Reports. Hearing on NSPI Challenge of Pool Alarm Standards and Other Issues. Petitions for Declaratory Statement:

Second Hearing:

DCA02-DEC-213 by Sunguard Shade Structures, Inc.; DCA02-DEC-226 by Robert B. Worman; DCA02-DEC-235 by Wilson Window Glass & Mirror; DCA02-DEC-233 by Go Bolt, Inc.; DCA02-DEC-131 by Pinellas County Building Department.

First Hearing:

DCA02-DEC-250 by Norman Campbell; DCA02-DEC – 252 by Sam Garber; DCA02-DEC254 by William LeMaster; DCA02-DEC-255 by Miami-Dade County Building Department; DCA02-DEC-256 by C.R. Willis; DCA02-DEC-265 by Herminio Farque; DCA02-DEC-270 by Carlos Hermida; DCA02-DEC-259 by Centex Homes.

11:20 a.m. Committee Reports and Recommendations:

Energy TAC, Structural TAC, Electrical TAC, Fire TAC, Accessibility TAC, Code Administration TAC, Mechanical TAC, Plumbing TAC, Education Program Oversight Committee (POC) and TAC, Product Approval/Prototype Building/Manufactured Building Programs Oversight Committee (POC)

1:00 p.m. Consideration and Adoption of 2003 Amendments to the Florida Building Code

DATE AND TIME: October 30, 2002

8:00 a.m. Reconvene for Consideration and Adoption of 2003 Amendments to the Florida Building Code

4:00 p.m. Public Comment, Review Committee Assignment and Issues for December Commission Meeting, Summary Review of Meeting Work Products.

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing: Kathryn Willis, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or looking on the website at www.floridabuilding.org.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Kathryn Willis, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

District Five Tentative Work Program Fiscal Years
2003/2004 – 2007/2008

The Florida **Department of Transportation**, District Five announces public hearings to which all interested persons are invited. Specific notice is provided to the Brevard, Volusia, Ocala and **Orlando Metropolitan Planning Organizations** (MPOs) and the County Commissioners for Brevard, Volusia, Marion, Orange, Seminole, Osceola, Lake, Flagler and Sumter Counties.

1. Brevard County:

DATE AND TIMES: November 12, 2002, 5:30 p.m., Documents/Information available for review; 6:00 p.m., Public Hearing

PLACE: Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida

2. Volusia and Flagler Counties:

DATE AND TIMES: November 14, 2002, 5:30 p.m., Documents/Information available for review; 6:00 p.m., Public Hearing

PLACE: Volusia County Mobility Management Center (VOTRAN), 950 Big Tree Road, South Daytona, Florida

3. Lake, Orange, Osceola and Seminole Counties:

DATE AND TIMES: November 21, 2002, 5:30 p.m., Documents/Information available for review; 6:00 p.m., Public Hearing

PLACE: Florida Department of Transportation, Orlando Urban Office, Lake Apopka Conference Room, 133 South Semoran Boulevard, Orlando, Florida

4. Marion and Sumter Counties:

DATE AND TIMES: November 26, 2002, 5:30 p.m., Documents/Information available for review; 6:00 p.m., Public Hearing

PLACE: Belleview City Hall, 5343 S. E. Abshier Boulevard, (U.S. Highway 27/441), Belleview, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: These public hearings are being conducted pursuant to Section 339.135(4), Florida Statutes, as amended. The purpose of these public hearings is to consider the Department's Tentative Five Year Work Program for Fiscal Years 2003/2004 – 2007/2008, and to consider making any changes to the Program.

Prior to each hearing, the public is invited to review and discuss with Department staff, the District's Tentative Five Work Program and other exhibits. Court reporters will also be available to accept public comments for entry into the public hearing records.

These hearings also will include consideration of proposed projects for Florida's Turnpike Enterprise as applicable in Lake, Marion, Orange, Osceola, Seminole and Sumter Counties. The proposed projects have been developed in accordance with the Civil Rights Act of 1964 and the Civil Rights Act of 1968. Under Title VI and Title VIII of the United States Civil Rights Act, any person(s) or beneficiary who believes they have been subjected to discrimination because of race, color, religion, sex, age, national origin, disability or familial status may file a written complaint to the Florida Department of Transportation's Minority Programs Office in Tallahassee or contact the District's Title VI and Title VIII Coordinator as shown below:

Central Office: Florida Department of Transportation, Minority Programs Office, 605 Suwannee Street, M.S. 65, Tallahassee, Florida 32399-0450.

District Five: Florida Department of Transportation, District Five, Morris Scott, 719 South Woodland Boulevard, DeLand, Florida 32720.

In compliance with the Americans with Disabilities Act, the Department, if requested, will provide special assistance at the public hearings for those persons who are disabled. Those persons requiring special assistance must notify the Department at least ten days prior to the public hearing, by contacting Michael Szunyog, Florida Department of Transportation, 133 South Semoran Boulevard, Orlando, Florida 32807, (407)482-7800.

Written comments from all interested parties will be accepted by the Department at the public hearing and within ten days after the Public Hearing.

Comments should be addressed to: Michael Snyder, District Secretary, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720.

A copy of the agenda may be obtained from: Ms. A. Lennon Moore, District Planning and Public Transportation Manager, Florida Department of Transportation, 133 South Semoran Boulevard, Orlando, Florida 32807.

District Four Tentative Work Program, Fiscal Years July 1, 2003, through June 30, 2008

The Florida **Department of Transportation**, District Four announces public hearings to which all interested person are invited. Specific notice is provided to the Broward County, Indian River County (Vero Beach), Martin County (Stuart), Palm Beach County, and St. Lucie County Metropolitan Planning Organizations.

1. BROWARD COUNTY:

DATE AND TIME: Thursday, December 12, 2002, 1:30 p.m.
PLACE: Broward County Governmental Center, Room 422, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301

2. PALM BEACH COUNTY:

DATE AND TIME: Thursday, November 21, 2002, 1:30 p.m.
PLACE: Palm Beach County Governmental Center, 12th Floor, Conference Room, 301 North Olive Avenue, West Palm Beach, Florida 33401

3. ST. LUCIE, MARTIN, INDIAN RIVER COUNTIES:

DATE AND TIME: Thursday, December 5, 2002, 5:00 p.m.
PLACE: St. Lucie Governmental Center, County Commission Chambers, 2300 Virginia Avenue, Ft. Pierce, Florida 34982
GENERAL SUBJECT MATTER TO BE CONSIDERED: These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. The purpose of these public hearings is to present the Department's Tentative Five Year Work Program for Fiscal Years 2003/2004 – 2007/2008 which contains listing of Project Phases to be undertaken during that time frame. These Hearings also will include consideration of proposed projects for Florida's Turnpike System as applicable.

All interested persons are invited to attend and be heard. Assistance for disabled persons may be arranged by contacting Michael DeRosa or Mary Lou McGee, Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421. Mr. DeRosa, (954)777-4627, Ms. Mary Lou McGee, (954)777-4332, at least ten working days prior to the public hearings. Written comments from the Metropolitan Planning Organizations and other interested parties will be received by the Department at the public hearing and within ten days after the public hearing. Comments should be addressed to: Mr. Rick Chessser, P.E., District Secretary, Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

The **Department of Transportation**, District One announces a public hearing to which all persons are invited.

DATE AND TIME: November 14, 2002, 7:00 p.m.

PLACE: Carlos E. Haile Middle School, 9501 S.R. 64, East, Bradenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of the proposed improvements to Upper Manatee River Road and Fort Hamer Road, and the construction of a new bridge crossing over the Manatee River, Financial Project ID Number 199668 1 22 01, Federal Project ID Number 8888 650 A.

Persons who may require special accommodations under the Americans With Disabilities Act of 1990 should contact Ben Walker, Project Manager, (863)519-2656.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Dick Combs, District Planning and Environmental Manager, Florida Department of Transportation, 801 North Broadway Avenue, Post Office Box 1249, Bartow, Florida 33831-1249.

The Florida **Department of Transportation**, District 7 invites you to attend and participate in a Public Hearing for Cobb Road (CR 485) and U.S. 98, WPI Segment Nos. 257299 1 and 405017 1; FAP Nos. 2891 007 P and 2891 008 P.

DATE AND TIMES: November 21, 2002, 4:30 p.m. – 7:30 p.m.; Formal portion, 6:00 p.m.

PLACE: Dolores S. Parrott Middle School, 19220 Youth Drive, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing provides interested citizens an opportunity to ask questions and offer comments about the proposed Recommended “Build” Alternative, presented by the Florida Department of Transportation in cooperation with the Federal Highway Administration (FHWA). The proposed project involves improving Cobb Road (CR 485) from SR 50 to U.S. 98 and U.S. 98 from Cobb Road to Suncoast Parkway to a multi-lane facility in Hernando County.

This Public Hearing is being held in accordance with 23 CFR 771, U.S.C. 128, Chapter 120 and Section 339.155, Florida Statutes. The public hearing is in compliance with Titles VI and VIII of the Civil Rights Act and Americans with Disabilities Act. Individuals who may require special accommodations at the Hearing, under ADA, should contact Lee Royal, 1(800)226-7220 or (813)975-6427, at least three (3) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Gabor Farkasfalvy, District Seven, Project Manager, Florida Department of Transportation, MS 7-500, 11201 N. McKinley Drive, Tampa, FL 33612.

The **Florida High Speed Rail Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 7, 2002, 9:00 a.m. – Conclusion

PLACE: Florida Department of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the Authority, at least 48 hours before the meetings by contacting Betty Sizemore, (850)414-5244.

DEPARTMENT OF CITRUS

The **Department of Citrus** held an emergency meeting via telephone conference of the Florida Citrus Commission.

DATE AND TIME: Thursday, October 3, 2002, 2:00 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting was to consider the citrus fruit dealer’s license application for Nevins Fruit Company. Members of the Florida Citrus Commission attended by telephone. To assure the public had access to this meeting, the Florida Department of Citrus had a speaker phone available at the Department of Citrus. Additionally, if any member of the public could not attend the meeting at the Florida Department of Citrus, but wished to appear by telephone, they could make arrangements to do so by contacting the Office of the General Counsel, (863)499-2530.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 30, 2002, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blainstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blainstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a Status Conference and Preliminary Prehearing Conference to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 020233-EI – Review of GridFlorida Regional Transmission Organization (RTO) Proposal.

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

PLACE: The Betty Easley Conference Center, Commission Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Status Conference and Preliminary Prehearing Conference is to define and limit, if possible, the number of issues; and to consider any other matters that may aid in the disposition of this case.

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

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *November 4, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Room 140, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service by using the following numbers 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

* In the event of a scheduling conflict, this meeting may be moved to November 5, 2002, immediately preceding or immediately following the Commission Conference, in Room 140.

THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.

The Florida **Public Service Commission** announces a prehearing conference and hearing to be held in the following dockets, to which all interested persons are invited.

Docket No.: 020001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor.

Docket No.: 020002-EG – Energy conservation cost recovery clause.

Docket No.: 020003-GU – Purchased gas adjustment (PGA) true-up.

Docket No.: 020004-GU – Natural gas conservation cost recovery.

Docket No.: 020007-EI – Environmental cost recovery clause.

PREHEARING CONFERENCE

DATE AND TIME: November 4, 2002, 1:30 p.m. (EST)

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

HEARING

DATES AND TIME: November 20-22, 2002, 9:30 a.m. (EST)

The starting times on November 21 and 22, 2002, will be announced at the conclusion of the hearing on November 20 and 21, 2002, respectively. The hearing may be adjourned early if all testimony is concluded.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing shall be to receive testimony and exhibits relative to issues and subjects, including but not limited to, the following:

1. Determination of the Projected Levelized Fuel Adjustment Factors for all investor-owned electric utilities for the period January 2003 through December 2003.
2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2002 through December 2002.
3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2001 through December 2001, which are to be based on actual data for that period.
4. Determination of Generating Performance Incentive Factor Targets and Ranges for the period January 2003 through December 2003.
5. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period January 2001 through December 2001.
6. Determination of the Projected Capacity Cost Recovery Factors for the period January 2003 through December 2003.
7. Determination of the Estimated Capacity Cost Recovery True-Up Amounts for the period January 2002 through December 2002.
8. Determination of the Final Capacity Cost Recovery True-Up Amounts for the period January 2001 through December 2001 which are to be based on actual data for that period.
9. Determination of the Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period January 2003 through December 2003.
10. Determination of the Final Conservation True-up Amounts for gas utilities for the period January 2001 through December 2001 for certain investor-owned electric utilities, which are based on actual data for that period.
11. Determination of Conservation Actual/Estimated Amounts for investor-owned gas utilities and investor-owned electric utilities for the period January 2002 through December 2002.
12. Determination of the Purchased Gas Adjustment Cost Recovery Factors for the period January 2003 through December 2003.
13. Determination of the Projected Environmental Cost Recovery Factors for the period January 2003 through December 2003.
14. Determination of the Estimated Environmental Cost Recovery True-Up Amounts for the period January 2002 through December 2002.
15. Determination of the Final Environmental Cost Recovery True-Up Amounts for the period January 2001 through December 2001, which are to be based on actual data for that period.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. 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 its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: November 5, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

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

The Florida **Public Service Commission** will consider at its Agenda Conference, Docket No.: 021012-EI – Application of Tampa Electric Company for authority to issue and sell

securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$400 million, during the twelve month period, ending December 31, 2003. The Company also seeks approval pursuant to Section 366.04, Florida Statutes, to issue, sell, exchange and/or assume short-term debt securities in an aggregate amount not to exceed \$400 million, during the twelve month period, ending December 31, 2003. Additionally, the Company seeks authority to enter into interest rates swaps or other derivative instruments related to debt securities.

DATE AND TIME: Tuesday, November 5, 2002, Agenda Conference, 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 021012-EI.

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

For additional information, please contact: Katherine Echternacht, Office of the General Counsel, (850)413-6218.

The Florida **Public Service Commission** will consider at its Agenda Conference, Docket No.: 021010-GU – Application of Florida Public Utilities Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell, and/or exchange any combination of the long-term debt, short-term notes, and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$130 million, excluding retained earnings, during the calendar year 2003.

DATE AND TIME: Tuesday, November 5, 2002, Agenda Conference, 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 021010-GU.

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

For additional information, please contact: Katherine Echternacht, Office of the General Counsel, (850)413-6218.

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

Docket No.: 020439-SU – Application for staff-assisted rate case in Lee County by Sanibel Bayous Utility Corporation.

DATE AND TIME: Thursday, November 14, 2002, 6:00 p.m.

PLACE: Sanibel Community Association, Auditorium, 2173 Periwinkle Way, Sanibel, Florida 33957

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comments regarding the quality of service the Utility provides, the proposed rate increase, and to ask questions and comment on other issues.

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

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

EXECUTIVE OFFICE OF THE GOVERNOR

The Florida Commission on Tourism announces a public meeting of the **Visit Florida**, Board of Directors and the Florida Commission on Tourism as follows:

MEETING: CEO Search Committee

DATE AND TIME: Thursday, October 10, 2002, 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will discuss the search for the CEO/President of Visit Florida.

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).

The **Governor's Select Task Force on Healthcare Professional Liability Insurance** announces telephone conference meetings to which all persons are invited. The calls will be on an as needed basis. Please call in for verification that the Task Force is meeting.

DATE AND TIME: Friday, October 25, 2002, 9:00 a.m., 1 hour

PLACE: Call: 1(800)416-4254 (toll free outside Tallahassee only), (850)922-2903 (Tallahassee only), Suncom 292-2903

DATES AND TIMES: Monday, October 28, 2002, 9:00 a.m., 1 hour; Wednesday, October 30, 2002, 9:00 a.m., 1 hour

PLACE: Call: 1(888)816-1123 (toll free outside Tallahassee only), (850)921-5230 (Tallahassee only), Suncom 291-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: Task Force issues.

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: The Hyatt Regency Orlando International Airport, 4th Floor, Briefing Room, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE DISCUSSED: 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 **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.

The **Study Committee on Public Records** will hold the following public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 30, 2002, 10:00 a.m. – 4:00 p.m.

PLACE: Knott Building, Room 412, 111 St. Augustine Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To complete unfinished business of the September 25, 2002, meeting, to hear presentations, to hold discussions regarding privacy and public access to information in court records, official records and public records maintained by the clerks of the court, to convene the Advisory Member Subcommittee, and to hear public testimony.

For more information or to obtain a copy of the agenda, please contact: Brenda Williams, Senate Judiciary Committee, Room 515, Knott Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100, (850)487-5198 or via e-mail at williams.brenda@leg.state.fl.us.

Any person requiring special accommodations due to a disability should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)487-5224.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: October 30, 2002, 8:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of Regional Impact (DRI) Site Visits for Palm Coast Town Center and World Commerce Center.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216. Please be informed that the site visits will occur off-site.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 31, 2002, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Palm Coast Town Center DRI and World Commerce Center DRI.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 7, 2002, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 7, 2002, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 7, 2002, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited.

DATE AND TIME: Wednesday, November 6, 2002, 9:30 a.m.
 PLACE: Highlands County Health Department, Conference Room, 7205 South George Blvd., Sebring, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee
 DATE AND TIME: Monday, November 4, 2002, 8:30 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council
 DATE AND TIME: Monday, November 4, 2002, 10:00 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee
 DATE AND TIME: Monday, November 4, 2002, 11:30 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency On Bay Management
 DATE AND TIME: Thursday, November 14, 2002, 9:00 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee
 DATE AND TIME: Monday, November 25, 2002, 9:30 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: Suite 219, 9455 Koger Blvd., St. Petersburg, FL 33702 (Please call to confirm date, time and location)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 4, 2002, 10:30 a.m.
 PLACE: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, FL 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Coral Springs; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council Business; Executive Committee meeting at 10:00 a.m., at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)954-4416, at least five calendar days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** hereby gives notice of a Public Hearing for the Lake Apopka proposed rule revisions to which all persons are invited.

DATE AND TIME: November 12, 2002, following the regularly scheduled Regulatory Meeting which begins at 1:00 p.m.

PLACE: St. Johns River Water Management, District Headquarters, 4049 Reid Street, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing to adopt rule amendments to the proposed rules for phosphorous limitations for Lake Apopka, which were published in the Florida Administrative Weekly, on April 19, 2002, pages 1782 through 1797.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this Public Hearing is requested to advise the District at least 5 calendar days before the Public Hearing by contacting Julie Green, (386)329-4240.

If any person decides to appeal any decision with respect to any matter considered at the above Public Hearing, such person 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 Southwest Florida Water Management District (SWFMWD) announces the following public meeting to which all interested persons are invited:

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT RULE DEVELOPMENT PUBLIC WORKSHOP

DATE AND TIME: Tuesday, October 22, 2002, 7:00 p.m.

PLACE: Sebring Civic Center, 355 West Center Avenue, Sebring, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of minimum levels for Lake Letta, Lake Lotela, Lake Jackson and Little Lake Jackson in Highlands County.

FLORIDA PLANNING AND ZONING ASSOCIATION GULF COAST CHAPTER STATE CONFERENCE

DATES AND TIME: Wednesday, October 23, 2002 through Saturday, October 26, 2002, 10:00 a.m.

PLACE: Ritz Carlton Hotel, 1111 Ritz Carlton Drive, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Some members of the District's Governing Board and Manasota Basin Board may attend/participate in the conference.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT RULE DEVELOPMENT PUBLIC WORKSHOP

DATE AND TIME: Wednesday, October 23, 2002, 7:00 p.m.

PLACE: Keystone Civic Center, 17928 Gunn Highway, Odessa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of minimum levels for Lake Calm, Church Lake, Cypress Lake, Echo Lake, Fair Lake (a/k/a Lake Maurine), Halfmoon Lake, Lake Raleigh and Lake Rogers in Hillsborough County.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT RULE DEVELOPMENT PUBLIC WORKSHOP

DATE AND TIME: Thursday, October 24, 2002, 6:00 p.m.

PLACE: City of Lake Wales Municipal Building, 201 Central Avenue West, Lake Wales, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of minimum levels for Lake Clinch, Eagle Lake, Lake McLeod and Lakes Wales in Polk County.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT RULE DEVELOPMENT PUBLIC WORKSHOP

DATE AND TIME: Monday, October 28, 2002, 6:30 p.m.

PLACE: Gymnasium at the Land O' Lakes Recreation Complex, 3032 Collier Parkway, Land O' Lakes, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of minimum levels for Big Fish Lake in Pasco County, and Lake Barbara, Lake Crenshaw, Lake Ellen, Lake Helen, Lake Hobbs, Round Lake, Saddleback Lake and Starvation Lake in Hillsborough County.

GOVERNING BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Tuesday, October 29, 2002, 8:30 a.m.

PLACE: SWFMWD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

GOVERNING BOARD TOUR

DATE AND TIME: Tuesday, October 29, 2002, following Governing Board meeting

PLACE: Hi Hat Ranch, Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of ranch followed by a barbeque dinner. No District business will be discussed, and no District funds will be spent.

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, October 30, 2002, 9:00 a.m.

PLACE: SWFMWD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

A copy of the agenda for the above meeting(s) may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899 or by calling the SWFMWD, (352)796-7211 or 1(800)423-1476, Suncom 628-4150.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida) or (352)796-7211, Extension 4609, Fax (352)754-6874, TDD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces a public meeting.

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

PLACE: Southwest Florida Water Management District, Sarasota Service Office, Board Room, 6750 Fruitville Road, Sarasota, Florida 34232

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governing Board agenda for its meeting announced in the Florida Administrative Weekly, Vol. 28, No. 42, dated October 11, 2002 includes continuation of rule development for Category 3 lake levels and for the Southern Water Use Caution Area. Category 3 and the Southern Water Use Caution Area rule development discussion will be heard during the scheduled Governing Board meeting.

A copy of the agenda may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899 or by calling the Southwest Florida Water Management District, (352)796-7211 or 1(800)231-6103, Suncom 628-4150, TDD ONLY 1(800)231-6103.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Pursuant to the provisions of the American 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 Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878.

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

AGRICULTURAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, November 5, 2002, 4:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GREEN INDUSTRY ADVISORY COMMITTEE

DATE AND TIME: Thursday, November 7, 2002, 9:30 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community and Legislative Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disability Act (ADA) should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Monday, November 18, 2002, 2:00 p.m.

PLACE: City of Palm Beach Gardens, Council Chambers, 10500 N. Military Trail, Palm Beach Gardens, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 4770, 210 Atlanta Avenue, Stuart, Florida 34994.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Kathy LaMartina, Martin/St.Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994, (772)223-2600, Ext. 3603.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Friday, November 22, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: The South Florida Water Management, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is to provide an overview of regional conditions and system operations for the prior 6-month period, and projected conditions and operations of Lake Okeechobee for the next 6-month period. All interested parties are invited to attend.

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Susan Gray, Ph.D., Lake Okeechobee Division, Northern District Restoration Department, (561)682-6919, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4930, West Palm Beach, FL 33406.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

NOTICE OF CORRECTION – The Florida **Commission for the Transportation Disadvantaged** announces a change in the meeting date of the Nominating Committee Meeting published in the September 20, 2002, Florida Administrative Weekly, Vol. 28, No. 38. The Nominating Committee meeting was originally to be held on Wednesday, October 9, 2002 and upon the chairperson’s request, will be moved to:

DATE AND TIME: Wednesday, October 30, 2002, 10:00 a.m. – Until completion

PLACE: Via teleconference: 1(800)416-4254 or (850)922-2903 or Suncom 292-2903.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson’s request.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a conference call of the members of the Lawton Chiles Endowment Fund Advisory Council.

DATE AND TIME: Monday, October 28, 2002, 1:00 p.m.

PLACE: “Meet Me” Conference Call: (850)488-8295 or Suncom 278-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: Lawton Chiles Endowment Fund Advisory Council meeting.

For more information, contact: Sammie Reimers, (850)414-2177.

Any person requiring special accommodation for the conference call because of disability or physical impairment should contact Sammie Reimers, (850)414-2177 (Voice) or (850)414-2001 (TTY), at least five business days prior to the meeting.

A copy of the agenda may be attained by contacting: Sammie Reimers, (850)414-2177.

The Florida **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 31, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Destination Florida Commission will convene for its meeting to discuss and evaluate Florida’s competitive position in attracting retirees and to make recommendations for the future that would make Florida more retiree friendly. Public input will be taken at this meeting.

A copy of the agenda may be obtained by writing: Mrs. Eloise Williams, Department of Elder Affairs, 4040 Esplanade Way, Suite 270D, Tallahassee, FL 32399-7000 or by calling Mrs. Williams, (850)414-2080.

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 Mrs. Eloise Williams, (850)414-2080. 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 meeting of the Pharmaceutical and Therapeutics Committee to which all interested parties are invited.

DATE AND TIME: Wednesday, November 13, 2002, 10:30 a.m. – 3:00 p.m.

PLACE: Marriott Hotel, Tampa International Airport, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Make recommendations for drugs to be included on Preferred Drug List.

Any attendee requiring special accommodation because of a disability or physical impairment should contact Marriott, (813)879-5151, at least five days prior to the meeting.

Members of the public who wish to testify at this meeting must call Emily Fritz, (850)487-4441, by November 6, 2002. The number of speakers will be limited and will be accommodated

in order of notification to Ms. Fritz. The procedures for speakers to follow are available on the Agency's website at www.fdhc.state.fl.us.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: October 29, 2002, 9:00 a.m. and 10:00 a.m. 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 Creehan, Chief Construction 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 Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Florida **Board of Funeral Directors and Embalmers** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: November 12, 2002, 2:00 p.m.

PLACE: Hawthorn Suites, Orlando Airport, 7450 Augusta Drive, Orlando, FL 32822, (407)438-2121

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance Committee meeting, Rules Committee meeting and Probable Cause Panel meeting, portions which are closed to the public.

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

PLACE: Hawthorn Suites, Orlando Airport, 7450 Augusta Drive, Orlando, FL 32822, (407)438-2121

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for

such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)487-1395, 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 **Florida Real Estate Appraisal Board** announces a meeting to which all interested persons are invited.

DATE AND TIME: November 4, 2002, 10:00 a.m. or the soonest thereafter. Portions of the probable cause proceedings are not open to the public.

PLACE: North Tower, Ninth Floor, Suite 901, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, the Technical Advisory Committee announces a public meeting to which all interested persons are invited.

DATE AND TIME: October 28, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Department of Environmental Protection, Twin Towers/Lab Complex, Room A204, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Providing technical assistance to the Department of Environmental Protection during development of proposed revisions to Rule 62-620, Florida Administrative Code (F.A.C.), Wastewater Facilities and Activities Permitting, regarding demineralization concentrate disposal.

The full text of this notice is published on the internet at the Department of Environmental Protection's homepage at <http://www/dep.state.fl.us/> under the link or button titled "Official Notices."

A copy of the agenda for the public meeting may be obtained by writing: Department of Environmental Protection, Bureau of Water Facilities Regulation, MS #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or by calling Shirley Shields, (850)245-8589.

Further information on the public meeting and rulemaking may be obtained by calling Allen Hubbard, (850)245-8592.

The **Department of Environmental Protection** announces four public workshops to which all persons are invited.

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

PLACE: South Florida Water Management District, Miami Field Station, 9001 N. W. 58th Street, Miami, Florida 33178

DATE AND TIME: November 7, 2002, 10:00 a.m.

PLACE: South Florida Water Management District, Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, Florida 33901

DATE AND TIME: November 14, 2002, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399

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

PLACE: Orlando Public Library, 101 E. Central Blvd., Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Explanation of proposed draft mitigation assessment method and rule, in accordance with Section 373.414(18), F.S. The assessment method is to be applied to impacts proposed in wetlands and other surface waters and associated mitigation, in addition to the awarding and debiting of credits from mitigation banks.

A copy of the draft rule (Chapter 62-345, F.A.C.) and agenda may be obtained by writing: Constance Bersok, Department of Environmental Protection, Bureau of Beaches and Wetland Resources, 2600 Blair Stone Road, MS #2500, Tallahassee Florida 32399-2400, by calling (850)245-8479 or by e-mailing connie.bersok@dep.state.fl.us.

Pursuant to the provisions 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 the Bureau of Personnel Services, (850)245-2511. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** Probable Cause Panel will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Thursday, October 31, 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 Chiropractic Medicine, (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 Chiropractic Medicine, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Department of Health** and the **Board of Occupational Therapy Practice** announces a Conference Call to which all persons are invited.

DATE AND TIME: November 1, 2002, 10:00 a.m. (EST) or soon thereafter

PLACE: Call: (850)488-0979, Suncom 278-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule Development.

A copy of the agenda may be obtained by writing: Department of Health, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE OF CHANGE – The **Department of Health** and the **Board of Occupational Therapy Practice** announces a meeting to which all persons are invited.

DATE AND TIME: December 2, 2002, 9:00 a.m. (EST) or soon thereafter

PLACE: Conference Room 301, 4042 Bald Cypress Way, Tallahassee, FL 32399-3255

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Opticianry** announces a General Business meeting to be held via telephone conference call. All interested parties are invited to attend with the information listed below, which is normally open to the public.

DATE AND TIME: November 7, 2002, 9:30 a.m.

PLACE: Call: (850)245-4474 and ask for Robin McKenzie to obtain the call in phone number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Robin McKenzie, (850)245-4474, by November 1, 2002.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Suncoast Region, **DeSoto County Community Alliance** will meet on:

DATE AND TIME: Tuesday, October 29, 2002, 11:00 a.m.

PLACE: The Child Protection Center, Conference Room, 301 W. Whidden St., Arcadia, Florida

The public is welcome to attend. For information call: (941)741-3682.

NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, October 26, 2002, 9:00 a.m.

PLACE: The Riverside Hotel, 620 Las Olas Boulevard, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Land Acquisition and Management Committee will meet.

Please contact: The District Office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE OF RESCHEDULING – The **Fish and Wildlife Conservation Commission**, Division of Law Enforcement announces they will hold a Rule Development Workshop.

DATE AND TIME: October 28, 2002, 7:00 p.m. (CST)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop has been rescheduled from the previous September 25, 2002, meeting, which was canceled due to Hurricane Isidore.

Any questions concerning the workshop can be answered by calling Ms. Tara Alford, (850)410-0656, Extension 169.

In accordance with the Americans with Disabilities Act, persons with special requirements should contact (850)651-7515, at least five calendar days before the meeting hours before meeting time.

The Florida **Fish and Wildlife Conservation Commission** has scheduled a public meeting to which all interested persons are invited.

DATES AND TIMES: November 20-22, 2002, 8:30 a.m., each day

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

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

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

FLORIDA LEAGUE OF CITIES

The **Florida Municipal Trust**, an interlocal entity created pursuant to Sections 768.28 and 163.01, Florida Statutes, announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, November 22, 2002, 9:30 a.m. – 4:00 p.m.; Saturday, November 23, 2002, 9:00 a.m. – 12:00 Noon

PLACE: The Sarasota Hyatt, 1000 Boulevard of the Arts, Sarasota, Florida, (941)953-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL, (850)222-9684.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is based.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed September 30, 2002, by the Naples Boat Club. The Petition is seeking the Department's interpretation of the Florida Fire Prevention Code and specifically NFPA 30A, Section 10.4.4, and Chapter 7, Table 7, adopted pursuant to Rules 4A-60.003 and 4A-60.005, Florida Administrative Code. Petitioner specifically requests a declaratory statement on the following question:

Does NFPA 30A prohibit the following configuration: A floating dock approximately 110 feet long and 11 feet wide which projects from the end of the existing dock facilities 265 feet from shore into the bay. The north side of the dock will berth one boat which ordinarily will be backed into a slip and moored with its engines nearest the shore end of the dock. On the south side of the dock, which is the side facing open water, will be two fueling stations more than six and one half feet from the north (berthing) edge of the dock. The fueling location closest to shore (44 feet out from the shore end of the dock and approximately 199 feet from the shore) will dispense both diesel and gasoline. No boats will be moored to the south side of the dock, except for temporary tie up during fueling. An 18 inch high curb will be positioned between each of the south side fueling stations and the north side berth at the slip at which the boat is moored.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (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](http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE IS HEREBY GIVEN THAT on September 26, 2002, the Department of Agriculture and Consumer Services received a Petition for Declaratory Statement from Howard Hochman, Attorney for Florida Pest Control and Chemical Company. The petition seeks the Department's opinion regarding whether certain fungi occasionally referred to as toxic molds must be identified and reported on Form 1145, Wood Destroying Organism Inspection Reports, when there is visual evidence of the molds on or in the structure being inspected and, further, whether fungi or mold not known to cause physical destruction or breaking down of wood must be reported on Form 1145 when visually observable by the inspector.

A copy of the Petition for Declaratory Statement may be obtained by writing: Mr. Harry Bosman, Agency Clerk, Department of Agriculture and Consumer Services, 407 South Calhoun Street, Room 509, Mayo Building, Tallahassee, FL 32399.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a request for Declaratory Statement on September 26, 2002, from Centex Homes, with regards to whether application of Holcim One Coat Stucco System to wood frame construction for the second floor of the 3068 model proposed in Manatee County, Florida and its compliance with section 2504.2, Florida Building Code, Building Volume. It has been assigned the number DCA02-DEC-259.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on October 2, 2002, from Herminio Enrique, Miami-Dade County, General Services Administration regarding whether section 104.1.7 of the Florida Building Code allows local governments to add occupancies which may obtain annual facility permits per the intent of the Code and the Florida Statutes. It has been assigned the number DCA02-DEC-265.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on October 3, 2002, the Department of Health, Board of Physical Therapy Practice received a Petition for Declaratory Statement from All Children's Hospital, Inc., Physical Therapy Services. The Petition seeks the agency's opinion as to the applicability of Section 486.021(11), Florida Statutes, and how this along with other statutory provisions affect Petitioner's ability to allow its employees to accept referrals from advanced registered nurse practitioners or physician assistants.

The Petition will be considered by the Board at its November 1, 2002, meeting in Miami, Florida.

A copy of the Petition for Declaratory Statement may be obtained by writing: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255.

**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:

Roseanne E. Gould, Cassandra Kennedy and Hubert A. McNeely vs. Hillsborough County School Board; Case No.: 02-3793RX; Board Rule No.: 3.03

Peace River Citrus Products, Inc. vs. Department of Citrus; Case No.: 02-3648RE; Rule Nos.: 20ER02-1, 20ER02-2, 20ER02-3

Florida League of Cities, Inc., City of Casselberry, City of Deerfield Beach, City of Greenacres, City of Kissimmee and City of New Port Richey vs. Department of Management Services, Division of Retirement; Case No.: 02-3610RU

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

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/doe/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.

REGIONAL PLANNING COUNCILS

INVITATION TO BID

The Tampa Bay Regional Planning Council (TBRPC) is seeking Sealed Bids for the duplication of the Business Disaster Planning CD ROM, DVD Case and printed insert. Print specifications may be obtained from TBRPC, 9455 Koger Blvd., Suite 219, St. Petersburg, Florida 33702 or by calling (727)570-5151, Ext. 217. Sealed bids will be received by the Council until 4:30 p.m., December 10, 2002. TBRPC reserves the right to reject any and all bids. Dated this 9th day of October 2002.

Signed:

Wren Mcallister

Manager, Public Information and Administrative Services

DEPARTMENT OF CORRECTIONS

NOTICE TO PROFESSIONAL CONSULTANTS

FOR MEP ENGINEERING SERVICES

The State of Florida, Department of Corrections, Bureau of Facilities Services, announces that Professional Services are required from mechanical, electrical and plumbing engineering firms for the projects listed below. Firms may apply for any or all of the projects listed. Applications from qualified firms are

to be sent to the attention of Fred W. Dougherty, P.E., Bureau of Facilities Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

INSTRUCTIONS

Any firm desiring to provide professional services for this project shall apply for consideration with a letter of application, indicating within the body of the letter, your firm’s specific abilities respective to the particular project’s requirements, and attach current copies of:

- (1) A copy of the Department of Corrections’ current “Professional Qualifications Supplement” (PQS) (dated July 2000), with current data.
- (2) A reproduction of the firm’s current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida.
- (3) A reproduction of the current professional engineering licenses of the individuals who will be mechanical and electrical engineers of record.
- (4) The SF 254 for the office(s) who will be performing the work.
- (5) Reproductions of licenses and SF254’s of any proposed sub-consultants.

Submit the required data in order listed above. Faxed copies will not be accepted. Applications that do not comply with the instructions set forth above may be considered improper and disqualified. The plans and specifications developed by this A/E project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, (“Consultants’ Competitive Negotiation Act”).

Respondents will be ranked by a Competitive Selection Committee based on information received in response to this RFQ. Interviews of all ranked respondents may or may not be required, at the discretion of the Committee.

Under the authority delegated to the Secretary of the Department of Corrections by Section 287.055, Florida Statutes, sitting as the head of the Department of Corrections, Professional Services Contracts will be awarded to one or more firms following the final ranking and recommendations of the Competitive Selection Committee, and in accord with the statutory negotiation procedures. Selected firms will be notified after approval by the Secretary; all applicants will receive copies of this information.

Response Date: November 8, 2002, 5:00 p.m. Late submittals will not be opened or considered.

PROJECTS

PROJECT 1, Region I: Provide Continuing mechanical/electrical/plumbing engineering services Designated by the Department of Corrections in the Department’s Region I whose basic construction cost for each

project does not exceed \$500,000, or for a planning study activity of which the fee for professional services does not exceed \$25,000. Region I includes the following 16 counties:

Bay	Gadsden	Jefferson	Santa Rosa
Calhoun	Gulf	Lean	Wakulla
Escambia	Holmes	Liberty	Walton
Franklin	Jackson	Okaloosa	Washington

PROJECT 2, Region II: Provide Continuing mechanical/electrical/plumbing engineering services Designated by the Department of Corrections in the Department’s Region I whose basic construction cost for each project does not exceed \$500,000, or for a planning study activity of which the fee for professional services does not exceed \$25,000. Region II includes the following 17 counties:

Alachua	Dixie	Lafayette	St. Johns
Baker	Duval	Madison	Suwannee
Bradford	Gilchrist	Nassau	Taylor
Clay	Hamilton	Putnam	Union
Columbia			

PROJECT 3, Region III: Provide Continuing mechanical/electrical/plumbing engineering services Designated by the Department of Corrections in the Department’s Region I whose basic construction cost for each project does not exceed \$500,000, or for a planning study activity of which the fee for professional services does not exceed \$25,000. Region III includes the following 15 counties:

Brevard	Hillsborough	Orange	Seminole
Citrus	Lake	Osceola	Sumter
Flagler	Levy	Pasco	Volusia
Hernando	Marion	Pinellas	

PROJECT 4, Region IV: Provide Continuing mechanical/electrical/plumbing engineering services Designated by the Department of Corrections in the Department’s Region I whose basic construction cost for each project does not exceed \$500,000, or for a planning study activity of which the fee for professional services does not exceed \$25,000. Region III includes the following 19 counties:

Broward	Glades	Lee	Palm Beach
Charlotte	Hardee	Manatee	Polk
Collier	Hendry	Martin	Sarasota
Dade	Highlands	Monroe	St. Lucie
Desoto	Indian River	Okeechobee	

CONTRACT TERM: Services are for projects authorized within a two (2) year period with an option to renew for one (1) additional (2) year period.

EXPERIENCE: Candidate firms need to provide information regarding their experience and expertise in the following disciplines:

commercial/Institutional applications of modular unitary water and air cooled HVAC.
 geothermal source water systems for water cooled HVAC.
 chilled and hot water cooling and heating systems.
 steam heating and domestic hot water systems, including district steam systems.
 HVAC and plumbing systems for prisons and jails.
 Design of comfort ventilation and heating for non-air conditioned buildings.
 commercial/industrial building and campus-type site electrical systems.
 fire alarm and fire sprinkler systems.
 primary metering electrical service
 jail and prison security and door control systems.

FIRM LOCATION: Interested firms shall have a qualified and professionally staffed office which has been in operation for at least three years. Points for location will decrease with distance of office from the following cities in each region:

I – Marianna II – Lake City III – Orlando IV – Ft. Lauderdale
 Location points for firms applying for more than one Region will receive points based upon the distance of a qualified and professionally staffed office from the most remote of the above cities for all of the regions being applied for.

Project Administrator: Fred W. Dougherty, P.E., (850)410-4190

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.

CONSTRUCTION MANAGEMENT SERVICES

PROJECT NUMBER: DJJ-22003000
PROJECT NAME: Renovation & Restoration, G.P. Wood High Risk Classrooms
PROJECT LOCATION: Arcadia, Florida
 The Department of Management Services, Division of Facilities Management and Building Construction, requests qualifications from construction management firms to provide construction management and design services for this project. The construction budget for this project is up to \$511,200. Construction start date is March 2003.

Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3) F.S., and the procedures and criteria of the Division of Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit 6 (six) copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm’s qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor’s Financial Statement, Form DBC5085.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

RESPONSE DUE DATE: November 7, 2002
 Applications are to be sent to: Richard N. Arcuri, Department of Management Services, 1313 N. Tampa Street, Suite 106, Tampa, Florida 33602.

Date and Location of Shortlist: November 14, 2002, T.B.D.
Date and Location for workshop: November 19, 2002, Building 73, 5871 S. E. Highway 31, Arcadia FL

DATE AND LOCATION FOR INTERVIEWS: December 10, 2002, Building 73, 5871 S. E. Highway 31, Arcadia, FL

NOTICE OF DECISION DATE: December 17, 2002

Any persons requiring a special accommodation at the meetings because of a disability or physical impairment should contact: Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1 (800)955-8771 (TDD). Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/opportun/index.html>.

The selected firms will be given official notice of selection results by Fax and/or mail. Failure to file a protest within 72 hours (not including Saturday, Sunday or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will also be published in the Florida Administrative Weekly and on our website.

**REQUEST FOR QUOTES
 FOR PREPAID GASOLINE CARDS**

Workforce Alliance, Inc. (Alliance) is issuing a Requests for Quotes (RFQ) for prepaid gasoline cards for use at gas service/filling stations throughout Palm Beach County, Florida. The deadline for receipt of RFQ responses is 5:00 p.m.

(Eastern Standard Time), as determined by Alliance, November 4, 2002 at Alliance's Administrative Office, 2051 Martin Luther King, Jr. Blvd, Suite 302, Riviera Beach, FL 33404 ATTN: Kenneth E. Montgomery, President/CEO, without exception.

The RFQ is available for pickup between the hours of 8:00 a.m. and 5:00 p.m., October 1, 2002 through November 4, 2002, at the Alliance administrative office address stated above for a fee of \$20 per RFQ application. Please make checks payable to "Workforce Alliance, Inc." The RFQ is also available free of charge on Alliance's website at www.pbcworks.com. Alliance may change scheduled dates if it is to the advantage of Alliance to do so. Alliance will notify Bidders of all RFQ changes via posting on the Alliance website, www.pbcworks.com., at the same location as the RFQ. 2 Bidder's Conference meetings to answer specific questions regarding the RFQ will be held at Alliance's administrative office in Room 304A, October 8, 2002, 10:00 a.m., and October 21, 2002, 2:00 p.m. Alliance encourages women and minority businesses to submit proposals. Alliance complies with the provisions of the Americans With Disabilities Act. If you are a disabled person requiring any accommodations or assistance, please notify Alliance President/CEO Kenneth E. Montgomery at least 72 hours (3 business days) in advance.

**REQUEST FOR PROPOSALS
FOR INDIVIDUAL TRAINING ACCOUNT
AND OTHER TRAINING PROGRAMS**

The Workforce Alliance, Inc. (ALLIANCE) is accepting applications from licensed public and non-public schools to offer training via Individual Training Accounts (ITA) and other such occupational training programs. Training providers currently under contract with the ALLIANCE as a WIA statewide provider requesting renewal of their ALLIANCE contract must complete the entire RFP application package. The deadline for receipt of RFP responses is 5:00 p.m. (Eastern Standard Time) as determined by ALLIANCE, December 2, 2002 at ALLIANCE's Administrative Office, 2051 Martin Luther King, Jr. Blvd., #302, Riviera Beach, FL 33404 ATTN: Kenneth E. Montgomery, President/CEO without exception.

The RFP is available for pickup between the hours of 8:00 a.m. and 5:00 p.m., October 1, 2002 through December 2, 2002, at the ALLIANCE Administrative Office address stated above for a fee of \$20 per RFP application. Please make checks payable to the "Workforce Alliance, Inc." The RFP is also available free of charge on ALLIANCE's website at www.pbcworks.com. The RFP is available on the website in PDF format. ALLIANCE may change scheduled dates if it is to the advantage of ALLIANCE to do so. ALLIANCE will notify applicants of all RFP changes via posting on the ALLIANCE website, www.pbcworks.com. at the same location as the RFP. Two bidders conference meetings to

answer specific questions regarding the RFP will be held at ALLIANCE's administrative office in Room 304A, October 24, 2002, 10:00 a.m., and November 19, 2002, 2:00 p.m. The ALLIANCE complies with the provisions of the Americans With Disabilities Act. If you are a disabled person requiring any accommodations or assistance, please notify the ALLIANCE President/CEO, Kenneth E. Montgomery at least 72 hours (3 days) in advance. ALLIANCE encourages women and minority businesses to submit proposals.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO PROFESSIONAL CONSULTANTS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, Letters of Interest from Engineering firms or individuals desiring to render Professional Services for the following project at Tampa International Airport, Tampa, Florida:

**AIRSIDE "C" APRON MODIFICATIONS AND HYDRANT
FUEL SYSTEM AND RELATED WORK TAMPA
INTERNATIONAL AIRPORT HCAA PROJECT NO. 3805**

Services to be furnished shall include, but not be limited to, engineering design and surveys related to civil, environmental, air carrier aprons, and aircraft hydrant fueling; geotechnical testing; assistance during the advertising, bid and award phase; and basic engineering services and resident inspection during construction. A more detailed Scope of Services will be included in the formal Request for Proposals.

Qualified Consultants desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.
Senior Director of Planning and Development
Hillsborough County Aviation Authority
Post Office Box 22287
Tampa, Florida 33622

Interested parties may inquire as to project description, details, and required data submissions, to: William J. Connors, Jr., Senior Director of Planning and Development, (813)870-8704. **ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR PROPOSALS IS REQUIRED AT THIS TIME.**

The Letters of Interest (Only) must be received on or before 5:00 p.m. (Local Time), Tuesday, November 12, 2002. Subsequent to receiving Letters of Interest, a Request for Proposals will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Proposal Conference will be held on Tuesday, December 3, 2002, 10:00 a.m. (Local Time), at the office of Hillsborough County Aviation Authority, the Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. Details of this conference will be

included in the Request for Proposals. Subsequent to receiving Letters of Interest, a Request for Proposals will be sent to all respondents and adequate response time set forth in that package.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By: /s/ Louis E. Miller

Louis E. Miller, Executive Director

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 8, 2002):

APPLICATION FOR AUTHORITY
TO ORGANIZE A TRUST COMPANY

Applicant and Proposed Location: Florida Trust Company, Inc., 1185 Immokalee Road, Naples, Florida 34110

Correspondent: A. George Iglar and Richard Pearlman, Attorneys at Law, 1501 Park Avenue, East, Tallahassee, Florida 32301

Received: October 4, 2002

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Admiralty Bank, Palm Beach Gardens, Florida

Proposed Purchaser: RBC Centura Banks, Inc., Rocky Mount, North Carolina

Received: October 7, 2002

The Department of Banking and Finance has received a request by a credit union to expand it's field of membership. Specific information regarding the expansion can be found at <http://www.dbf.state.fl.us/banking.html>.

Name and Address of Applicant: Railroad & Industrial Credit Union, Post Office Box 5125, Tampa, Florida 33675-5125

Expansion Includes: Ten select employee groups located in Hillsborough, Polk, Highlands, Pasco, Manatee and Sarasota counties.

Received: October 7, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF FUNDING

AVAILABILITY AND WORKSHOP

The Department of Community Affairs (DCA), Florida Small Cities Community Development Block Grant (CDBG) Program, anticipates that it will receive approximately \$32 million in federal funds for eligible local governments for federal fiscal year 2003. These funds, from the U.S. Department of Housing and Urban Development (HUD), are competitively awarded to eligible local governments for housing rehabilitation, commercial revitalization and neighborhood revitalization projects. Applicants cannot have an open grant in any of these areas.

Eligible local governments must meet specific population requirements and cannot be participants in an Urban Entitlement Program. The population requirements are: cities with not more than 50,000 residents and counties with not more than 200,000.

The federal fiscal year 2003 application cycle for the above mentioned categories of funding (housing, commercial revitalization and neighborhood revitalization) will begin November 1, 2002 and end at 5:00 p.m., December 19, 2002. Applications will be scored, ranked, site visits made, and an award list announced by April 1, 2003. Awards are contingent upon budget authority and the receipt of the funds from HUD. Interested parties may access information about the CDBG Program, application forms, and instructions at the CDBG web site: <http://www.dca.state.fl.us/fhcd/programs/cdbgp/MtIsFrmsRpts.htm>. You may also contact Millie Schroeder, Program Manager, (850)922-1885, email: millie.schroeder@dca.state.fl.us.

To assist local governments in the application process, the Department will conduct a two-day workshop on November 6 and 7, 2002, at the Ramada Inn North in Tallahassee. Registration forms, as well as application forms and instructions, may be obtained by calling the CDBG Program, (850)487-3644 or by writing:

Florida Small Cities CDBG Program
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

If you have a disability that requires special accommodation, please call (850)922-1887, at least seven days prior to the workshop.

HURRICANE LOSS MITIGATION PROGRAM
 NOTICE OF FUNDING AVAILABILITY

The Florida Department of Community Affairs (DCA) announces the release of a Notice of Funding Availability (NOFA) in conjunction with the Hurricane Loss Mitigation Program (HLMP). The DCA has been designated to administer the HLMP as authorized by Section 215.559, Florida Statutes. The purpose of the HLMP is to develop programs to improve wind resistance of site-built residences and manufactured homes, including loans, subsidies, grants, demonstration projects, and direct assistance; cooperative programs with local governments and the federal government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

The purpose of the NOFA is to solicit subgrant applications to perform wind-resistive construction retrofits for repetitive flood-loss homeowners of site-built, single-family homes who are subrecipients of funding under the DCA's Flood Mitigation Assistance (FMA) grant program in Fiscal Year 2001-2002, or have open, incomplete FMA projects that received such funding from previous fiscal years.

A total of \$112,000 is allocated for eligible projects.

All Applicants for funding must complete an HLMP Subgrant Application Package, which can be found at the following Internet address:
www.dca.state.fl.us/fhcd/programs/rcmp/application-FMA.

Eligibility requirements and performance details are included in the application package. All applications must be prepared in conformance with the HLMP Subgrant Application Package instructions.

Requests for hard copies of the HLMP Subgrant Application Package and questions or other inquiry should be directed to the attention of Ted Court, by phone (850)410-1563 or by e-mail at the following internet address:
ted.court@dca.state.fl.us.

All subgrant applications are due at the following address by November 14, 2002, no later than 4:00 p.m. (Eastern Standard Time):

Ted Court, Department of Community Affairs
 Division of Housing and Community Development
 Attn: HLMP Subgrant Application Enclosed
 Room 200 G, 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF APPROVAL FOR
 PRESERVATION 2000 AND FLORIDA FOREVER FUNDS

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, Series P9A and the Florida Forever Program, Series FF1 funding cycles. The project plans listed below were approved by the Executive Director under authority delegated from the governing body.

The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the project and that funds be released as follows:

Project: 99-022-P9A/Poppleton Creek Watershed Restoration and Greenways Project

Grantee: City of Stuart

Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$797,200.00

Project: 01-028-FF1/Curry Creek Preserve

Grantee: Sarasota County

Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$1,598,000.00

Project: 01-037-FF1/Acreage Pines Natural Area

Grantee: Palm Beach County

Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$462,576.70

Project: 01-080-FF1/Cedar Key Cemetery Point Park

Grantee: City of Cedar Key

Amount of Approved Funds: the lesser of 100.00% of the final total project costs or \$420,565.50

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an

informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTION OF COMMUNICATIONS SERVICES TAX ADDRESS/JURISDICTION DATABASE

Section 202.22(2), F.S., requires the Department of Revenue to create and maintain an electronic situsing database that assigns customer service addresses to local taxing jurisdictions for purposes of the communications services tax. The update to the database, as posted on October 3, 2002, becomes effective on January 1, 2003. The situsing database can be accessed at <http://geotax.state.fl.us>. The next update to the database will be effective July 1, 2003, and is required to be posted 90 days in advance of the effective date. Local governments are required to submit changes and additions for inclusion in the July 1, 2003, update no later than March 3, 2003. Additional information concerning procedures for requesting changes and additions to the database is available from the Department of Revenue Communications Services Tax Local Government Unit by telephone, (850)921-9181, Suncom 291-9181 or by e-mail: cs-tax@dor.state.fl.us. Hearing and speech-impaired persons may call the TDD line at 1(800)367-8331 or (850)922-1115, Suncom 292-1115.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Indian Motorcycle Corporation, intends to allow the establishment of Plantation Quality Motors, Inc., as a dealership for the sale of Indian motorcycles, at 440 South State Rd. 7, Plantation (Broward County), Florida, on or after October 15, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Plantation Quality Motors, Inc. are dealer operator(s) and principal investor(s): Gary Homa, 2699 Sterling Rd., Suite C401, Ft. Lauderdale, FL 33312.

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: David Schwam, Dealer Development Manager, Indian Motorcycle Corporation, 200 East Tenth Street, Gilroy, CA 95020.

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

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on October 4, 2002, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 28-5.111 and 28-5.207, F.A.C. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON#	INITIAL	DECISION,	PROJECT,	CTY,
	APPLICANT,	PARTY	REQUEST	HEARING (PRH)
9199	Denial,	request for extension of validity period,	Tandem Health Care, Inc.,	(PRH) same as applicant
9539	Approval,	relocation of Community Hospital,	Pasco County, New Port Richey Hospital, Inc. d/b/a Community Hospital of New Port Richey,	(PRH) Morton Plant Hospital Association, Inc. d/b/a North Bay Hospital
9543	Approval,	addition of 20 Level III NICU beds,	Orange County, Adventist Health System/Sunbelt, Inc.,	(PRH) Orlando Regional Healthcare System, Inc.

- 9583 Denial, establish an adult open heart surgery program, Palm Beach County, Bethesda Healthcare System, Inc., (PRH) same as applicant
- 9583 Supports denial, establish an adult open heart surgery program, Palm Beach County, Bethesda Healthcare System, Inc., (PRH) Boca Raton Community Hospital, Inc.
- 9583 Supports denial, establish an adult open heart surgery program, Palm Beach County, Bethesda Healthcare System, Inc., (PRH) Martin Memorial Medical Center, Inc.
- 9584 Approval, establish an adult open heart surgery program, Indian River County, Indian River Memorial Hospital, (PRH) Martin Memorial Medical Center, Inc.
- 9584 Approval, establish an adult open heart surgery program, Indian River County, Indian River Memorial Hospital, (PRH) Boca Raton Community Hospital, Inc.
- 9584 Approval, establish an adult open heart surgery program, Indian River County, Indian River Memorial Hospital, (PRH) Bethesda Healthcare System, Inc.
- 9584 Approval, establish an adult open heart surgery program, Indian River County, Indian River Memorial Hospital, (PRH) Lawnwood Medical Center, Inc. d/b/a Lawnwood Regional Medical Center
- 9585 Denial, establish an adult open heart surgery program, Martin County, Martin Memorial Medical Center, Inc. (PRH) same as applicant
- 9585 Supports denial, establish an adult open heart surgery program, Martin County, Martin Memorial Medical Center, Inc., (PRH) Boca Raton Community Hospital, Inc.
- 9586 Denial, establish an adult open heart surgery program, Palm Beach County, Boca Raton Community Hospital, Inc., (PRH) same as applicant
- 9586 Supports denial, establish an adult open heart surgery program, Palm Beach County, Boca Raton Community Hospital, Inc., (PRH) Martin Memorial Medical Center, Inc.
- 9592 Denial, convert 20 inpatient adult psychiatric beds to 20 acute care beds, Columbia County, Notami Hospitals of Florida, Inc. d/b/a Lake City Medical Center, (PRH) same as applicant

Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes (F.S.). A proposed Order Modifying Conditions of Certification has been prepared in accordance with Rule 62-17.211, Florida Administrative Code (F.A.C.), concerning the Pasco County Resource Recovery facility in Pasco County, Florida.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**NOTICE OF INTENT TO ISSUE MODIFICATION
OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes. A Proposed Final Order has been prepared in accordance with Rule 62-17.211, Florida Administrative Code, concerning Florida Power Corporation's Hines Energy Complex, located in Polk County, Florida.

A copy of the proposed modification order is available from Hamilton S. Oven, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)487-0472.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**NOTICE OF INTENT TO ISSUE MODIFICATION
OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection ("Department") hereby provides notice of an intent to modify power plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes (F.S.). A proposed Order Modifying Conditions of Certification has been prepared in accordance with Rule 62-17.211, Florida Administrative Code (F.A.C.), concerning the Tampa Electric Company facility in Polk County, Florida.

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 ENVIRONMENTAL PROTECTION

**NOTICE OF INTENT TO ISSUE MODIFICATION
OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection ("Department") hereby provides notice of an intent to modify power plant Conditions of Certification issued pursuant to the

**NOTICE OF INTENT TO ISSUE MODIFICATION
OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection ("Department") hereby provides notice of an intent to modify power plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et

seq., Florida Statutes (F.S.). A proposed Order Modifying Conditions of Certification has been prepared in accordance with Rule 62-17.211, Florida Administrative Code (F.A.C.) concerning the Kissimmee Utility Authority/Florida Municipal Power Agency, Cane Island Power Park facility in Osceola County, Florida.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted the following new policy for review and comment on MyFlorida.com at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>. The department-wide policy (type A) addresses the following issue: Information Security Awareness Training – establishes training to educate employees and others who may use information resources about the responsibilities associated with such use. This is the only 20 working day review and comment periods for this policy. Please submit comments to the contact person identified on the above Website. The closure date for submission of comments is October 31, 2002. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of a review period at the above Website.

The Florida Department of Juvenile Justice has posted the following revised policy for a second review and comment period on MyFlorida.com at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>. The department-wide policy (type B) addresses the following issue: Interstate Compact on Juveniles/Extradition and Return of Non-Delinquent Runaways to Home States – providing for the extradition of delinquent escapees, absconders and juveniles "charged" as being delinquent as well as facilitating the return of non-delinquent runaways to their home states. This is the second of two – 20 working day review and comment periods with a November 4, 2002 closure date for submission of comments. Please submit comments to the contact person identified on the above Website.

Comments and department responses from the first review period have been posted at the above website. Responses to comments received during this second review period will also be posted at this website during the review period to the extent possible, but no later than 10 working days after the end of the review period.

The Florida Department of Juvenile Justice has posted the following revised Attachment C (Evaluation of Past Performance for Residential Commitment Programs) for Request for Proposals on MyFlorida.com at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>.

The revised past performance is used by the department in its scoring of bids submitted by vendors desiring to do business with the department. The past performance points equals up to 23% of the total points available to the vendor. The revised Attachment C is posted for a 20 working day review and comment period with a November 5, 2002 closure due for submission of comments. Please submit comments to the contact person identified on the above Website.

DEPARTMENT OF HEALTH

On September 30, 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 Eric Patz, M.D., license number ME 0077594. 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 October 8, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Bonnie Wagner Miller, R.N. Miller holds license number RN 3407922. Miller's last known address is 1410 4th Street, North, Safety Harbor, Florida 34695. 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 30, 2002
 and October 4, 2002

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE

4-128.025	10/1/02	10/21/02	28/34	28/42
(proposed as 4-128.024)				

Division of Workers' Compensation

4L-6.021	10/1/02	10/21/02	28/33	
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DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

9G-19.002	10/2/02	10/22/02	28/32	
9G-19.007	10/2/02	10/22/02	28/32	
9G-19.008	10/2/02	10/22/02	28/32	
9G-19.009	10/2/02	10/22/02	28/32	

DEPARTMENT OF TRANSPORTATION

14-103.004	10/2/02	10/22/02	28/35	
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AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

59B-13.001	10/2/02	10/22/02	28/30	
59B-13.003	10/2/02	10/22/02	28/30	
59B-13.006	10/2/02	10/22/02	28/30	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

61G17-3.0031	10/3/02	10/23/02	28/34	
61G17-7.001	10/3/02	10/23/02	28/34	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-297.440	10/2/02	10/22/02	28/33	
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DEPARTMENT OF HEALTH

Board of Acupuncture

64B1-2.016	10/2/02	10/22/02	28/35	
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Board of Dentistry

64B5-17.014	10/1/02	10/21/02	28/29	
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Board of Medicine

64B8-12.007	9/30/02	10/20/02	28/34	
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Board of Nursing

64B9-5.010	10/3/02	10/23/02	28/27	
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School Psychology

64B21-502.001	10/2/02	10/22/02	28/31	
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Council of Licensed Midwifery

64B24-2.003	10/4/02	10/24/02	28/24	28/36
64B24-2.004	10/4/02	10/24/02	28/24	28/36

Board of Athletic Training

64B33-5.001	10/2/02	10/22/02	28/35	
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Division of Disease Control

64D-3.024	10/3/02	10/23/02	28/32	
64D-3.026	10/3/02	10/23/02	28/32	